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INTERNATIONAL LEGAL LEVEL OF REGULATION OF CIVIL–MILITARY COOPERATION IN THE NATIONAL GUARD OF UKRAINE

The article provides a comprehensive analysis of the international legal level of regulation of civil–military cooperation (CIMIC) in the activities of the National Guard of Ukraine as a specific entity in the security and defence sector that combines military and law enforcement functions. The content and significance of international humanitarian law norms, international human rights standards, the case law of the European Court of Human Rights, and NATO doctrinal documents for shaping a modern model of civil–military interaction are revealed. The role of civil–military cooperation as an institutional mechanism for implementing international legal standards in the practical activities of the National Guard units under conditions of armed aggression and martial law is substantiated. Conclusions are formulated regarding the need for further adaptation of international CIMIC standards to the national legal system and the development of this institution in accordance with European and Euro-Atlantic approaches.

Keywords: civil–military cooperation, National Guard of Ukraine, state security, security and defence sector, regulatory framework, international experience.

Statement of the problem. An analysis of the regulatory and legal framework governing civil–military cooperation within the components of the security and defence sector of Ukraine is a necessary prerequisite for a scholarly understanding of the current state and prospects for the development of the relevant institution within the system of ensuring state security. Such analysis acquires particular significance in the context of the activities of the National Guard of Ukraine, which, by combining military and law enforcement functions, acts as an important subject in the implementation of state policy in the field of civil–military interaction.

The conducted research demonstrates that the regulatory and legal framework of civil–military cooperation is based on the differentiation of levels of legal regulation formed within the modern theory of state security and legal science in general, taking into account their hierarchy according to legal force and functional-sectoral affiliation. This approach allows for a comprehensive scientific understanding of the regulatory and legal foundations of civil–military cooperation in the security and defence sector of Ukraine, as well as determining the place and role of this institution in the system of ensuring state security.

At the same time, the study takes into account current trends in the development of the security environment, in particular the processes of globalisation, the hybridisation of threats, as well as Ukraine's course towards European and Euro-Atlantic integration, which necessitates the harmonisation of national legal and regulatory support for civil–military cooperation with international legal standards in the field of security and defence. In the context of the military (armed) aggression of the Russian Federation against Ukraine, the importance of civil–military cooperation increases significantly, as this institution ensures interaction between the security and defence forces and the civilian population, state authorities, local self-government bodies, and civil society institutions.

In this regard, it is advisable to systematise the legal and regulatory acts that define the organisational and legal basis of civil–military cooperation in the security and defence sector of Ukraine into the following blocks: 1) international legal acts; 2) acts of national legislation; 3) subordinate legal and regulatory acts of central executive authorities and military command bodies.

These categories form the respective levels of legal regulation in the field of civil–military cooperation as a component of ensuring state security. Further analysis provides for a consistent examination of each of the identified levels, together with the substantiation of proposals aimed at improving the regulatory and legal mechanism of civil–military cooperation in the context of contemporary security challenges, as well as taking

into account the specifics of the activities of the National Guard of Ukraine as a unique (by virtue of the combination of military and law enforcement functions) actor within the security and defence sector. Within the framework of this scholarly article, an analysis of the international legal level of regulation of civil-military cooperation in the National Guard of Ukraine will be conducted, and practical recommendations in this field will be provided.

Analysis of recent research and publications. The issues of civil-military cooperation occupy an increasingly prominent place in the research of both domestic and foreign scholars. This trend is driven by the transformation of the security and defence sector, the need to increase the effectiveness of interaction between military formations and the civilian population, and the urgency of responding to contemporary crisis and security challenges. Within scholarly discourse, civil-military cooperation is viewed as a vital factor in ensuring stability, the legitimacy of security measures, and the protection of human rights.

Certain theoretical and applied aspects of civil-military cooperation are reflected in the works of such scholars as M. M. Adamchuk, S. V. Bielai, O. H. Bondarenko, V. I. Vorobiov, R. O. Kaidalov, Yu. A. Kalahin, O. O. Kutkov, I. I. Lipatov, I. S. Luhovskyi, O. V. Mynko, D. M. Pavlov, M. S. Puzyriov, I. M. Tovma, I. V. Ushakov, and others. These studies examine issues related to the organisation of civil-military interaction, its functional content, and the role of civil-military cooperation in ensuring national and state security.

At the same time, despite the existence of a substantial body of scholarly literature, the international legal dimension of civil-military cooperation, as well as the issues of its formation and development as a holistic institution of interaction between the state and society in the context of armed conflicts and other crisis situations, remain insufficiently explored. Particular attention should therefore be paid to the analysis of international legal standards of civil-military cooperation, taking into account the specific nature of the activities of the National Guard of Ukraine as a military formation with law enforcement functions, which determines the relevance and scientific novelty of this study.

The purpose of the article is to analyse the international legal level of regulation of civil-military cooperation in the National Guard of Ukraine and to provide practical recommendations in this area.

Summary of the main material. The international legal level of regulation of civil-military cooperation shapes its conceptual and humanitarian-legal foundations, defining general standards for interaction between military formations and the civilian population (civilian environment) during armed conflicts, security crises, and post-conflict stabilisation.

The core of CIMIC is based on the norms of international humanitarian law, primarily the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949 [1], and its Additional Protocols [2, 3, 4]. These provisions establish the obligation of parties to an armed conflict to ensure the protection of civilians, civilian objects, and humanitarian personnel. Furthermore, they mandate support for the activities of humanitarian organisations, interaction with civilian structures, and the minimization of the negative impacts of military (combat) operations on the civilian sphere.

International human rights standards [5] are represented by a system of universal and regional treaties, agreements, conventions, covenants, protocols, etc. [6], which define the minimum permissible limits of state interference in the sphere of human rights and freedoms in times of peace and under special legal regimes [7, 8].

These standards are of fundamental importance for civil-military cooperation, since the activities of security and defence sector actors, in particular the National Guard of Ukraine, are objectively associated with an increased risk of restricting human rights and freedoms, primarily in the process of performing tasks to ensure public safety, law and order, stabilisation measures, as well as in areas of combat operations and de-occupied territories. In this context, international human rights standards serve not only as legal guidelines, but also as normative restrictions on the use of force and special powers, which directly affects the content and forms of civil-military cooperation.

The most significant among these standards, given their ratification by the Verkhovna Rada of Ukraine and their mandatory application in the national legal system, are the International Covenant on Civil and Political Rights of December 16, 1966 [9] and the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) of November 4, 1950, with the relevant protocols [10].

The International Covenant on Civil and Political Rights enshrines fundamental human rights and freedoms, including the right to life (Article 6), the right to liberty and security of person (Article 9), the right to humane treatment and respect for the inherent dignity of the human person (Article 10), freedom of movement and

freedom to choose one's residence (Article 12), the prohibition of torture or cruel, inhuman or degrading treatment or punishment (Article 7), the prohibition of forced or compulsory labor (Article 8), the prohibition of arbitrary or unlawful interference with privacy (Article 17(1)), as well as guarantees of effective legal protection (Articles 11, 14, 15, 16, and Article 17(2)) [9]. Within the framework of the above-mentioned fundamental rights enshrined in the International Covenant on Civil and Political Rights, it is appropriate to distinguish absolute human rights (in particular those provided for in Article 7 of the Covenant), from which no derogations are permitted under any circumstances. In general, for the sphere of civil-military cooperation, these provisions are of fundamental importance, as they define the limits of permissible conduct of military formations in their interaction with the civilian population, even in conditions of armed conflict or a state of emergency.

Particular attention in the context of the activities of the National Guard of Ukraine should be paid to the provisions of the Covenant (Article 4), which allow for the possibility of a temporary derogation by the State from certain obligations in the event of "a public emergency which threatens the life of the nation" [9]. At the same time, even under such conditions, the obligation to respect non-derogable human rights remains in force, which directly affects the organisation of civil-military cooperation, necessitating a humanitarian orientation and the legal justification of the actions of the National Guard of Ukraine units.

The European Convention on Human Rights (with its Protocols) [10] and the case law of the European Court of Human Rights — established on the basis of the said Convention to ensure compliance with the rights guaranteed therein — [11] form a regional standard of law enforcement that is of direct relevance to Ukraine as a member state of the Council of Europe [12]. The judgments of the ECtHR have repeatedly emphasised the special responsibility of military and law enforcement bodies to respect human rights during law enforcement operations, counter-terrorism activities, and stabilisation measures. In this regard, civil-military cooperation serves as a preventive mechanism for avoiding human rights violations, as it facilitates communication with the civilian population, reduces social tensions, and enhances the level of public trust in the security and defence forces.

In particular, in the case of *McCann and Others v. the United Kingdom* of 27 September 1995 [13], the European Court of Human Rights emphasised that the use of force by state authorities must be not only formally lawful but also absolutely necessary in a democratic society, and that the planning and conduct of operations must minimise risks to civilians. In *Al-Skeini and Others v. the United Kingdom* of 7 July 2011 [14], the Court expanded the interpretation of state jurisdiction in the context of military operations, underscoring the State's responsibility to ensure respect for human rights in relation to the civilian population in territories under its effective control. Such approaches are of fundamental importance for civil-military cooperation, as they orient military formations towards active engagement with the civilian environment as a means of reducing the risk of human rights violations.

Equally significant is the ECtHR judgment in the case of *Ukraine v. Russia (re Crimea)* of June 25, 2024, where the Court examined systemic human rights violations in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol. In this case, the ECHR established the responsibility of the Russian Federation for a series of violations directly affecting the civilian population: restrictions on liberty and security of person, ill-treatment, suppression of freedom of expression and religion, interference with property rights, persecution of specific groups, and other practices typical of an occupational regime [15]. In the context of civil-military cooperation, this official position of the ECtHR has a twofold significance: first, it establishes the international legal framework for assessing the situation in occupied and de-occupied territories; second, it sets standards for planning stabilisation measures, where interaction with the civilian population must combine security objectives with the guarantee of human rights and the prevention of discriminatory practices.

In the context of analyzing the international legal regulation of civil-military cooperation, particular attention should be paid to the issue of the state's derogation from certain obligations under the European Convention on Human Rights in accordance with Article 15. This provision allows for the temporary restriction of certain rights in the event of "war or other public emergency threatening the life of the nation" [10], provided that the principles of necessity, proportionality, and non-discrimination are observed. At the same time, even in such circumstances, the state cannot derogate from its obligations regarding the right to life (except in the case of lawful acts of war), the prohibition of torture and slavery, and the principle of no punishment without law.

For the activities of the National Guard of Ukraine, these provisions have direct practical significance, as under the conditions of martial law, it is the NGU units that are actively involved in performing tasks related to ensuring public safety, counter-diversionary measures, and the stabilisation of the situation in de-occupied territories. In such circumstances, civil-military cooperation serves as a legal and managerial mechanism that allows for the alignment of security needs with the requirements of international human rights standards, thereby minimizing the negative consequences of temporary restrictions on rights and freedoms.

In the context of analyzing the international legal regulation of civil-military cooperation, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE of June 29, 1990 (Copenhagen Document) [16] is of particular importance. It emphasizes the necessity of democratic control over armed forces (and other military formations) and ensuring the transparency of their activities within a state governed by the rule of law. This approach defines one of the fundamental principles of CIMIC—building trust between military and civilian actors through openness and accountability. The application of this principle in the activities of the National Guard of Ukraine not only strengthens the legitimacy of security institutions but also ensures compliance with international legal standards while performing tasks in crisis situations.

Thus, the aforementioned international legal norms are of direct significance for the organisation and implementation of civil-military cooperation within the activities of the National Guard of Ukraine. NGU units are deployed to perform tasks in combat zones and de-occupied territories, as well as to carry out stabilisation measures, maintain public order, and protect critical infrastructure. This objectively necessitates constant interaction with local self-government bodies and the civilian population. In this context, CIMIC serves as an institutional mechanism for the implementation of international humanitarian law into the practical activities of the security and defence forces.

The doctrinal documents of the North Atlantic Treaty Organization (NATO) play a vital role in the formation and development of the modern concept of civil-military cooperation. Prominent among these is the Allied Joint Doctrine for Civil-Military Cooperation (AJP-3.19), which defines CIMIC as a systematic activity of the command and troops aimed at establishing and maintaining mutually beneficial relationships between military structures and the civilian environment in order to achieve defined operational and strategic objectives [17].

A comparative analysis of the approaches enshrined in NATO Standard AJP-3.19 and Ukraine's national regulatory framework reveals fundamental conceptual differences. While in NATO doctrine, civil-military cooperation is an integrated element of military command, in Ukraine it has long been viewed primarily as a subsidiary humanitarian activity. In the current environment, this paradigm is gradually shifting, which is particularly evident in the practice of the National Guard of Ukraine, as it combines military and law enforcement functions. This is precisely what necessitates the further adaptation of international CIMIC standards to the national legal system and the operational specifics of the NGU.

Thus, international human rights standards, the case law of the European Court of Human Rights, and NATO's doctrine on civil-military cooperation (Allied Joint Doctrine for Civil-Military Cooperation, AJP-3.19) form a cohesive conceptual framework for the international legal regulation of CIMIC. For the National Guard of Ukraine, this implies the necessity of viewing CIMIC not merely as a subsidiary form of humanitarian activity, but as a strategic instrument for ensuring human rights under martial law. This simultaneously enhances the efficiency of security operations and aligns the national CIMIC model with European and Euro-Atlantic standards.

Conclusions

Consequently, based on the analysis of the international legal framework governing civil-military cooperation within the National Guard of Ukraine, the following conclusions have been reached.

1. International treaties, such as the Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) and its Additional Protocols, the International Covenant on Civil and Political Rights (1966), and the European Convention on Human Rights (1950), enshrine the obligation of States to guarantee respect for human rights even during periods of armed conflict or states of emergency. Accordingly, any use of military formations or other security forces, including activities within the framework of CIMIC, must be conducted in compliance with the principles of proportionality, necessity, non-discrimination, and the provision of effective legal protection for the civilian population.

2. The practical significance of international human rights standards for civil-military cooperation is also confirmed by the case law of the European Court of Human Rights, which effectively establishes binding law-enforcement guidelines for States Parties to the European Convention on Human Rights regarding the activities of military formations and law enforcement agencies in crisis and conflict situations. In its established case law, the ECHR has emphasised that even in the context of counter-terrorism operations, internal armed conflicts, or states of emergency, the State is obliged to ensure effective control over the actions of security and defence forces and an adequate level of protection for the civilian population.

3. In NATO doctrine, civil-military cooperation is aimed at creating a favorable civilian environment that supports the achievement of the strategic and operational objectives of a military operation. That is, it is viewed not merely as a humanitarian tool, but as a component of operational planning and an element of the command and control system.

For Ukraine, which has declared a course towards Euro-Atlantic integration, these standards serve as guiding benchmarks and are being gradually implemented into the national regulatory and legal framework.

In the context of the activities of the National Guard of Ukraine, international legal standards of civil-military cooperation serve as a methodological basis for the development of departmental guidance documents, personnel training programmes, and the organisation of interaction with civilian structures, as well as international and non-governmental organisations.

Further scientific research will be aimed at analysing the national legislative and regulatory levels of civil-military cooperation within the components of Ukraine's security and defence sector and developing practical recommendations in this field.

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МІЖНАРОДНО-ПРАВОВИЙ РІВЕНЬ РЕГУЛЮВАННЯ ЦИВІЛЬНО-ВІЙСЬКОВОГО СПІВРОБІТНИЦТВА У НАЦІОНАЛЬНІЙ ГВАРДІЇ УКРАЇНИ

У статті здійснено комплексний аналіз міжнародно-правового рівня регулювання цивільно-військового співробітництва в діяльності Національної гвардії України як специфічного суб'єкта сектору безпеки і оборони, що поєднує військові та правоохоронні функції.

Встановлено, що міжнародні договори, такі як Женевська конвенція про захист цивільного населення під час війни (1949 р.) та Додаткові протоколи до неї, Міжнародний пакт про громадянські і політичні права (1966 р.), Конвенція про захист прав людини і основоположних свобод (з протоколами) (Європейська конвенція з прав людини) (1950 р.) закріплюють обов'язок держав гарантувати повагу до прав людини навіть у періоди збройного конфлікту чи надзвичайних ситуацій. Підкреслено, що практичне значення міжнародних стандартів прав людини для цивільно-військового співробітництва підтверджується також практикою Європейського суду з прав людини, яка фактично формує обов'язкові для держав – учасниць Європейської конвенції з прав людини правозастосовні орієнтири щодо діяльності військових формувань і правоохоронних органів у кризових та конфліктних ситуаціях. У низці рішень ЄСПЛ наголошується, що навіть в умовах боротьби з тероризмом, внутрішнього збройного конфлікту чи надзвичайного стану держава зобов'язана

забезпечити ефективний контроль за діями сил безпеки і сил оборони та належний рівень захисту цивільного населення.

Зазначено, що у доктрині НАТО цивільно-військове співробітництво спрямоване на формування сприятливого цивільного середовища, що забезпечує досягнення стратегічних та оперативних цілей військової операції. Тобто воно розглядається не лише як гуманітарний інструмент, а як складова операційного планування та елемент системи командування і управління військами. Для України, яка задекларувала курс на євроатлантичну інтеграцію, зазначені стандарти мають орієнтовний характер і поступово імплементуються у національну нормативно-правову базу. У контексті діяльності НГУ міжнародно-правові стандарти ЦВС слугують методологічною основою для розроблення відомчих керівних документів, програм підготовки особового складу та організації взаємодії з цивільними структурами, міжнародними та неурядовими організаціями.

Ключові слова: цивільно-військове співробітництво, Національна гвардія України, державна безпека, сектор безпеки і оборони, нормативно-правова база, міжнародний досвід.

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