

CIVIL-MILITARY INTERACTION AND THE PROTECTION OF CIVILIANS: SCIENTIFIC APPROACHES, POLICY AND PRACTICE

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INTRODUCTION

Today, in the face of hybrid conflicts and the challenges of a new generation, it is undeniable that military education and science must ensure a high level of officer professionalism. Professionalism should be formed on the basis of justice and legal education of military personnel, and therefore – to act as a guarantor of the fighting capacity of the Armed Forces of Ukraine. Given this, the purpose of our study is to analyze the promising areas of development of modern military education and science.

In the process of reforming both the higher education system as a whole and higher military education in particular, we need to emphasize the need to train professional and motivated military specialists in the field of civil-military relations, who are capable of effective communication and meeting the needs of the civilian population of Ukraine, taking into account the tasks the armed forces.

The situation in eastern Ukraine has shown that under the current conditions it is necessary to create an effective system of civil-military cooperation, which should include the professional training of military specialists in the specialty “Civil-military cooperation”. This training aims not only at the acquisition of military-humanitarian, military-professional and military-special competencies, but will help to form a system thinking and develop a reasoned position for the fulfillment of the tasks for the purpose, including for the purpose of post-conflict settlement and reconstruction of the affected regions.

The full implementation of these tasks requires a thorough legal knowledge. To this end, military specialists are trained at the Taras Shevchenko National University of Kyiv Military Institute at the specialty “Civil-Military Cooperation” within the specialty 081 “Law”. This training is carried out on the basis of the Professional Standard of the Tactical Officer of the Armed Forces of Ukraine under Military specialty 850400 “Civil-Military Cooperation”¹

¹ Kovalov V. et al. Professional standard of tactical officer of the Armed Forces of Ukraine. Military proficiency qualification: 850400 “Civil-military Cooperation”. Branch of knowledge: 08 Law. Specialty: 081 Law. Kyiv, Ukraine, 2018.

and the corresponding educational and professional program “Civil-Military Relations”².

We believe that the training of military specialists in the specialty “Civil-Military Cooperation” should take into account the European standards of higher education and the legal profession, the peculiarities of the functioning of the military organization of the state, NATO standards and best practices of the leading countries of the world, as well as take into account modern scientific approaches in the field of military and legal research.

1. Civil-military cooperation as an individual line of research in the field of military science

The development of new promising scientific fields in the field of legal research is relevant, as it meets the real challenges of today. In this respect, a specialty passport project 081 “Law” is relevant for research. According to this Passport, students of higher education of Doctor of science and PhD are trained. This Project envisaged areas of military law research such as civil-military cooperation, legal support for the activities of civil-military administrations and military command during the operation of the martial law regime³.

While other projects of the passport of this specialty did not provide for the separation of civil-military cooperation in a separate field of research, it is necessary to examine the order of the Ministry of Education and Science of Ukraine № 1477 dated 28.12.2018 “On approving an indicative list and description of subject areas of research within the specialty 081 “Law”. Such analysis shows that issues related to civil-military cooperation can be included in the following areas: protection of rights, freedoms and security of man and citizen in the military sphere, in the course of military conflicts, conduct of anti-terrorist, military, special and peacekeeping operations; theoretical, legal and applied problems of formation and development of the military organization of the state, military and military-civil administrations, systems of ensuring state security and protection of the state border; military legislation, military statutes and other sources of military law, systematization of military legislation; martial law of foreign states

² Beryslavska O., Koropatnik I., Shulgin V., Pashynskyi V., Gushchyn O., and Kuzmenko I. Educational and Professional Program “Civil-Military Relations”. Branch of knowledge: 08 Law. Specialty: 081 Law. Kyiv, Ukraine, 2018.

³ Проект паспорту спеціальності 081 «Право», за якою здійснюється підготовка здобувачів вищої освіти ступенів доктора філософії та доктора наук. URL: <https://mon.gov.ua/ua/news/mon-proponuye-dlya-gromadskogo-obgovorennya-proekt-pasportu-specialnosti-081>.

and intergovernmental organizations; adaptation of national military legislation to the legal standards of the Member States of the European Union and the North Atlantic Treaty Organization⁴.

Analysis of Section 2.7. “Administrative law and process; financial law” of the said document leads us to the following conclusion. Civil-military cooperation is a systematic, planned activity of the Armed Forces of Ukraine on interaction with executive bodies, local self-government bodies, public associations, organizations and citizens in the areas of deployment of military units and units of the Armed Forces of Ukraine in order to form a positive community activity Forces of Ukraine and provision of favorable conditions for the fulfillment of their tasks and functions⁵. This activity can also be explored as a direction of internal organizational activity of public authorities and in the sphere of interaction of public authorities with civil society institutions⁶.

Section 2.2. “A constitutional law; the municipal law” of the aforementioned order also provides for areas of scientific research that can be applied to the development of certain aspects of civil-military activity. These include: 1) guarantees of the rights of national minorities, refugees, persons in need of additional and temporary protection, immigrants; 2) the concept of a state of emergency and martial law, conditions for its introduction and termination; measures taken in an emergency; constitutional guarantees of human and civil rights in a state of emergency⁷.

Taking advantage of NATO’s best practices and concepts in conceptual and doctrinal development, it is worth noting the activities of the Civil-Military Cooperation Center of Excellence, which focuses on developing existing and emerging concepts, policies and doctrines, as well as providing specialized education and training for both military and civilian personnel⁸.

⁴ Про затвердження примірного переліку та опису предметних напрямів досліджень в межах спеціальності 081 «Право»: Наказ Міністерства освіти і науки України № 1477 від 28 грудня 2018 р. URL: <https://mon.gov.ua/ua/npa/pro-zatverdzhennya-primirnogo-pereliku-ta-opisu-predmetnih-napryamiv-doslidzhen-v-mezhah-specialnosti-081-pravo>.

⁵ Положення про Цивільно-військове співробітництво Збройних Сил України, затверджене Наказом Генерального штабу Збройних Сил України від 20 грудня 2017 р. № 446. URL: <https://cimic.com.ua/kerivni-dokumenti-z-pitan-cvs-zsu>.

⁶ Про затвердження примірного переліку та опису предметних напрямів досліджень в межах спеціальності 081 «Право»: Наказ Міністерства освіти і науки України № 1477 від 28 грудня 2018 р. URL: <https://mon.gov.ua/ua/npa/pro-zatverdzhennya-primirnogo-pereliku-ta-opisu-predmetnih-napryamiv-doslidzhen-v-mezhah-specialnosti-081-pravo>.

⁷ *ibid*

⁸ Civil-military Cooperation Centre of Excellence. URL: <https://www.cimic-coe.org/about-cimic/sponsoring-nations/>.

This Center is a multinational sponsored, NATO accredited, Centre of Excellence. It provides benefit, innovative and timely advice, and subject matter expertise on Civil-Military Cooperation for both civilian and military personnel. The primary focuses of Center's effort is conceptual and doctrinal development, lessons learned along with enhanced training and education.

Sponsoring Nations and other military and civil institutions/organizations in their operational and transformation efforts in the field of civil-military interaction provide innovative and timely advice and subject matter expertise in the development of existing and new concepts, policy and doctrine, specialized education and training, and the contribution to the lessons learned processes⁹.

Heiko Herkel describes activities of Civil-Military Cooperation Centre of Excellence as "a multinationally-sponsored institution providing capacity for reviewing and improving policy, procedures and training in civil-military cooperation and related areas for NATO, the UN, the European Union (EU) and the CCOE Sponsoring Nations (SNs)". The author also emphasizes that the features of such a center as "comprehensive spectrum of training offered to both military and humanitarian organizations"¹⁰.

Heiko Herkel also note, that Civil-Military Cooperation Centre of Excellence in 2008 "assumed responsibility for reviewing NATO's doctrine for CIMIC, AJP-9". In addition, there was a need to review other NATO documents and make changes and additions to them regarding civilian-military engagement. So, in particular "The CIMIC doctrine was revised in parallel with NATO's stop-level doctrine (AJP-01) and the direct subordinate doctrines on Intelligence (AJP-2), Operations (AJP-3) and Planning (AJP-5). Regular harmonization between these documents ensured that CIMIC was not unnecessarily compromised, and that, as far as possible, the key requirements for successful civil-military interaction were covered. For example, a paradigm change was made to the section on the Intelligence Domain, which developed from a restrictive "need to know" to a "need to share" culture, supporting the proactive sharing of classified and unclassified information"¹¹.

⁹ Civil-military Cooperation Centre of Excellence. URL: <https://www.cimic-coe.org/about-cimic/sponsoring-nations/>.

¹⁰ Herkel, Heiko. The CIMIC Centre of Excellence: improving cross-organisational perspectives on civil-military interaction. *Humanitarian Exchange Magazine*. 2013. Issue 56. P. 8. URL: <https://www.cimic-coe.org/products/conceptual-design/downloads/ccoe-publications/articles/>.

¹¹ Herkel, Heiko. The CIMIC Centre of Excellence: improving cross-organisational perspectives on civil-military interaction. *Humanitarian Exchange Magazine*. 2013. Issue 56. P. 10. URL: <https://www.cimic-coe.org/products/conceptual-design/downloads/ccoe-publications/articles/>.

A considerable amount of scientific work of foreign authors testifies to the undeniable interest in civil-military relations. What we find interesting is work *Cultural Conflict within Civil-Military Cooperation: A Case Study in Bosnia (2005)*, in which the authors (Scheltinga, Tjallie&Rietjens, Sebastiaan&Boer, Sirp&Wilderom, Celeste) recommend that specific actions be taken to promote cultural awareness and respect for cultural differences. This will serve to improve civil-military cooperation between members of international humanitarian organizations and the military.

They also note that: “In peace-support operations, employees of international humanitarian organizations often clash with those of the military. A lack of familiarity with each other’s practices and values, embedded in their respective organizational cultures, is often seen as the culprit. This article presents and illustrates a road map to manage such cultural differences between cooperating organizations. We found that the military culture, in our Bosnian case study, was seen to operate as a hierarchical culture (characterized by formalization, stability, predictability and efficiency). The culture of international humanitarian organizations, on the other hand, was depicted as clan-type (characterized by teamwork, participation and consensus). To facilitate the creation of cultural awareness as well as respect for, and reconciliation of, cultural differences we recommend several concrete actions that could improve civil-military cooperation”¹².

A more critical look at the activities of Civil-Military Cooperation is in the article *Countering Insurgent-terrorism: Why NATO Chose The Wrong Historical Foundation For CIMIC (2006)* by Thijs W. Brocades Zaalberg from Netherlands Institute for Military History (NIMH). In this article, the author identifies that the focus of Civil-Military Cooperation is on supporting military goals, and in today’s context, military goals often co-exist with political goals. Therefore, the Alliance’s major operational challenges, which have expanded from peacekeeping operations in the Balkans to countering insurgent terrorism in Afghanistan, call for historical experience and up-to-date Civil-Military Cooperation doctrine.

In particular, the author notes: “History teaches that counterinsurgency and counterterrorism campaigns have never been won through purely military action. Defeating an opponent who avoids open battle, but who uses force to reach his goals, including terrorist action, requires

¹² Scheltinga, Tjallie & Rietjens, Sebastiaan & Boer, Sirp & Wilderom, Celeste. *Cultural Conflict within Civil-Military Cooperation: A Case Study in Bosnia. Low Intensity Conflict & Law Enforcement*. 2005. № 13. P. 54–69. DOI: 10.1080/09662840500223606.

a combination of police, administrative, economic and military measures. As a counterinsurgency campaign should pursue a comprehensive political objective, it requires high levels of civil-military cooperation. However, current NATO doctrine for Civil-Military Cooperation (CIMIC) as it emerged from the 1990s is founded in conventional war-fighting and outdated peacekeeping doctrine. CIMIC's focus is on supporting military objectives rather than enabling the military to make a coherent contribution to political objectives. This makes CIMIC unfit for the Alliance's main operational challenges that have expanded from peace operations on the Balkans to countering insurgent terrorism in Afghanistan. When developing CIMIC, the Alliance obviously neglected the historical lessons from counterinsurgency campaigns"¹³.

In another article *Inter-Organizational Communication in Civil-Military Cooperation During Complex Emergencies: A Case Study in Afghanistan (2008)* authors from Norway (Rietjens, Sebastiaan&Verlaan, Kirsten&Brocades Zaalberg, Thijs&Boer, Sirp.) suggested tactics for improving information management and information sharing between humanitarian organizations and the military in complex emergencies, and emphasized the need to improve the skills and competencies of the personnel involved and the need for regular joint civilian-military training.

The authors of the article set the task "to contribute to an improved information management and exchange between humanitarian organizations and military agents in complex emergencies. To do so, a theoretical information management process model was developed and applied to the case of information management between International Security Assistance Force troops and humanitarian organizations such as Cordaid, DACAAR and the International Office for Migration in Kabul, Afghanistan. Based on this analysis the main shortcomings and problems in each stage of the information management process were identified. These include a lack of structured information databases, the absence of identification of information needs, and an over-classification of documents by the military. Using a logical framework analysis, six major improvement tactics were developed, including the creation of more overlap in rotations of personnel, the specification of aims and tasks regarding information management, the improvement of skills

¹³ Brocades Zaalberg, Thijs. Countering Insurgent-terrorism: Why NATO Chose The Wrong Historical Foundation For CIMIC. *Small Wars and Insurgencies*. 2006. № 17. P. 399–420. DOI: 10.1080/09592310601060799.

and competences of personnel involved, and the introduction of regular joint civil-military evaluations”¹⁴.

Robert Egnell in *Civil-military coordination for operational effectiveness: Towards a measured approach* (2013) notes the growing interest in strategic concepts related to civilian-military cooperation, coordination or integration and their effectiveness in complex operations. Moreover, the author emphasizes that the separation of subjects and their responsibilities in specific areas of the operation directly affects the effectiveness of the operation as a whole.

In particular, Robert Egnell notes that “last decade has witnessed a cascading proliferation of strategic concepts that emphasize the importance of civil-military cooperation, coordination, or integration for effectiveness in complex operations. These efforts nevertheless often lack an appreciation for why, where, and how such integration and coordination should take place to achieve the desired outcomes. This article introduces a new approach to civil-military coordination that incorporates the challenges and possibilities at both the national/strategic level and the tactical level in field of operations. By integrating and coordinating these efforts at the strategic level, this approach allows policymakers to achieve separation of actors and responsibilities in the field of operations. By doing so, the proposed approach seeks to answer more specific questions about when coordination is necessary for effectiveness, what its aims are, what actors need to be involved, and to what extent and at what level of command the actors need to be coordinated”¹⁵.

Kelisiana Thynne and Gwen Cherne in *Preparation Starts at Home: Education and Training for Civil-Military Interaction* (2016) share Australia’s experience in education and training for civilian engagement, and emphasize that civilian education and training are needed for military personnel to raise awareness of the complexities involved in peacekeeping and security operations.

The article states that “It is important that military personnel and civilians operating with or along side them are well educated and trained to function effectively in the contemporary operating environment. Civil-military education and training is needed for military personnel to raise

¹⁴ Rietjens, Sebastiaan & Verlaan, Kirsten & Brocades Zaalberg, Thijs & Boer, Sirp. Inter-Organisational Communication in Civil-Military Cooperation During Complex Emergencies: A Case Study in Afghanistan. *Disasters*. 2008. № 33. P. 412–435. DOI: 10.1111/j.1467-7717.2008.01081.x.

¹⁵ Egnell, Robert. *Civil-military coordination for operational effectiveness: Towards a measured approach*. *Small Wars & Insurgencies*. 2013. № 24 (2). DOI: 10.1080/09592318.2013.778017.

awareness of the complexities associated with operating in current peace support and stability operations. This education and training should expose militaries to the range of actors who they will encounter in the contemporary operating environment, and provide the necessary tools to assist them when interacting with those actors. This chapter, written from an Australian perspective, discusses the importance, reasons for education and training to prepare military personnel at all levels for civil-military interaction, and examines some specific mediums, such as field and command post exercises. It considers the different requirements for training and how to successfully meet those requirements. It concludes by identifying some of the challenges for civil-military interaction training and education and offers suggestions to overcome these challenges”¹⁶.

A book *A Civil-Military Response to Hybrid Threats (2017)* edited by Elsa Cusumano and Marian Corbe is a prime example of how scientists, military and members of international governmental and non-governmental organizations, working together, are able to demonstrate the importance of civilian-military cooperation in the face of NATO member states through hybrid threats and other destabilizing strategies.

This publication “provides scholars and practitioners with an in-depth examination of the role of civil-military cooperation in addressing hybrid threats. As they combine the simultaneous employment of conventional and non-conventional tools and target not only military objectives but governments and societies at large, hybrid threats cannot be countered solely by military means, but require an equally inclusive response encompassing a wide range of military and civilian actors. This book, which combines the perspectives of academics, military officers, and officials from international and non-governmental organizations, resorts to different case studies to illustrate the importance of civil-military cooperation in enhancing the resilience of NATO members and partners against a wide range of societal destabilization strategies, thereby contributing to the formulation of a civil-military response to hybrid threats”¹⁷.

In our opinion, the section on authorship of Silvia Colona *Humanitarian Principles: A Bridge and a Compass for Civil-Military Coordination* of the above book is interesting. The author states that the basis of civil-military interaction is based on humanitarian principles, and the process of civil-

¹⁶ Thynne, Kelisiana & Cherne, Gwen. Preparation Starts at Home: Education and Training for Civil-Military Interaction. *Chapter from book Effective civil-military interaction in peace operations: Theory and practice*. 2016. P. 61–75. DOI:10.1007/978-3-319-26806-4_5.

¹⁷ Cusumano, Elsa & Corbe, Marian. *A Civil-Military Response to Hybrid Threats*. Book. 2017. DOI:10.1007/978-3-319-60798-6.

military interaction involves the coexistence of military and humanitarian actors both in traditional conflicts and catastrophes, in large-scale migration crises, and in difficult situations of post-conflict or stabilization period.

In particular, Silvia Colona states: “Military involvement in relief operations is by no means novel. Depending on the context, coordination between the military and humanitarian actors has ranged from sheer co-existence to cooperation and coordinated access negotiations. Due to military organizations’ expanding interest in the provision of humanitarian assistance, the use of military assets in humanitarian operations has been steadily increasing. The growing prominence of a comprehensive approach – increasingly called upon when conducting stability operations or bolstering state resilience to hybrid threats – has included the conduct of military operations, diplomacy, humanitarian aid, political processes, economic development and technology into the range of instruments adopted by this approach. This leads to military and humanitarian actors sharing the same operational space not only in traditional conflicts and disasters, but also in emerging complex situations, such as post-conflict and stabilization contexts or large-scale migration crises”¹⁸.

Gunhild Hoogensen Gjørvin *Understanding civil-military interaction: Lessons learned from the Norwegian model (2014)* analyzes the Norwegian model of civilian-military interaction and concludes on the positive and negative sides of the model, and its shortcomings indicate that the proposed model does not always work in practice, that is, its inefficiency.

This book “examines whether or not the Norwegian government is correct in its assumptions (about both the model and civil-military knowledge amongst military personnel) and concludes that the Norwegian model is a well-meaning but inefficient and problematic model in reality”¹⁹.

Other work by authors from Norway Gunhild Hoogensen Gjørv and Toiko Tõnisson Kleppe *Civil-Military Interaction, CIMIC and Interacting with Gender (2016)* is dedicated to analyzing gender issues in civil-military cooperation activities not only in military operations but also in addressing the role of gender perspectives in global security issues.

The authors wonder: “Is “gender” a political buzzword or does the concept embody a purpose and role for realizing security for both

¹⁸ Colona, Silvia. Humanitarian Principles: A Bridge and a Compass for Civil-Military Coordination. Chapter from book *A Civil-Military Response to Hybrid Threats*. 2017. P. 123–143. August 2017. DOI:10.1007/978-3-319-60798-6_.

¹⁹ oogensen Gjørv, Gunhild. *Understanding civil-military interaction: Lessons learned from the Norwegian model*. 2014. Publisher: Ashgate/Routledge. URL: https://www.researchgate.net/publication/286128525_.

the operation as well as the civilian environment to increase mission efficiency? This chapter explains how gender perspectives are relevant for military operations but identifies some challenges for policy, practice and acceptance within the military. The chapter provides key background information for practitioners to begin to understand the role of gender analysis in operational planning and execution, as well as to understand the role of gender perspectives in a broader security picture, in turn informing best military practices towards a positive end state. The chapter highlights central claims in UN and NATO policy that have been endorsed by member states. The challenge is the implementation. The purpose of the chapter is not to provide a checklist on gender, but to instead encourage analytical thinking about the civil-military interface and the different security perceptions operating therein”²⁰.

We believe that gender issues are promising both in the field of research and in terms of the mechanism for their implementation in educational competencies, including their inclusion in civil-military cooperation activities. This initiative takes into account the requirements of the NATO Allied joint doctrine (NATO STANDARD AJP-01 (Edition E Version 1) 2017, which states that gender must be taken into account at all stages of NATO operations. Men and women must work together to achieve a comprehensive and lasting solution to the conflict. Alliance advocates full implementation of United Nations Security Council (UNSCR) resolutions on Women, Peace and Security on all key issues²¹.

A positive step in this direction is the creation of a Gender Competence Training and Research Center in the Security and Defense Sector, whose mission is to become a modern Center of Excellence, a training and research center with a strong scientific and educational potential for the development of gender competencies. The Center will have the following tasks: training and certification of personnel for the security and defense sector; carrying out research and scientific support for gender studies in the Security and Defense Sector; implementation of the principle of gender equality by NATO standards into the national legislation of Ukraine; implementation of the gender policy of the state in the scientific and educational space

²⁰ Hoogensen Gjør, Gunhild & Kleppe, Toiko. Civil-Military Interaction, CIMIC and Interacting with Gender. *Effective Civil-Military Interaction in Peace Operations*. 2016. P. 249–261. DOI: 10.1007/978-3-319-26806-4_17.

²¹ NATO Standardization Agreement (STANAG) 2437 NATO Standard AJP-01 Allied Joint Publication “Allied Joint Doctrine”. February 2017. URL: <https://nso.nato.int/nso/nsdd/list-promulg.html>.

of the Security and Defense Sector; cooperation with international organizations, donors and partners²².

Sebastiaan Rietjens – co-author of the book *Effective civil-military interaction in peace operations: Theory and practice*. (2016) based his research on the study of the patterns of civilian-military interaction in the practice of international peacekeeping and security operations, and proposed separate doctrinal tenets of the theory of civil-military interaction, with a view to their introduction into national policies of states.

The author notes that this study “identifies recurring patterns within the practice of civil-military interaction to international peace operations and provides suggestions on how to craft a more adequate theory of civil-military interaction that can inform policymaking and doctrine development”²³.

Koen van der West and Joerg Warstat in *Civil-Military Interaction: Learning from Experience* (2017) draw attention to NATO’s civilian-military engagement practices for the successful management of hybrid threats, with key recommendations being applied and taking into account the experience of modern NATO-sponsored operations. For example, “Successfully tackling Hybrid Threats requires effective Civil-Military Interaction (CMI). CMI, however, has often been described by scholars and practitioners as ineffective. This chapter looks at the experiences from NATO CMI practitioners, explores the challenges they face and provides recommendations for overcoming NATO’s CMI challenges”²⁴.

Thus, it can be stated that the interest in scientific researches of military-legal problems is constantly increasing, and the problems of scientific search and research space of military-legal science are expanding, which creates new scientific directions.

Therefore, we consider civil-military cooperation as an object of scientific research and believe that the main methodological approach to its study is a system-activity approach. The authors of the textbook “Research Methodology” (2017) point out that this approach indicates a specific

²² Візія формування Навчально-наукового центру гендерних компетенцій НУОУ ім. Івана Черняхівського. Міністерство оборони України. Національний університет оборони України імені Івана Черняхівського. Презентація. Київ, 2020.

²³ Rietjens, Sebastiaan. Civil-Military Interaction: From Practice to Theory. *Chapter from book Effective civil-military interaction in peace operations: Theory and practice*. 2016. P. 275–290. DOI: 10.1007/978-3-319-26806-4_19.

²⁴ West, Koen & Warstat, Joerg. Civil-Military Interaction: Learning from Experience. *Chapter from book A Civil-Military Response to Hybrid Threats*. 2017. P. 41–60. DOI: 10.1007/978-3-319-60798-6_3.

component of human activity. Among its most important components are the following: need – subject – object – processes – conditions – result. Continuing their opinion, the authors note that the activity approach is a methodological principle, the basis of which is the category of subjective human activity (groups of people, society as a whole), and the components that form the system are characteristic for any activity, both physical and physical intellectual, and testify to its structure²⁵.

2. Protection of Civilians Center of Excellence:

next level on the way of interaction between state and civil society

Based on the methodological principle described above, we consider it possible to apply it to the activities of the Directorate of Civil-Military Cooperation of the Armed Forces of Ukraine (here in after –the Directorate). In order to provide for the public need (public request for protection of civilians and other activities to reduce the negative impact of armed conflict on civilians), the Directorate organizes and coordinates assistance to civilians affected by international or internal conflicts, and organizes the implementation of NATO standards and best practices and leading countries in the world to protect civilians.

The Directorate is not the only subject of the civilian protection system. The Center for Civilians in Conflict (CIVIC) is one of the leading and active international consultants on implementation of best practices on protection of civilians and a proactive expert in initiating the creation of the Protection of Civilians Center of Excellence. For example, in 2017, the Second International Conference on Civil-Military Cooperation was held in Kyiv, where the Armed Forces of Ukraine and CIVIC agreed to intensify cooperation in the field of Protection of Civilians in eastern Ukraine²⁶.

In July 2018, CIVIC and the General Staff of the Armed Forces of Ukraine entered into implementation of the agreements signed “Memorandum of understanding within the project “Building Capacity for Civilian Protection in eastern Ukraine”. One of the key tasks of joint activity should be considered undertake joint efforts to raise the awareness of the Armed Forces of Ukraine and whenever possible other actors within the Security and Defence Sector of Ukraine on protection of civilians in the conflict zone, training the personnel and trainers/instructors using best international

²⁵ Зацерковний В.І., Тишаєв І.В., Демидов В.К. Методологія наукових досліджень : навчальний посібник. Ніжин : НДУ ім. М. Гоголя, 2017. 236 с.

²⁶ Civil-Military Cooperation in the Armed Forces of Ukraine. URL: <https://civic.com.ua/>.

practices, and making sure they apply the skills in their practices via training and train the trainers programs²⁷.

In order to achieve this ambitious goal, we consider it necessary to take the following steps:

- engage international humanitarian actors to support the dissemination of knowledge in protection of civilians and civilian harm mitigation during conflict among government officials and other influencers who are in charge of making decision during armed conflicts;
- take steps to increase the level of awareness in the field of the application of civilian harm mitigation principles by the Armed Forces personnel;
- receive support from international humanitarian actors in the field of civilian harm mitigation and establishing mechanisms supporting its implementation, including establishing Protection of Civilians Center of Excellence;
- ensuring participation of international humanitarian actors in workshop and trainings for different categories of Armed Forces servicemen on protection of civilians and other international instruments related to civilian harm mitigation;
- engage international humanitarian actors for developing theatre-specific scenario-based training programs on protection of civilians and civilian harm mitigation, include these programs in training courses for personnel conducted at various military education and training centers.

We believe that the creation of such Center will meet not only scientific and educational tasks, but also introduce best world practices for the protection of civilians and reduce the loss of Ukrainian citizens as a result of the armed conflict, as well as train specialists not only among the Armed Forces of Ukraine, but also for EU and NATO partner countries.

More than five years of ongoing armed conflict have identified a number of systemic problems and a lack of coordination between public authorities on the protection of civilians. The Ukrainian government is currently seeking ways to address these challenges. The numerous conferences and other similar events that have taken place in recent years give reason to consider the urgent task of implementing the best practices and standards of NATO in Ukraine in terms of protection of civilians in the face of conflict and developing a core regulatory framework.

²⁷ Memorandum of understanding between the General Staff of the Armed Forces of Ukraine and Center for Civilians in Conflict (CIVIC) within the project “Building Capacity for Civilian Protection in eastern Ukraine”. 15 June 2018.

At the moment, Ukraine has a particularly multidimensional character for the protection of civilians in conflict. It includes issues of strategic positioning of the country as a responsible member of the international community, strategic communications domestically and internationally, as well as comprehensive reform of the security and defense sector. Given the importance and relevance of this topic and Ukraine's aspirations for NATO membership, its accession to institutionalization by the Alliance of protection of civilians in a conflict environment will be of strategic, political and humanitarian importance. Therefore, we consider it important to raise awareness of security and defense sector personnel on protection of civilians.

In accordance with the NATO Civilian Population Policy, the Alliance will take action to mitigate the damage suffered by civilians from its actions, building on lessons learned and best practices, by incorporating relevant components into improvement processes. The Alliance will also identify and implement lessons learned on civilian protection, including the implementation of the gender approach, in all operations and peacekeeping missions, as well as in training and in military education. The Alliance also acknowledged the need to include the issue of protecting civilians in the scenarios during trainings and exercises²⁸.

The Alliance is paying great attention to the process of preparing the national armed forces, and NATO will continue to share best practices and experience in protecting civilians, especially in mitigating the consequences of harm to civilians and in respecting human rights and the law of armed conflict. To this end, the Policy provides that educational institutions and training centers will continue to develop specific civilian population training modules for strategic and operational-level military education programs that will address the impact of conflict on women, men, girls and boys²⁹.

At present, the following problematic aspects in the activities of its components can be distinguished in the security and defense sector: the lack of institutionalization of training and training of personnel on the protection of civilians; lack of a system of training and advanced training of civilian personnel; lack of unified approaches to teaching the issues and current aspects of civilian protection; lack of awareness of the security and defense sector personnel in the area of civilian protection.

²⁸ NATO Policy for the Protection of Civilians. Endorsed by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw 8–9 July 2016. URL: https://www.nato.int/cps/en/natohq/official_texts_133945.htm

²⁹ *ibid*

The current status of civilian security training in the security and defense sectors can be characterized as follows: lack of detail in civilian protection competencies and, sometimes, the right of armed conflict by skill level; a fragmented approach to raising the level of competence in the field of armed conflict law and its lack of protection of civilians among security and defense sector personnel and teachers of educational institutions; lack of understanding of the protection of civilians in the overwhelming number of staff requiring training, retraining, postgraduate education and training; lack of qualification characteristics of specialists in the field of protection of the civilian population in the classifier of professional works, professional and educational standard.

The purpose of the establishing of the Protection of Civilians Center of Excellence should be to develop specialized competencies for the protection of civilians on the basis of national strategies and key international instruments for the protection of civilians; implementation of educational, methodical, scientific and research activities in the field of protection of civilians; accumulation of national and international experience on the protection of civilians; introduction of a unified approach to staff training.

The objectives of the Protection of Civilians Center of Excellence should be to develop and implement in the system of training and advanced training of personnel of the Security and Defense Sector education and training programs on the protection of civilians; training of teachers and trainers on the topic of protection of the civilian population; monitoring, evaluating and forecasting the situation of the protection of civilians in the country as a whole, in the war zone and in the security and defense sector; conducting scientific research in the field of protection of civilians.

The main result of the Protection of Civilians Center of Excellence's activities should be to raise awareness of the security and defense sector's personnel in the protection of civilians, to use world best practices in their day-to-day operations, during hostilities, and to participate in security operations.

To achieve this, the Protection of Civilians Center of Excellence will conduct training in this field with a wide range of security and defense sector representatives. This activity will be accompanied by cooperation with military training centers, higher education institutions and training programs for the Ukrainian military, currently being carried out by members of the armed forces of NATO member states.

In our opinion, it is advisable to carry out the formation of the basic components and objectives of the NATO Center for Excellence project using the DOTMLPFI project management methodology (Doctrine, Organization, Training, Materiel, Leadership, Personal, Facilities, Interoperability). With regard to the Protection of Civilians Center of Excellence, this methodology can be implemented as follows:

Doctrine: it is necessary to bring the regulatory and legal framework of activity of the components of the security and defense sector in line with the purpose of establishing the center.

Organization: transformation of the Armed Forces structures and other components of the security and defense sector in line with the latest challenges in the field of civilian protection.

Training: modify and improve education and training standards, curricula and programs in line with the objectives and goals of civilian protection.

Materiel: to secure the financing of the project at the expense of the state budget and international partners.

Leadership: improve management, accountability and responsibility structures between contracting authorities and project developers.

Personal: to prove the level of preparedness of researchers and teaching staff and instructors in accordance with NATO standards and the content of the Centre's vision.

Facilities: bringing the infrastructure and material and technical base of the Center in line with the requirements of the project and its contents.

Interoperability: Ensure the implementation of NATO interoperability standards across all areas of the Center's operations.

The Alliance's policy stipulates that partner countries interested in developing interoperability with NATO on civilian protection should be encouraged to use partnership programs, other available tools and mechanisms, and include civilian protection issues for the purposes of the partnership. Partnership donor countries should provide opportunities for civilian protection training, including mitigation of civilian casualties and civilian casualties.

The established and functioning Protection of Civilians Center of Excellence should become a leading academic institution in the security and defense sector for the protection of civilians, have strong scientific and educational potential to develop relevant staff competencies. Such a center will: train and certify personnel for the security and defense sector in civilian protection; carry out research and scientific support for research into the latest practices and challenges for civilian protection in the security

and defense sector; implement the latest civilian means and protections, in particular by NATO standards, into the national legislation of Ukraine and into the practical work of public authorities; to implement state policy in the field of protection of civilians in the scientific and educational space of the security and defense sector; collaborate with international organizations, donors and partners.

CONCLUSIONS

The ongoing conflict in eastern Ukraine has shown many gaps in responding to contemporary challenges and threats, which has led to increased interest in the scientific development of military-legal problems and actualized the problems of scientific research and research space in military-legal science.

Civil-Military Cooperation is, by its nature, a military instrument, but its main tasks lie in the area of analyzing issues and implementing measures that would be integrated into the “civilian dimension”. Therefore, the correlation between military goals and objectives and civilian priorities require an effective coexistence model.

This demonstrates that Civil-Military Cooperation activities are a comprehensive research platform for various fields of science and schools. The key role in civilian-military research belongs specifically to entities that implement relevant NATO standards and best practices in civilian-military engagement (public administration, international non-governmental humanitarian organizations, and of course the Civil-Military Cooperation Center of Excellence, the Center of Excellence for Gender Competencies, Center of Excellence on Protection of Civilians etc.).

Military actions during armed conflicts cause significant damage to civilians, which requires a proper response and, most importantly, a warning by all public authorities.

The establishing of the Protection of Civilians Center of Excellence will introduce a systematic approach to training to prevent, minimize and reduce harm to civilians during armed conflicts, as well as to create an effective (accessible, understandable, predictable) mechanism for the realization and protection of human rights and freedoms in armed conflict. A coordinated, consistent, coordinated and integrated approach to Protection of Civilians to prevent, minimize and reduce harm to civilians affected by armed conflict in accordance with international standards will be introduced into the activities of all Ukrainian authorities.

SUMMARY

The article analyzes perspective directions of development of military education and sciences, adaptation of national military legislation to the legal standards of the member states of the European Union and Organization of the North Atlantic Treaty; activities of public authorities on civil-military cooperation and in the sphere of interaction of public authorities with civil society institutions; protection of civilians in armed conflicts.

It has been demonstrated that civil-military cooperation and civilian-military interaction are not only a platform for dialogue and coordination of efforts by military and civilian actors in their efforts to resolve humanitarian problems during conflicts and crises, but also an effective platform for learning and research.

The significant damage to civilians during armed conflicts causes a number of problems, in particular: the lack of institutionalization of training and training of security and defense personnel on issues related to protection of civilians; lack of training and qualification training for protection of civilians; lack of unified approaches to teaching problems and current aspects of protection of civilians; lack of awareness of the security and defense sector personnel in the area of protection of civilians.

It is urgent to introduce into the activity of all state bodies of Ukraine a concerted, consistent, coordinated and integrated approach to the protection of civilians in the prevention, minimization and reduction of harm to civilians who have suffered from armed conflicts in accordance with international standards.

REFERENCES

1. Kovalov V. et al. Professional standard of tactical officer of the Armed Forces of Ukraine. Military proficiency qualification: 850400 "Civil-military Cooperation". Branch of knowledge: 08 Law. Specialty: 081 Law. Kyiv, Ukraine, 2018.

2. Beryslavska O., Koropatnik I., Shulgin V., Pashynskiy V., Gushchyn O., and Kuzmenko I. Educational and Professional Program "Civil-Military Relations". Branch of knowledge: 08 Law. Specialty: 081 Law. Kyiv, Ukraine, 2018.

3. Проект паспорту спеціальності 081 «Право», за якою здійснюється підготовка здобувачів вищої освіти ступенів доктора філософії та доктора наук. URL: <https://mon.gov.ua/ua/news/mon-proponuye-dlya-gromadskogo-obgovorennya-proekt-pasportu-specialnosti-081>.

4. Про затвердження примірного переліку та опису предметних напрямів досліджень в межах спеціальності 081 «Право»: Наказ Міністерства освіти і науки України № 1477 від 28 грудня 2018 р. URL:

<https://mon.gov.ua/ua/npa/pro-zatverdzhennya-primirnogo-pereliku-ta-opisu-predmetnih-napryamiv-doslidzen-v-mezhah-specialnosti-081-pravo>.

5. Положення про Цивільно-військове співробітництво Збройних Сил України, затверджене Наказом Генерального штабу Збройних Сил України від 20 грудня 2017 р. № 446. URL: <https://cimic.com.ua/kerivni-dokumenti-z-pitan-cvs-zsu>

6. Civil-military Cooperation Centre of Excellence. URL: <https://www.cimic-coe.org/about-cimic/sponsoring-nations/>.

7. Herkel, Heiko. The CIMIC Centre of Excellence: improving cross-organisational perspectives on civil-military interaction. *Humanitarian Exchange Magazine*. 2013. Issue 56. P. 8–10. URL: <https://www.cimic-coe.org/products/conceptual-design/downloads/ccoe-publications/articles/>.

8. Scheltinga, Tjallie & Rietjens, Sebastiaan & Boer, Sirp & Wilderom, Celeste. Cultural Conflict within Civil-Military Cooperation: A Case Study in Bosnia. *Low Intensity Conflict & Law Enforcement*. 2005. № 13. P. 54–69. DOI: 10.1080/09662840500223606.

9. Brocades Zaalberg, Thijs. Countering Insurgent-terrorism: Why Nato Chose The Wrong Historical Foundation For Cimic. *Small Wars and Insurgencies*. 2006. № 17. P. 399–420. DOI: 10.1080/09592310601060799.

10. Rietjens, Sebastiaan & Verlaan, Kirsten & Brocades Zaalberg, Thijs & Boer, Sirp. Inter-Organisational Communication in Civil-Military Cooperation During Complex Emergencies: A Case Study in Afghanistan. *Disasters*. 2008. № 33. P. 412–435. DOI: 10.1111/j.1467-7717.2008.01081.x.

11. Egnell, Robert. Civil-military coordination for operational effectiveness: Towards a measured approach. *Small Wars & Insurgencies*. 2013. № 24 (2). DOI: 10.1080/09592318.2013.778017.

12. Thynne, Kelisiana & Cherne, Gwen. Preparation Starts at Home: Education and Training for Civil-Military Interaction. *Chapter from book Effective civil-military interaction in peace operations: Theory and practice*. 2016. P. 61–75. DOI:10.1007/978-3-319-26806-4_5.

13. Cusumano, Elsa & Corbe, Marian. A Civil-Military Response to Hybrid Threats. Book. 2017. DOI: 10.1007/978-3-319-60798-6.

14. Colona, Silvia. Humanitarian Principles: A Bridge and a Compass for Civil-Military Coordination. *Chapter from book A Civil-Military Response to Hybrid Threats*. 2017. P. 123–143. August 2017. DOI:10.1007/978-3-319-60798-6_7.

15. Hoogensen Gjørv, Gunhild. Understanding civil-military interaction: Lessons learned from the Norwegian model. 2014. Publisher: Ashgate/Routledge. URL: <https://www.researchgate.net/publication/286128525>

16. Hoogensen Gjørv, Gunhild & Kleppe, Toiko. Civil-Military Interaction, CIMIC and Interacting with Gender. *Effective Civil-Military Interaction in Peace Operations*. 2016. P. 249–261. DOI: 10.1007/978-3-319-26806-4_17.

17. NATO Standardization Agreement (STANAG) 2437 NATO Standard AJP-01 Allied Joint Publication “Allied Joint Doctrine”. February 2017. URL: <https://nso.nato.int/nso/nsdd/listpromulg.html>.

18. Візія формування Навчально-наукового центру гендерних компетенцій НУОУ ім. Івана Черняховського. Міністерство оборони України. Національний університет оборони України імені Івана Черняховського. Презентація. Київ, 2020.

19. Rietjens, Sebastiaan. Civil-Military Interaction: From Practice to Theory. *Chapter from book Effective civil-military interaction in peace operations: Theory and practice*. 2016. P. 275–290. DOI: 10.1007/978-3-319-26806-4_19.

20. West, Koen & Warstat, Joerg. Civil-Military Interaction: Learning from Experience. *Chapter from book A Civil-Military Response to Hybrid Threats*. 2017. P. 41–60. DOI: 10.1007/978-3-319-60798-6_3.

21. Зацерковний В.І., Тішаєв І.В., Демидов В.К. Методологія наукових досліджень : навчальний посібник. Ніжин : НДУ ім. М. Гоголя, 2017. 236 с.

22. Civil-Military Cooperation in the Armed Forces of Ukraine. URL: <https://cimic.com.ua/>.

23. Memorandum of understanding between the General Staff of the Armed Forces of Ukraine and Center for Civilians in Conflict (CIVIC) within the project “Building Capacity for Civilian Protection in eastern Ukraine”. 15 June 2018

24. NATO Policy for the Protection of Civilians. Endorsed by the Heads of State and Government participating in the meeting of the North Atlantic Council in Warsaw 8–9 July 2016. URL: https://www.nato.int/cps/en/natohq/official_texts_133945.htm

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