

ON COORDINATION OF NATIONAL RESILIENCE BUILDING (STRATEGIC LEVEL)

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One of the national resilience building principles is the effective cooperation of state and non-state actors in different fields before, during and after the crisis. Hence, it is fundamental importance to ensure the proper organizational and legal coordination of such activities in the country. The distribution of constitutional competencies among different branches of government in Ukraine requires formation of a coherent functional system of national security and resilience, managed from a single center. Ways to improve the interaction of key institutions that coordinate activities of state bodies in the field of national security and clarify their responsibilities in the field of ensuring national resilience are suggested.

Conclusions and recommendations

The research revealed vulnerabilities in coordination of Ukrainian national security, which could adversely affect the process of building national resilience. Ensuring effective coordination of national resilience building requires clear legislative specification of the Cabinet of Ministers and the National Security and Defense Council (NSDC) of Ukraine interaction format. The role of the Cabinet of Ministers of Ukraine (CMU) Secretariat and the NSDC Office in ensuring

coordination of activities in the fields of national security and resilience should be strengthened, and special units responsible for the relevant range of issues should be established within the structure of these bodies.

Based on the existing distribution of constitutional powers among the various branches of government in Ukraine, the scheme of organizational support for coordination of national resilience building at the strategic level should look like this:

1. On the assumption that the material, financial, organizational capabilities are concentrated mainly within the executive branch of power, the coordinating function of all possible participants' activities in crisis management, (incl. at the stage of ensuring readiness to respond to a wide range of threats and dangers of various origins) should be provided by the CMU.

2. In accordance with the Code of civil protection of Ukraine, a State Commission on Environmental and Technological Safety and Emergency Situations is formed to coordinate the activities of central and local executive bodies, enterprises, institutions and organizations related to environmental and technological safety, protection of the population and territories, prevention and response to emergencies. The Prime Minister is the ex officio chairman of the Commission according to its Statute. Against this background, it is appropriate to consider expanding its mandate, in particular to ensure comprehensive planning of security measures at all stages (before, during and after an emergency) and to develop the necessary capabilities, as well as coordinate measures to enhance security and resilience of critical infrastructure.

3. It is advisable to establish a Government Office within the CMU Secretariat in order to ensure the relevant functioning of the CMU and the aforementioned State Commission. Its powers in the field of national resilience should include:

- organization of development of relevant legal acts, instructions, recommendations for different target groups (ministries and departments, communities, population, business, etc.);
- development of public-private partnership;
- organization of targeted trainings and exercises in order to disseminate the necessary knowledge and skills;
- creation of resilient interagency communications, as well as networks with the participation of scientific institutions, NGO and experts on resilience;

- control over the implementation of the adopted decisions, etc.

4. An interagency working group already formed under the auspices of the Commission on Coordination of Euro-Atlantic Integration of Ukraine may be a working body to ensure coordination of the activities of executive bodies in the field of national resilience building. It is proposed to develop a normative legal act to approve its Regulations (Statute) and staffing in the context of ministries and agencies.

5. The organization of a multilevel threat assessment, emergencies and crisis situations forecasting and the National Threats Register maintenance should be assigned to a special unit established at the NSDC of Ukraine Office. The unit would have access to the resources of the Main Situation Center of Ukraine. It will accumulate threat assessment information from the competent state agencies, relevant scientific and non-governmental institutions using the latest methods and technologies of threat assessment and crisis management, etc. (*Appendix 1*)

In addition, taking into account the experience of counteracting hybrid aggression, it is advisable to clarify the mechanisms for coordinating the activities of state and local authorities with the involvement of non-governmental institutions and the population in times of crisis, martial law or state of emergency and in a special period. It should be noted that many countries are now introducing universal mechanisms of coordination and cooperation between state and local authorities, which can be applied in the same way both in peacetime and in wartime (based on the principle “as similar as possible”).

Rationale

World experience shows that effective systems for ensuring national resilience are quite decentralized, and decisions to respond to threats are taken at the lowest possible level. At the same time, it is important to coordinate relevant activities, to define common and understandable rules, standards and procedures for all participants at the various stages of the resilience cycle. As a rule, this occurs at the highest appropriate level, which is determined by each country individually.

The analysis of the world experience in the field of coordination of activities in the country on ensuring national resilience gives grounds to state that, in countries with a parliamentary form of government, this function is usually performed by the Government. The authorized agency (or subdivisions) within the Government

Office (or the Prime Minister's Office), which has the authority to develop draft legal acts on key issues of ensuring national resilience, providing communication among interested parties as well as with the foreign partners, etc. It is also common practice to establish permanent interagency working groups and networks, comprising representatives of government, scientific institutions and civil society.

Thus, in the UK, the Netherlands, Norway, Sweden, Denmark, Estonia, New Zealand, overall coordination of national resilience activities, including crisis management and preparation of appropriate recommendations and guidance for other participants in the relevant processes is carried out by the Government, and there are specialized units within its secretariat. (*Appendix 2*) As a rule, they are part of or closely associated with national security and crisis management bodies (agencies) and their mandate includes support for the following processes:

- development of relevant legal acts, instructions, recommendations for different target groups (ministries and agencies, communities, population, business, etc.);
- organization of multilevel threat assessment and forecasting of emergencies and crises;
- comprehensive planning of security measures at all stages (before, during and after the crisis) and the development of the necessary capabilities;
- development of public-private partnership;
- organization of targeted trainings and exercises in order to disseminate the necessary knowledge and skills;
- creation of resilient interagency communications, as well as networks with the participation of scientific institutions and members of civil society on resilience;
- organization of international cooperation in the relevant field. In accordance with the Constitution of Ukraine, powers in the field of national security and crisis management are divided among the President of Ukraine, the National Security and Defense Council of Ukraine and the Cabinet of Ministers of Ukraine.

Thus, under article 106, paragraphs 1, subparagraphs 1, 17 of the Constitution of Ukraine, *the President of Ukraine* ensures national security, exercises leadership in the areas of national security and defense of the state.

According to the Law of Ukraine "On National Security of Ukraine" (Article 13), the leadership in the fields of national security and defense shall be exercised through the implementation by the President of Ukraine of a set of his

constitutional powers. Pursuant to Article 107 of the Constitution of Ukraine, *the National Security and Defense Council of Ukraine* coordinates and controls the activities of executive authorities in the field of national security and defense. In accordance with part one of Article 14 of the Law of Ukraine “On National Security of Ukraine”, the NSDC of Ukraine shall coordinate in the areas of national security and defense. The second part of Article 14 of the Law stipulates that under the conditions of martial law or emergency, in a special period, as well as in case of crisis situations that threaten the national security of Ukraine, the NSDC of Ukraine coordinates the activities of the executive authorities, considers proposals for implementation of special economic and other restrictive measures in accordance with the law. And in a special period a supreme collegiate strategic body of military leadership of the state defense may be formed in accordance with part three of Article 14 of the Law. At the same time, the function of coordinating the activities of public authorities at the stage of threat prevention, preparedness or resumption of full functioning after a crisis event for the NSDC is not clearly defined.

In compliance with Article 116 of the Constitution of Ukraine, *the Cabinet of Ministers of Ukraine*, in particular, directs and coordinates the work of ministries, other executive authorities, and undertakes measures to ensure the defense and national security of Ukraine, public order, and the crime control. Pursuant to Article 6 of the Code of Civil Protection of Ukraine, the coordination of the activities of executive authorities in the field of civil protection is carried out within the limits of their powers: (1) by the National Security and Defense Council of Ukraine; (2) by the Cabinet of Ministers of Ukraine. Interagency commissions at various levels are established to coordinate the activities of central and local executive bodies, enterprises, institutions and organizations related to technological and environmental safety, protection of the population and territories, prevention and response to emergencies. In particular, the Cabinet of Ministers of Ukraine establishes the State Commission on Technogenic and Environmental Safety and Emergencies. Civil protection is defined by the Law as a function of the state aimed at protecting the population, territories, the environment and property from emergencies by preventing such situations, eliminating their impact and providing assistance to victims in peacetime and during a special period.

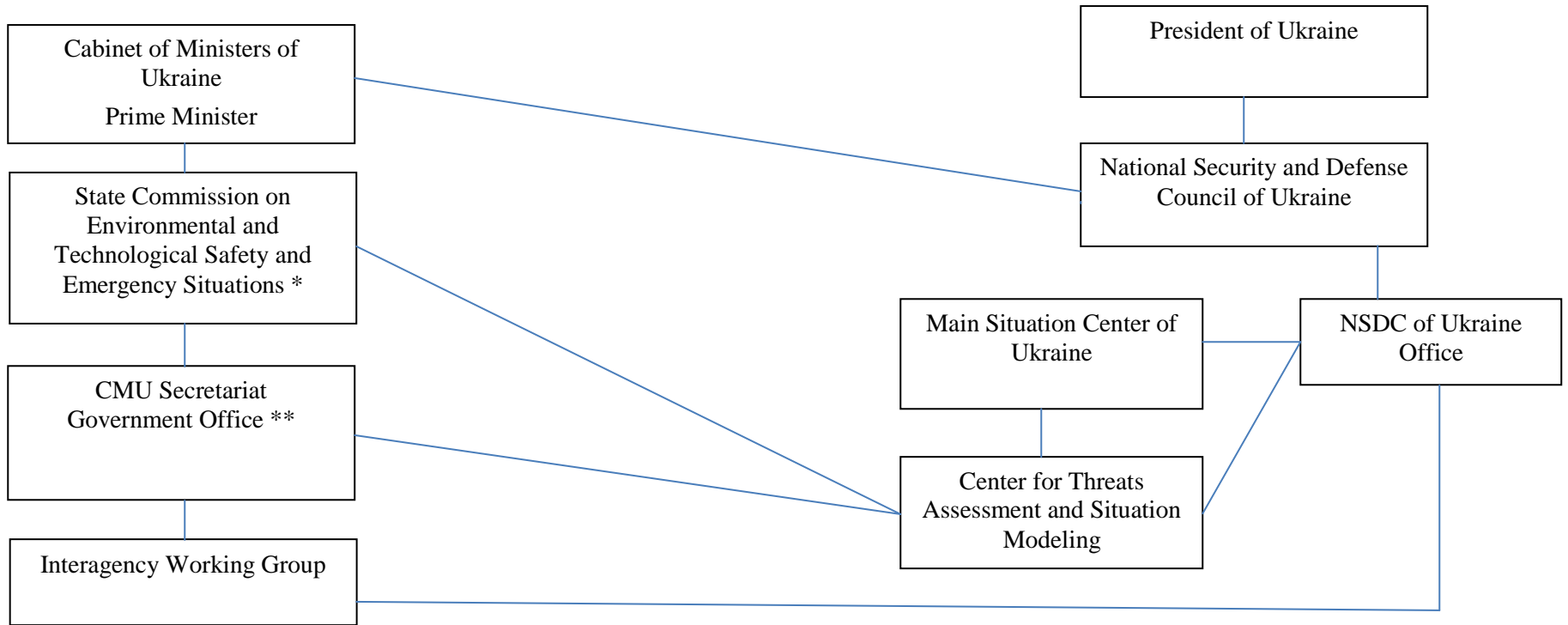
Thus, the functions of coordination of activities of different state authorities in the fields of national security and civil protection of the population are divided between the Cabinet of Ministers of Ukraine and the NSDC depending on the situation. The possibility of involving non-state actors and the population in counteracting the threats and coordinating such activities is not clearly defined by the current Ukrainian legislation.

The Commission for Coordination of Euro-Atlantic Integration of Ukraine was established by Decree of the President of Ukraine of October 30, 2019 No. 784. This Decree also identified national coordinators on various issues of Ukraine's cooperation with NATO. The First Deputy or one of the Deputy Secretary of the NSDC was appointed the National Coordinator of the national resilience building. However, this approach is considered as too narrow one, since it regulates only one aspect of national-level coordination on issues of national resilience, namely international cooperation. At the same time, the major issues in coordination of such activities remain unresolved.

Establishment of the National Cyber Defense Coordination Center as a working body of the NSDC of Ukraine, which main tasks include, in particular, coordination and control of the activities of the security and defense entities providing cybersecurity, is an illustrative example. The relevant document defines a number of tasks in the field of cyber defense and critical infrastructure resilience, including: analysis of the readiness of cybersecurity entities to counter cyber-threats and prevent cybercrimes, development of conceptual bases and proposals for improving the effectiveness of measures for identifying and eliminating factors that create potential and real threats in cyber security, drafts of relevant programs and plans for cyber-threats prevention and neutralization, etc.

The current situation significantly complicates the implementation of an important principle of national resilience - providing a comprehensive approach to responding to all types of threats and dangers. That requires the establishment of a unified system of different actors' coordination at all stages of the threat or crisis evolution.

Scheme of organizational support for coordination of national s resilience building (at the strategic level)



* The functions and responsibilities of the State Commission should be expanded and its transformation is possible.

** The government office responsible for coordinating public policies, strategic planning, crisis management and building national resilience

Appendix 2. Features of coordination of national resilience building in some countries