

# LEGAL AND ECONOMIC ISSUES OF NATIONAL SECURITY MANAGEMENT IN UKRAINE: OBJECTIVE VALUES AND NATIONAL INTERESTS IN THE CONTEXT OF WAR

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**Abstract.** The war in Ukraine has created an unprecedented global humanitarian crisis, with the highest number of refugees and internally displaced persons (IDPs) in the world, civil infrastructure in ruins, uncontrolled food and water supplies in deserted regions, etc. The war has also led to a radical change in national security governance in Ukraine. The main *purpose* of the article is to analyse current legal and economic issues of national security governance in Ukraine at war. The *subject* of the study is the importance of national security governance in defining national values and interests and in assessing damage in Ukraine. The *methodology* of the research includes the method of descriptive and explanatory study of legal issues of national security governance in Ukraine. The study is based on an analysis of legal documents and academic articles. For the purposes of the paper, the analysis of the literature on the subject and the method of document research were used. Originally, the regulations regulating the legal issues of national security governance in Ukraine were included in the Law of Ukraine "On National Security". The paper modifies the current situation regarding the normative provisions that should be updated. The *hypothesis* of the paper is that the concept of objective values is constantly evolving and that there is no unified approach to its definition. *The practical implications are as follows:* the number of refugees from Ukraine is still growing, so Ukraine should pursue its national interests in the receiving countries in order to protect universal values. As a result, during martial law Ukraine civil society set up objective values within its national interests, locking up counter-terrorism and human trafficking. The *value/originality* of the paper is that it expands the knowledge about the interconnection of objective values and national interests of the state with a special focus on Ukraine at war.

**Key words:** armed conflict, damage assessment, cultural heritage, national interests, national security governance, national security policy, objective values, war.

**JEL Classification:** K38, K40

## 1. Introduction

During armed conflicts, the issue of formalising objective values within the modern architecture of a state's national security is worth examining. The concept of "national interests" has been legally defined and included in national security laws, while the concept of "objective values" is discussed only in economic terminology.

In 2017, Lech Chojnowsky noted: "Since national interests are based on national values, the process of their formulation should begin with an assessment of their current state. If they are fully available to the

state, nation, society and citizens, the content of national interests will be expressed in terms describing the behaviour or preservation of such a state, for example, the preservation of the state territory or its integrity. In case of partial or total loss of the basic values, the content of national interests should be formed on the basis of such terms as regaining or restoring, for example, regaining full territorial integrity of the state, or regaining or gaining sovereignty. As in the case of national values, the interests refer to certain issues included in the concept of national security, i.e., the

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security of the state, nation, society and citizens." (Chojnowski, 2017)

L. Chojnowski developed his own approach by presenting exemplary national interests and formulating them in relation to certain values of national security. He mentions that the main national values of a democratic state lead to such interests, such as:

- national awareness, meaning the sense of belonging to the national community formed in the course of implementing the ideology of nationalism. National awareness leads to the maintenance (restoration, formation) of national awareness, which is the sense of belonging to the national community;
- national culture, which refers to the cultural and national heritage that shapes the national awareness and leads to the maintenance (recovery, building, development) of the cultural and national heritage necessary to shape the national awareness;
- political sovereignty, i.e., the right of the nation as an identity group to self-determination, that is, having one's own state results in maintaining (regaining, gaining, restoring) the right of the nation as an identity group to self-determination.

Meanwhile, Ari Armstrong wonders what objective value means. He says that objective value means "something... objectively valuable if the person seeking the object in question does so rationally, with the aim of genuinely advancing his life and happiness. Some, but not all, objective values are also universal values, that is, they are necessary for the life of every human being. For example, food is objectively valuable to everyone because everyone needs food to live. Wheat, on the other hand, is objectively valuable only to those who eat it to further their life and happiness; it is not objectively valuable to people who don't care about wheat or to people with celiac disease (indeed, it is objectively harmful to the latter)..." (Armstrong, 2014)

The panic over the food supply crisis led to a global rise in the price of wheat and grains in 2022, as according to the UN, "Ukraine provides 90 per cent of the wheat supply in Armenia, Azerbaijan, Eritrea, Georgia, Mongolia and Somalia. Ukraine is also a major source of wheat for the World Food Programme, which provides food aid to 115.5 million people in more than 120 countries." (Ukraine and the food and fuel crisis: 4 things to know, 2022)

According to STATISTA, "...China was the leading export destination of agricultural products from Ukraine secured by the Black Sea Grain Initiative, with 5.6 million tonnes. In addition, 4.4 million tonnes went to Spain, while Turkey ranked third. The agreement between Ukraine, Russia, Turkey and the United Nations opened three Ukrainian ports to agricultural exports. In general, low- and lower-

middle-income countries received less than 30 per cent of Ukraine's cereal exports." (STATISTA, 2023)

The war in Ukraine has also altered the EU's agricultural and energy commodity economy. According to the April Reuters report, in 2023 "...Ukraine's wheat exports are likely to fall 37% to 8.8 million tonnes in the July-June 2023/24 season due to an expected drop in the harvest and ending stocks. In its first forecast for the 2023/24 season, consultancy APK-Inform said Ukraine's total grain harvest could fall 13% to 45.6 million tonnes, including 16.2 million tonnes of wheat, 5.2 million tonnes of barley and 22.9 million tonnes of maize." (Reuters, 2023)

According to Independent Commodity Intelligent Services (ICIS) price forecasts and global market analysis):

- the EU implemented a voluntary 15% reduction in consumption as Russia supplied 20% of the global seaborne ammonia market and Russian oil supplied around a quarter of European demand;
- the EU ended its dependence on Russian crude oil and agreed to ban seaborne imports from 5 December 2022 and petroleum products from 5 February 2023;
- European liquefied natural gas (LNG) processing began operating at full capacity, with record shipments to Europe expected in 2022/23, etc.

Thus, it can be assumed that this forecast indicates that the current stage of global economic development shapes the global and national security agenda, putting the issue of humanising the development of the international community on the agenda.

## 2. The complexity of the economic and legal parameters of valuation

In economic theory, there are some teething problems in comparing the results of economic and cultural value assessments. Economists S. Mourato and M. Mazzanti have studied the most developed and widely accepted value assessment tools. They examine how social contexts shape heritage and conservation and noted: "The imperative of public participation are issues that challenge conventional notions of the responsibilities of conservation professionals." The authors also confirm that "...despite its obvious benefits to society, cultural heritage is increasingly threatened by degradation and destruction. While some risk factors result from natural environmental causes (such as earthquakes, landslides, volcanism, floods, avalanches, and coastal dynamics), human activities are arguably the most significant pressures for the deterioration and loss of cultural assets. These include tourist and user pressure, unplanned urbanisation, destructive development projects, theft, vandalism, war, air

pollution, vibration and simple neglect. Part of the problem is that many cultural goods are not traded in markets: they have a "zero price" and can be enjoyed by many for free. In other words, these so-called non-market cultural resources are valued by society, but in a way that does not translate into a market price – i.e., they are external to markets. The impact of this "market failure" on conservation can be severe: underfunding, with insufficient funds generated to finance conservation; heavy reliance on government support and public subsidies, leaving the conservation of many important cultural assets at the mercy of political whims and overstretched government budgets; overuse, resulting in wear and tear, congestion, vandalism and theft; and the inability to compete on a level playing field with alternative development projects because the economic value of cultural assets appears to be zero or very low."

S. Mourato and M. Mazzanti mention that economic evaluation could precede the use of instruments such as local or national taxes aimed at financing culture, charges aimed at regulating access and raising funds, and voluntary donation mechanisms aimed at raising funds without charging.

Three levels of relevance and use for economic value estimates have been identified in the sector. The first level is related to economic management issues at the level of cultural institutions and aims at estimating demand schedules, price schedules and price elasticities, prioritising projects, ranking potential investments, and assessing the impacts of pollution, tourism, development, etc. The second level is financial and involves analysing pricing policies, designing incentive schemes to encourage conservation and justifying subsidies. The third level is more politically oriented and aims at estimating values to provide information of strategic policy importance, i.e., to allocate budgets to the cultural sector and cultural institutions according to their relative value, and to distribute resources within the sector where the economic value is higher (Mourato, Mazzanti, 2002).

Public international law and international humanitarian law have several norms that respect objective values (e.g., Common Article 55 of the Geneva Conventions of 1949, Additional Protocol II to the Geneva Conventions of 1949, UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), etc.)

J. Pejic states: "Both the Fourth Geneva Convention and Additional Protocol I contain a number of provisions dealing with collective and individual assistance to civilians in occupied territories. The basic rule laid down in the Fourth Geneva Convention is that the occupying power has the duty to ensure the food and medical supplies of the population and

should bring in the necessary food, medical supplies and other articles if the resources of the occupied territory are inadequate. Foodstuffs available in the occupied territory may be requisitioned in very limited circumstances, in which case the Occupying Power must ensure that fair value is paid for any goods requisitioned." (Pejic, 2001)

When examining the fundamental rule of the prohibition of torture or inhuman treatment, it should be remembered that there is no algorithm for individual complaints in international humanitarian law. During armed conflicts, the legal instrument of IHL to protect the rights of civilians is the only effective mechanism to protect objective values and national interests.

It is worth mentioning that during the war in Ukraine most of the crimes and cases fall under the norms of state responsibility, so H. Novytskyi and others suggest that the constitutional doctrine of national security of Ukraine today could read as follows "...Ukraine is responsible to the citizens of Ukraine for its population, the integrity of its territory, the inviolability of its borders, the preservation and increase of the national wealth of Ukraine, and the preservation and development of the national identity of the Ukrainian people." (Novytskyi, Shcherbyna, Pyvovarov, Kartamyshyeva, & Lysodyed, 2022)

In the 1950s, H. Bowen gave his definition of 'social responsibility' as the commitment of a company to pursue such policies, make such decisions and adopt such behaviour as are consistent with the prevailing aims and values of society (Bowen, 1953).

In order to secure the public interest, social responsibility during war corresponds to national security governance and focuses more on national interest than on objective or subjective values.

However, international organisations don't have the subjectivity to investigate violations of international human rights law. From a practical point of view, these organisations only provide advice and advocacy. Fact-finding commissions or commissions of inquiry, on the other hand, examine documentation and conduct fact-finding (fact-checking) on crimes against humanity.

The events that define the war in Ukraine are complex and problematic.

In order to investigate and assess the harm caused, in resolution 49/1, adopted by the Human Rights Council on 4 March 2022, on the human rights situation in Ukraine in the context of the Russian aggression, the Human Rights Council decided to urgently establish an Independent International Commission of Inquiry composed of three human rights experts to be appointed by the President of the Human Rights Council for an initial period of one year. The Commission of Inquiry was mandated

to complement, consolidate and build upon the work of the UN Human Rights Monitoring Mission in Ukraine (HRMMU), in close coordination with the HRMMU and the Office of the UN High Commissioner for Human Rights.

On 12 May 2022, the Human Rights Council adopted resolution S-34/1 on the deteriorating human rights situation in Ukraine as a result of the Russian aggression and requested the Commission of Inquiry to address the events in the areas of Kyiv, Chernihiv, Kharkiv and Sumy regions in February and March 2022.

On 24 March 2023, the Office of the High Commissioner for Human Rights (OHCHR) published its thirty-fifth report on the human rights situation in Ukraine, covering the period from 1 August 2022 to 31 January 2023.

On 14 November 2022, the United Nations General Assembly adopted the Resolution (document A/ES-11/L.6) "Further Development of Remedies and Reparations for the Aggression against Ukraine". This resolution specifically recognised the need to establish "an international mechanism for the compensation of loss, damage or injury caused by the internationally wrongful acts of the Russian Federation".

The International Valuation Standards (IVS 2022), published by the International Valuation Standards Council (IVSC), have long been used globally to determine the value of assets and businesses in myriad compensation adjudications. Adherence to the valuation standards set out in IVS 2022 will ensure that the financial values supporting compensation claims are reasonable and defensible, as well as consistent and transparent across sovereign jurisdictions. Although the IVS does not explicitly address the issue of valuation of war damage for the purpose of financial compensation, current methods for determining value are directly applicable and can be readily applied. The circumstances of each compensation case will determine which IVS "basis of value" is most applicable (e.g., damage and destruction of assets and enterprises; expropriation of assets and enterprises; economic damage to assets and enterprises) (Thomas, Simonova, 2022).

Therefore, the economic assessment of cultural heritage damage is considered to be the most multifaceted issue (Ganski, 2019).

In Ukraine, cultural identity is based on local characteristics and originality, historical background of national minorities in different regions. Today, the international identity of Ukrainian cultural heritage is concerned with the global support of Ukrainian sovereignty and takes a universal approach to modelling the global security system according to Ukraine's experience. At the same time, the

problem of national security governance in the non-controlled regions is characterised by the irrational behaviour of the occupants in the occupied southern and eastern regions. The military doctrine of the Russian Federation, signed by Putin on December 26, 2014, contains a provision that it is no longer possible to intervene in neighbouring countries only in defence of one's own citizens, but also if the authorities of a neighbouring country pursue policies contrary to Russia's interests (Czaja, 2015).

In September 2022, within the framework of the National Council for Ukraine's Recovery from the War, the analytical team of the Kyiv School of Economics, together with the Ministry of Community and Territorial Development of Ukraine, the Ministry of Infrastructure of Ukraine, the Ministry of Health of Ukraine, under the coordination of the Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine and in cooperation with other relevant ministries and the National Bank of Ukraine, prepared a Report on the Assessment of Damages Caused by Russia's Military Aggression in Ukraine. The overall damage assessment was carried out in accordance with the World Bank's methodology and in close cooperation with the World Bank's specialist team, taking into account the significant amount of micro-data collected by the specialist authorities, the local civil-military administrations, since the beginning of the full-scale war (KSE report, 2022).

The National Council for the Recovery of Ukraine from the Consequences of the War Draft Ukraine Recovery Plan (Materials of the "Audit of war damage" working group of July, 2022) gives the following figures for 2022:

"The unprecedented increase in security risks and the cancellation of civilian flights have a direct impact on the country's tourist attractiveness, which is currently close to zero. The mining of the coastal zone is bringing domestic beach tourism to a standstill. As of 13 June, the damage to culture, sport and tourism amounts to at least \$0.7 billion, or UAH 21.9 billion. According to micro data, at least 527 cultural facilities, 36 religious buildings, 49 tourist facilities and 95 sports facilities have been damaged or destroyed. In particular, 32 churches/temples, 4 monasteries, 253 houses of culture, 31 sports schools, 36 museums and 49 tourist facilities, located mainly in 14 regions, were damaged. Important cultural and religious sites were damaged, including the Sviatohirsk Lavra of the Holy Dormition, the Donetsk Academic Regional Drama Theatre (Mariupol), the National Literary Memorial Museum of Hryhoriy Skovoroda, and many others. In addition, some art collections were lost, including a collection of Scythian gold

discovered by archaeologists in the 1950s, which was probably removed by the occupation authorities from the Melitopol Museum of Local Lore. This assessment is based on the site-by-site list of damaged/destroyed sites provided by witnesses and local administrations, which carries the risk of incomplete data on the list of damaged objects.

Total damage to water transport infrastructure is estimated at \$471 million. This estimate includes both seaport and inland waterway infrastructure destroyed during the war.

Total losses in culture, sport and tourism amount to at least \$4.3 billion. According to experts, some 50,000 people have lost or may lose their jobs in culture and tourism due to the closure of institutions. The emigration of professional communities is also an important factor in the losses. Tourism has been hit hard by the war in Ukraine. Ukraine has lost its foreign tourists, which amounted to 4 million people in 2020. Due to active hostilities, the threat of missile attacks and land mines, 13 out of 24 oblasts faced a total or partial cessation of tourism activities. The total reconstruction needs for tourism, sport and culture amount to at least \$1.6 billion." (The National Council for the Recovery of Ukraine from the Consequences of the War Draft Ukraine Recovery Plan, 2022)

The judicial mechanism for assessing harm can be seen in the judgments in *Sargsyan v. Azerbaijan* and *Chiragov v. Armenia*, delivered on 16 June 2015 by the Grand Chamber of the European Court of Human Rights, which protected the rights of families displaced by the conflict in Nagorno-Karabakh in the early 1990s under the European Convention. The applicants' complaints about the loss of their homes, land and property were upheld, with the Court finding continuing violations of their rights under Article 1 of Protocol No. 1 (peaceful enjoyment of property), Article 8 (right to respect for private and family life and home) and Article 13 (right to an effective remedy). With regard to the call for the establishment of a property claims mechanism, the Court drew the attention of governments to international standards on property rights (in particular the UN Pinheiro Principles), concluding: "...it appears particularly important to establish a property claims mechanism that should be easily accessible and provide for procedures operating under flexible standards of proof, enabling the applicant and others in his situation to recover their property rights and obtain compensation for the loss of enjoyment thereof." (Sargsyan, para. 238, Chiragov, para. 199) Philip Leach also cites precedents for court-ordered redress mechanisms with the 2005 *Xenides-Arestis v. Turkey* judgment, when the Court ordered the Turkish government to establish a property redress

mechanism within three months, leading to the creation of the Immovable Property Commission (IPC) (which included a former Secretary General and Deputy Secretary General of the Council of Europe) (Sargsyan, para. 216). Citing the 2010 Court decision in the *Demopoulos v. Turkey* case, Leach mentions that compensation should, where possible, include non-pecuniary damage as well as damage to and loss of income from usurped property. Compensation need not be at full value and may be standardised to facilitate speedier assessment, but must bear a reasonable relationship to actual value. Official recognition of usurped property rights is an important part of a remedy, as are measures to provide future legal protection for the restored property rights of displaced persons (Leach, 2016, Sargsyan, para. 216).

### **3. Assessment of the instruments for ensuring national interests in Ukraine: striving for European standards**

The idea of the national interest is of great importance around the world, and in its simplest definition, the national interest is "the interest of the nation as a whole, regarded as an independent entity separate from the interests of subordinate territories or groups, as well as other nations or supranational groups" (Merriam-Webster (n.d.)). The Law of Ukraine "On National Security" defines "national security" of Ukraine as the protection of state sovereignty, territorial integrity, democratic constitutional order and other national interests of Ukraine from real and potential threats, and "national interests of Ukraine" as the vital interests of a person, society and the state, which ensure the state sovereignty of Ukraine, its progressive democratic development, safe living conditions and well-being of its citizens.

Ukrainian researchers and experts I. Yakoviyk, D. Chyzhov, N. Karpachova, S. Hlushchenko, Y. Chaliuk stated: "The modern system of public administration in the field of national security requires a number of systemic changes. First of all, the system of regulatory and legal support of the state policy in this area needs to be expanded through the development of sectoral acts, which would form the state security policy in a particular segment of public relations. This refers to state and regional development programmes in a particular area, which would ensure the achievement of tactical goals in a particular segment of state regulation. Taken together, they form an integrated system of national security with a synergistic effect of combining various potentials manifested in economic, social, humanitarian and other spheres. Secondly, it is necessary to expand the modern

contours of security policy in Ukraine by developing and implementing more active (aggressive) mechanisms aimed not only at countering external threats, but also at promoting one's own national and civilisational interests in the geopolitical space. Therefore, the current active foreign policy should become an element of ensuring the national security system, maximising it through the effectiveness of geopolitical strategies and trends." (Yakoviyk, Chyzhov, Karpachova, Hlushchenko, Chaliuk, 2020)

This article assumes that such a mechanism already exists. Firstly, the Law of Ukraine "On Prevention of Threats to National Security Related to Excessive Influence of Persons with Significant Economic and Political Weight in Public Life (Oligarchs)", which defines the legal and organisational framework for the functioning of the system of prevention of threats to national security related to excessive influence of persons with significant economic and political weight in public life (oligarchs), the content and procedure for applying coercive measures to such persons, can become such a mechanism under martial law.

Secondly, as there have been numerous instances of armed violence in Ukraine, the ECtHR plays a powerful mechanism for ruling on Ukraine's claims of human rights violations by Russia in cases such as the following:

- Ukraine v. Russia I (re-Crimea nos. 20958/14 and 38334/18) – the events leading up to and following Russia's seizure of control of the Crimean Peninsula from March 2014 and subsequent developments in eastern parts of Ukraine;
- Ukraine v. Russia II (no. 43800/14) – the alleged abduction of three groups of children from eastern parts of Ukraine and their temporary transfer to Russia between June and August 2014;
- Ukraine v. Russia III (no. 49537/14) – the ECHR decision was adopted after the Ukrainian Government informed the Court that it did not wish to pursue the application, as an individual application (no. 49522/14) on the same subject was pending before the ECHR;
- Ukraine v. Russia IV (no. 42410/15) events in Crimea and Eastern Ukraine as from September 2014;
- Ukraine and the Netherlands v. Russia (no. 8019/16, 28525/20 and 11055/22).

In the context of the war in Ukraine and the country's integration into the European Union, the European Convention on Human Rights has an important role to play. Professor of Public International Law at the Jagiellonian University in Poland and ad hoc judge at the ECHR. Michal Kowalski notes: "The ECHR does not deal with 'crimes' of any kind; in armed conflicts (in addition to international humanitarian law, which prohibits war crimes), norms guaranteeing fundamental

human rights also apply. Some arbitrary acts in an armed conflict may be considered as violations of fundamental human rights (right to life; prohibition of torture). And these violations may become the subject of proceedings initiated by an individual or inter-State application to the ECHR under the European Convention on Human Rights." (Crawford, 2020)

The justification for a wide margin of appreciation is readily apparent in cases of national security, since this is a vital interest for all States and the Court and the Commission, remote from the specific context, may well be ill-equipped to identify genuine threats to it. See also Appl. No. 21318/93, Ochsengerger, where the Commission held that the prohibition of Nazi views in Austrian law was justified under Article 10(2) in the interests of national security, territorial integrity and the prevention of disorder and crime; and *Vereinigung Weekblad "Bluf!"*, 9 February 1995, A 306-A, where the Court held that the prohibition of an issue of a left-wing magazine containing an outdated confidential security service report could not be justified under the national security exception to Article 10(2).

Agreeing with L. Choynowski, "national security management requires the development of a model that corresponds to the real national security system, taking into account all subsystems and interrelationships between them. It can be formed separately by identifying all actors that carry out purposeful activities in the interests of the state's security, taking into account their missions, goals, structures and relationships between them and other actors. The basis for such identification should be legal acts, as they are the basis for the activities of services, guards, inspectors and other entities working in the security sector, and then their integration into smaller and smaller systems until the main system – the national security system – is formulated." (Choynowski, 2017)

Ukrainian researchers Kovalova, O., Korniienko, M., Pavliutin Y. noted: "Strengthening the role of public organisations in ensuring national security requires a comprehensive approach, including legal and organisational lines. Within the legal framework it is necessary to: 1) to establish requirements for reporting by the authorities on the proposals of public organisations considered or the reasons for their rejection; 2) to eliminate the scattering of legal norms on the procedure for holding public hearings on various legislative acts; 3) to accelerate the process of adopting the new National Security Strategy, taking into account the proposals of public organisations, as well as to increase their impact on national security in all areas of identified threats and challenges; 4) to develop and approve a single

form of reporting on the implementation of action plans aimed at implementing the National Security Strategy; 5) to specify in the Law of Ukraine "On National Security of Ukraine" the role and place of public organisations in the system of national security, to determine the forms of participation of public organisations in ensuring national security and the peculiarities of their interaction with the authorities; 6) to provide for the occurrence of responsibility of the subjects for non-fulfilment or improper or untimely fulfilment of the tasks in the field of national security provided by the strategic documents and plans for their implementation."

The authors of this article share the opinion of the researchers Kovalova O., Korniienko M., Pavliutin Y., who stated: "Within the organisational direction it is necessary to: 1) to ensure the implementation of the legislation on systematic reporting on national security within the competence of each of the state bodies involved in national security; 2) to establish, on the basis of a single standard, continuous monitoring of the implementation of agreements and memoranda of understanding on cooperation in the field of national security between the authorities and public organisations; 3) to transform the practice of consultative situational cooperation into the practice of continuous coordination and strategic cooperation in the field of national security; 4) to create a single register of the names and addresses of persons involved in national security; 5) create a single register of threats as part of Ukraine's national security strategy; 6) improve the register of public organisations, in particular, to organise them into directions and forms of activity, to display links to official websites of organisations and to provide public access to it; 7) introduce an effective mechanism for coordinating the involvement of public organisations in national security and providing them with donor support through the creation of a single focal point for the involvement of

public organisations in national security." (Kovalova, Korniienko, Pavliutin, 2020)

#### 4. Conclusions

In the modern stage of the nine-year war in Ukraine, national security governance plays much more than an essential role in building or surviving life in different regions of Ukraine. Fragmented approach is considered as a tool for assessment of intercivillised activities in occupied regions. This paper aims to show that during martial law the assessment of damage to state and private property is included in the cultural and security framework. It defines the legal position of the President of Ukraine, the Parliament of Ukraine and the Government of Ukraine, the Security Service of Ukraine, the Ministry of Internal Affairs of Ukraine and other security institutions in the decision-making process on the creation of new forms of guarantees. This work, apart from its subject, has a subjective scientific value for the peaceful existence of the Ukrainian people. Besides, Ukrainian identity cannot be separated from its people, territory and national values. During the war, the legal regulations on national security contained in normative acts should avoid duplication, on the other hand, it is worthwhile to measure and regulate the productive effect of cross-functional influence of the security forces. The foundations of national security governance in Ukraine have the same goals, but have acquired new meanings. That is why the protection of the environment and cultural heritage, as well as the fight against international terrorism and transnational crimes against humanity, are the foundations of the peaceful life of the innocent population of Ukraine. This is also the reason why Ukraine's political sovereignty depends on cooperation with the United Nations in eliminating nuclear weapons and other weapons of mass destruction.

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