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Cooperation of the Ministry of Internal Affairs of Ukraine with the Police Departments of the EU and NATO Countries in the Field of Professional Training of Managerial Personnel

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Abstract

The purpose of the study is to examine the essence and relevance of issues of cooperation between the Ministry of Internal Affairs of Ukraine and police departments of the European Union and NATO countries in the field of professional training of managerial personnel. The paper uses general and special scientific methods of cognition, the specific combination of which is determined by the purpose and objectives of the study. The use of the formal-logical method allowed for defining, clarifying, and supplementing individual concepts, categories, and organising the terminology. Methods of formal logic are also applied, in particular analysis and synthesis, deduction and induction, analogy and generalisation, etc. The scientific originality of the study is that it investigates the cooperation of the Ministry of Internal Affairs of Ukraine with the police departments of the European Union and NATO countries at the present stage of state and legal development, and highlights current problems in this area. Cooperation of the Ministry of Internal Affairs of Ukraine with the police departments of the European Union and NATO countries is one of the priority areas. Further study in this area should be linked to the detailed development of individual problems of administrative and legal regulation in the area. In particular, this concerns the issue of regulatory regulation of the activities of the Ministry of Internal Affairs of Ukraine using the experience of the European Union and NATO countries. The paper draws conclusions about the possibility of using areas for improving the interaction of the Ministry of Internal Affairs of Ukraine with the police departments of the European Union and NATO countries in the field of professional training of managerial personnel

Keywords:

management personnel of the police; international cooperation; experience of the European Union countries; professional training; NATO; legal regulation; partnership for peace; European integration policy

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Introduction

Considering the centuries-old history of the Ukrainian state, based on the right to self-determination exercised by the Ukrainian nation, taking care of ensuring human rights and freedoms and decent living conditions, taking care of strengthening civil harmony in the land of Ukraine and confirming the European identity of the Ukrainian people and the irreversibility of the European and Euro-Atlantic course of Ukraine, striving to develop and strengthen a democratic, social, legal state, guided by the Act of Declaration of Independence of Ukraine of August 24, 1991, approved on December 1, 1991, by popular vote, Ukraine is a sovereign and an independent, democratic, social, and legal state [1].

The Ministry of Internal Affairs of Ukraine was involved in planning and evaluating forces within the framework of the Partnership for Peace programme, which is positive for the development and reform of the Ukrainian state [2].

The main purpose of the programmes offered by international experts of the Alliance is to provide the Ukrainian security forces with an information base and an action plan. For this purpose, the Ministry of Internal Affairs of Ukraine constantly works to improve the skills of its own management personnel, which contributes to their involvement in platforms for the exchange of experience, and the involvement of other mechanisms of international assistance.

However, the issues of improving the legal regulation of the activities of the Ministry of Internal Affairs of Ukraine with the police departments of the EU and NATO countries in the field of ensuring international peace have not yet been sufficiently investigated and require further research.

Aspects of the outlined problems and the use of the experience of organisational activities of the EU police were covered by Ukrainian researchers: M.I. Anufriiev, O.M. Bandurka, V.O. Zarosylo, I.V. Zozulya [3], D.P. Kalaianov [4], O.V. Kopan, O.V. Kuzmenko, V.V. Cherniei [5], and foreign researchers: Zh. Wedel, R. Drago, D. Insiardi, G. Kelling, K. Kenny, L. Lei, T. Feltes, R. Friedman, and others.

Notably, the improvement of legal regulation of the organisational activities of the Ministry of Internal Affairs of Ukraine in the field of professional training of managerial personnel contributes to the implementation of the European integration policy and the achievement of criteria necessary for the acquisition of full membership of Ukraine in the North Atlantic Treaty Organisation. Highlighting the unexplored aspects of the general problem determines the relevance of the study and the need for further study of international cooperation of the Ministry of Internal Affairs of Ukraine in the field of professional training of managerial personnel.

Results and Discussion

On February 7, 2019, the Verkhovna Rada of Ukraine adopted the Law "On amendments to the Constitution of Ukraine, regarding the strategic course of the state to acquire full membership of Ukraine in the European Union and the North Atlantic Treaty Organisation". The initiated amendments to the Constitution of Ukraine consolidate the irreversibility of the state's strategic course towards gaining full legal membership in the European Union and the North Atlantic Treaty Organisation.

For the implementation of the programme "NATO reflection process" and "Enhanced Opportunities Partner" a logical unifying step is the creation of a new state law enforcement agency of Ukraine "ASAE" – *Administration of the state Alliance and Enlargement*) with a wide range and powers of experienced patriot employees of all law enforcement agencies of Ukraine and an official representative of cooperation.

This study believes that in the process of creating a new ASAE law enforcement agency as the headquarters of the NATO high readiness forces, an example is the establishment of 1 GE/NL – a corps consisting of units from the Netherlands and Germany. The Corps Headquarters also takes part in NATO Response Force readiness rotations. It is located in Munster (North Rhine-Westphalia) – the former headquarters of the 1st corps of the German army, from which the "first" German-Dutch Corps was formed, has multinational operational duties, and its commander is the only one in Europe who has OPCON (Operational Command) in peacetime. As it is the headquarters of the NATO high readiness force, Munster also hosts soldiers from other NATO member countries, the United States, Norway, Spain, Italy, Great Britain, France, Greece, Turkey, the Czech Republic and Belgium, who, in the context of the ASAE establishment, must necessarily be invited to conduct joint exercises in Ukraine.

Therewith, the responsibility for the establishment of a corps set of units and units of combat and logistics support, which, according to NATO standards, should contain: communication brigades, rocket artillery, army aviation, engineering, radiation, chemical, and biological protection troops, transport, logistics support, medical; a battalion of military police; intelligence and electronic warfare units – also lies with the founding state.

Within the framework of the creation of this law enforcement agency, substantial attention should be paid to the implementation of a wide range of such areas as: budgeting, creation of an effective planning and coordination system, reduction of corruption risks, creation of a national law enforcement system, strategic communications, countering hybrid

threats, cybersecurity, medical and psychological rehabilitation, protection of people's rights, gender policy, communication and information systems, interaction and coordination; professional training and education of management personnel on the implementation of NATO standards.

By adopting NATO standards, ASAE as the headquarters of the high readiness force and the launch of a unique military project, it must be able to fully interact with Western partners at all levels of operational, strategic, and tactical management. In addition, the new structure should ensure effective resource management and improve decision-making and response to situations in which these bodies operate. «Comunitate ASAE» – Together Strong! ASAE is not only a big step into Ukraine's future, it will also strengthen Ukraine's presence in the North Atlantic Alliance. At present, the system of the Ministry of Internal Affairs of Ukraine already includes two military structures: the National Guard of Ukraine – a military establishment with law enforcement functions and the state border service of Ukraine – a special purpose law enforcement agency, which, in the opinion of this study, should be part of the new law enforcement agency of Ukraine “ASAE”, aimed at implementing a “Special partnership”, and promoting any other measures of Ukraine with NATO and cooperation programmes.

In addition, the draft law on reformatting the Military Law Enforcement Service (MLES) of the Armed Forces of Ukraine into the “Military Police”, which is being prepared by the Working Group in the Verkhovna Rada Committee on law enforcement, should indicate that it should not be subordinate to the Ministry of Defence of Ukraine and the Ministry of Internal Affairs of Ukraine but should be coordinated by the newly created law enforcement state body of Ukraine “ASAE” with the international legal standards of the North Atlantic Alliance.

Earlier it was mentioned that the MLES was planned to be reorganised into a separate law enforcement structure of over 8,000 personnel. According to the current law, the maximum number of military personnel and employees of the MLES cannot exceed 1.5% of the total number of the Armed Forces of Ukraine (that is, no over 3750 people) [6].

Therefore, Ukraine should borrow the reasonable experience of the EU countries, and not create a “monster” from the Ministry of Internal Affairs like the “Soviet” one. For example, a special feature of the Swiss military justice system is that the military police personnel are formed from police officers who are undergoing military service, and the functions of the military police are the same as those of the police in general. The military police, and the civilian police, have the right to detain a person for 12 hours, then the court must decide on further detention. The most common war crime is the evasion of military

duty – 70% of all cases considered. In addition, there are military courts and a military prosecutor's office in Switzerland. This country has a military code that regulates war crimes. Therewith, disciplinary penalties, which include short-term detention, are imposed by the commanders of military units [6].

According to Mykola Khavronyuk, Doctor of Jurisprudence, professor, and honoured lawyer of Ukraine, it is not entirely clear who will protect the rights of suspects in war crimes, because everyone has the right to protection. “Can lawyers who specialise in criminal cases do this? How competent are the courts of general jurisdiction? Once there was a military tribunal, but there were many questions about its impartiality. There are no military courts...”, – the expert believes. Adds that there is another point – military secrecy: “if a crime is connected with military secrecy, then an ordinary court cannot consider it. The same can be said about lawyers” [6].

Analysing further areas of cooperation on the creation of a separate state law enforcement agency “ASAE”, it can be concluded that the next step in improvement should be the development of a theoretical concept for the restoration and further functioning of military courts. They must comply with the criteria of independence and the provisions of the Universal Declaration of Human Rights and the European Convention for the protection of Human Rights and Fundamental Freedoms to understand whether the institution of military courts meets international standards of justice. It is also necessary to consider the specific features of working in combat conditions, which means an increased load.

Undoubtedly, to restore military courts based on European principles of justice, it is not enough just to understand the essence, it is also necessary to understand how the system of principles works in practice. Therefore, it is worth analysing the institutions of military courts in the EU countries, since it is there that there are excellent approaches to determining the place of military courts in the justice system. However, most of the countries, in which the institute of military justice operates, have given these courts the status of specialised courts.

Thus, the Belgian Constitution provides that the structure of military tribunals, their competence, and the rights and obligations of members of these tribunals are established by separate laws. According to Art. 93 of the Greek Constitution, courts are divided into administrative, civil, and criminal courts, which are formed according to special laws governing juvenile courts, military field tribunals, and naval and air courts.

Under the Constitution of Luxembourg, the organisation of military courts and the status of judges of these courts are determined by a special law. The Basic Law of the Netherlands provides for two categories of courts in the judicial system: general and

special jurisdiction. Thus, courts of special jurisdiction include administrative and military courts. According to the Polish Constitution, justice is administered by the Supreme Court, general, administrative, and military courts.

The method of determining the place of military courts in the judicial system of Ukraine differs from the most common one in the EU countries. Our state defines the jurisdiction of military courts as general, not special, yet not ordinary, but forms a separate (military) judicial jurisdiction. A fundamental mistake is the lack of awareness of the fact that a peacetime situation is different from a wartime situation. A system that can work effectively when there is no fighting in the country will not work as well during wartime. It is necessary to consider the fact that the most terrible crimes always occur during military operations, and therefore take it for granted and make every effort to build an effective law enforcement system designed to work in such conditions.

Among the necessary areas of improvement, is the introduction of a simplified procedure for considering criminal proceedings in military courts during the war, that is, reducing the term of procedural actions, limiting the number of instances that review decisions of military courts by two, while simultaneously limiting the maximum possible penalty that a military court can impose, imprisonment for up to 10 years, and mandatory review of decisions taken in this order after the end of the war by higher courts [6].

Securing the dual status of military courts as courts of general jurisdiction in peacetime and specialised courts during wartime will have a double effect:

- on the one hand, the activity of military courts in peacetime based on the strictest standards of justice will increase efficiency by strengthening the rule of law in military establishments;

- and on the other hand, in the event of a threat of war and the outbreak of hostilities, it will allow adapting the justice system to wartime in the shortest possible time, while preventing the transformation of military courts into a repressive and punitive machine.

The Verkhovna Rada Committee on legislative support of law enforcement activities should recommend that the Parliament adopt a draft law on the creation of a new law enforcement agency “Management of the State Alliance and Expansion”, considering the irreversibility of the European and Euro-Atlantic course.

As mentioned above, the problem for the Ministry of Internal Affairs of Ukraine and for the state, in general, is the lack of highly qualified managerial personnel. Currently, managers who are responsible for preparing draft normative regulations should not only have a legal education and relevant work experience on issues within their competence, but also be proficient in one of the official languages of the EU, know the basics of international law

and comparative legal analysis, have a good understanding of what the EU is, EU legislation in general, and freely navigate the relevant industry legislation. That is why it is extremely important, first of all, to pay great attention to improving the skills of management personnel responsible for the work of adapting legislation and taking part in the implementation of appropriate reforms [7].

In the current conditions, the Ministry of Internal Affairs of Ukraine cooperates with the NATO mission in Ukraine, consisting of the NATO Liaison Office and the Information and Documentation Centre in the implementation of interaction and cooperation mechanisms, including: the NATO Professional Development Programme (NATO PDP), the integrity education programme, cooperation with Ukraine – NATO trust funds and the NATO Support and Supply Agency [8].

The updated partnership package for the Ministry of Internal Affairs contains three “goals”, namely: (CP I 0013) – gender policy; (CP I 0304) – planning and budgeting; (CP I 7302) – cyber defence.

As part of the work of the commission on coordination of Euro-Atlantic integration of Ukraine, representatives of the Ministry of Internal Affairs of Ukraine take part in the following interdepartmental working groups: on the development of annual national programmes under the auspices of Ukraine – NATO Commission; on the implementation of the national policy for gender equality in the security and defence sector of Ukraine; on countering hybrid threats; on social adaptation of military personnel; on coordination of activities within the framework of the partnership menu; on the professional development of civil servants; on the implementation of the national stability system.

In 2018, the Ministry of Internal Affairs of Ukraine intensified cooperation within the framework of involvement in the Individual Ukraine – NATO Partnership Programme (hereinafter referred to as the IPP).

According to the IPP, every year the Cabinet of Ministers of Ukraine approves a list of events in which interested structures of the security and defence sector, in particular the Ministry of Internal Affairs of Ukraine, take part in priority areas of development, to improve the skills, awareness, and professionalism of personnel for further application of their experience in service and combat activities [9].

The implementation of the IPP is conducted by involving representatives of the Ministry of Internal Affairs and bodies of its system in international cooperation events (seminars, conferences, training courses, etc.) within the framework of this programme. Accordingly, the Individual Partnership programme with NATO is a type of partnership between permanent members of the NATO alliance and third countries that are not part of it, which provides for allied relations and strategic military partnership. The Individual

Partnership Programme (IPP) between Ukraine and NATO consists of international cooperation activities proposed by the member states and partner countries of the North Atlantic alliance in the format of the Euro-Atlantic Partnership Working plan (EAP WP).

The EAP WP project contains a wide range of training courses, seminars, conferences, symposia, working meetings, and meetings of NATO committees. All activities of this project are divided into separate areas of cooperation in accordance with the main areas of cooperation between NATO and partner countries.

The Ministry of Internal Affairs of Ukraine is a component of the national security sector and performs its part of the tasks within the framework of the implementation of the association agreement. Institutional and organisational measures have been taken for this purpose. Thus, in accordance with the order of the Minister of Internal Affairs of May 17, 2018, No. 421, the departmental action plan for the implementation of the agreement was approved (the updated plan was approved by Order No. 644 of September 3, 2020) [10]. The Directorate of Strategic Planning and European Integration has been established in the structure of the Ministry of Internal Affairs of Ukraine to ensure the proper organisation of certain tasks and consistency of results. The European Integration Department of the Main Directorate for European and Euro-Atlantic Integration is responsible for coordinating and monitoring the implementation of the Agreement. In particular, the Ministry of Internal Affairs ensures the implementation of the tasks of Section III of the agreement "Justice, freedom and security", and part of Section II "Political dialogue and reforms, political association, cooperation and convergence in the field of foreign and security policy", and certain tasks within the framework of sectoral integration, in particular in the fields of environment, transport, cross-border and regional cooperation. Today, communication between the state bodies of Ukraine and relevant partners from the European Union and NATO is a continuous process. However, the most formal and effective platform for personal dialogue is the meetings of the association's bilateral bodies, which are held annually. These are the Ukraine – EU summit, the Association Council, the Association Committee and its subcommittees. In accordance with its competence, the Ministry of Internal Affairs of Ukraine is involved in the organisation and conduct of the Association Committee, the Subcommittee on justice, freedom, and security, and the Dialogue on human rights [11-14].

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The scientific originality of the study lies in the fact that it highlighted topical issues of international cooperation of the Ministry of Internal Affairs of Ukraine in the field of professional training of managerial personnel with the police departments of the EU and NATO countries in the context of modern realities of administrative and legal development and ensuring international peace.

Conclusions

Ukraine has received another historic chance to build a civilised, democratic European state governed by the rule of law, confirming the European identity of the Ukrainian people and the irreversibility of the European and Euro-Atlantic course, which will have to be implemented in extremely difficult conditions of hybrid war, which should not be the reason for the delay or cancellation of important reforms, and success and irreversibility will be one of the components of our victory.

The analysis also demonstrated that the cooperation of the Ministry of Internal Affairs of Ukraine with the police departments of the EU and NATO countries in the field of professional training of police management personnel is a continuous process.

The importance of the study is determined by the focus on fulfilling the tasks facing the Ministry of Internal Affairs of Ukraine. The conclusions obtained during the study, the proposals and recommendations provided will contribute to the development of measures to improve the organisational and legal framework, strategy and tactics of organisational activities of the Ministry of Internal Affairs of Ukraine and strengthen their interaction with the police of the EU and NATO countries, and be used in the process of training managerial personnel in higher education institutions with specific training conditions and conducting investigations on relevant issues.

Relevance is also based on the need to overcome the contradictions between the need to apply European standards for ensuring international peace and the lack of a proper theoretical, methodological, scientific, and practical basis for implementing new approaches to improving law enforcement in Ukraine.

At this stage, the introduction of training specialists for the Ministry of Internal Affairs of Ukraine requires detailed adjustment and refinement. Therefore, our common task is to facilitate the timely development of these adjustments to improve the quality of training and standardisation of the North Atlantic Alliance.

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Співробітництво МВС України з поліцейськими відомствами країн ЄС та НАТО у сфері професійної підготовки управлінських кадрів

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Анотація

Метою статті є дослідження сутності й актуальності питань співробітництва МВС України з поліцейськими відомствами країн Європейського Союзу та НАТО у сфері професійної підготовки управлінських кадрів. Методологія. У роботі використано загальнонаукові та спеціально-наукові методи пізнання, конкретне поєднання яких зумовлене метою та завданнями дослідження. Використання формально-логічного методу дало змогу визначити, уточнити й доповнити окремі поняття, категорії та впорядкувати понятійно-категоріальний апарат. Застосовано також методи формальної логіки, зокрема аналізу й синтезу, дедукції та індукції, аналогії та узагальнення тощо. Наукова новизна статті полягає в тому, що в ній здійснено дослідження співробітництва МВС України з поліцейськими відомствами країн Європейського Союзу та НАТО на сучасному етапі державно-правового розвитку, а також виокремлено актуальні проблеми в цій сфері. Висновки. Співробітництво МВС України з поліцейськими відомствами країн Європейського Союзу та НАТО є одним із пріоритетних напрямів. Подальші наукові дослідження в цій сфері слід пов'язувати з детальним розробленням окремих проблем адміністративно-правового регулювання в аналізованій сфері. Зокрема, це стосується питання нормативно-правового регулювання діяльності МВС України з використанням досвіду країн Європейського Союзу та НАТО. У роботі сформульовано висновки щодо можливості використання напрямів удосконалення взаємодії МВС України з поліцейськими відомствами країн Європейського Союзу та НАТО у сфері професійної підготовки управлінських кадрів

Ключові слова:

управлінські кадри поліції; міжнародне співробітництво; досвід країн Європейського Союзу; професійна підготовка; НАТО; нормативно-правове регулювання; партнерство заради миру; євроінтеграційна політика