



ESTUDIOS

UTOPIA Y PRAXIS LATINOAMERICANA. AÑO: 23, n° 82 (JULIO-SEPTIEMBRE), 2018, pp. 84-98  
REVISTA INTERNACIONAL DE FILOSOFÍA Y TEORÍA SOCIAL  
CESA-FCES-UNIVERSIDAD DEL ZULIA. MARACAIBO-VENEZUELA.  
ISSN 1315-5216 / ISSN-e: 2477-9555

## Historical and Legal Analysis of Interstate Military Agreements and their Influence on the processes of the Establishment of the State of Ukraine

*Análisis histórico y jurídico de los acuerdos militares interestatales y su influencia en los procesos de establecimiento del Estado de Ucrania*

Yuliia V. TSURKAN-SAIFULINA

ORCID: <http://orcid.org/0000-0003-4926-0850>

saifulina1001@gmail.com

Department of Theory and History of State and Law, Chernivtsi Institute of Law National University "Odessa Academy of Law", Chernivtsi, Ukraine

Oleksandr V. TSURKAN

Department of Theory and History of State and Law, Chernivtsi Institute of Law National University "Odessa Academy of Law", Chernivtsi, Ukraine

This paper is filed in Zenodo:  
DOI: <http://doi.org/10.5281/zenodo.1495797>

### ABSTRACT

The purpose of the article is to conduct a historical and legal analysis of Ukraine's interstate military agreements, as well as to determine their direct influence on the process of state formation. As a consequence of historical and legal analysis, the authors developed the stages of forming the institution of interstate military agreements in the context of their influence on the paradigm of the state of Ukraine formation. The conducted research allowed to fragmentally reveal the concept and essence of international cooperation in the military sphere, including the definition of the concept of "international legal military cooperation of Ukraine".

**Keywords:** Cross-border partnership; international military cooperation; international obligations; military agreements.

### RESUMEN

El propósito del artículo es realizar un análisis histórico y legal de los acuerdos militares interestatales de Ucrania, así como determinar su influencia directa en el proceso de formación del Estado. Como consecuencia del análisis histórico y jurídico, los autores desarrollaron las etapas de formación de la Institución de acuerdos militares interestatales en el contexto de su influencia en el paradigma de la formación del Estado de Ucrania. La investigación realizada permitió revelar de manera fragmentaria el concepto y la esencia de la cooperación internacional en la esfera militar, incluida la definición del concepto de "cooperación militar jurídica internacional de Ucrania".

**Palabras clave:** Asociación transfronteriza; cooperación militar internacional; obligaciones internacionales; acuerdos militares.

Recibido: 10-08-2018 • Aceptado: 06-09-2018



Utopia y Praxis Latinoamericana publishes under a Creative Commons Attribution-NonCommercial-ShareAlike 3.0 Unported license (CC BY-NC-SA 3.0). For more information go to <https://creativecommons.org/licenses/by-nc-sa/3.0/deed>

## INTRODUCTION

The contradictory consequences of the intensification of the processes of integration and globalization are manifested in the escalation of international competition, the rapid spread of the consequences of economic and financial crises, the increase in political risks in an unstable international environment, which leads to such negative trends as instability and uneven development in the countries of the world. Under such conditions, the problem of finding new ones and shaping existing forms of international relations is actualized; cross-border cooperation becomes one of the most effective (Beddoes, 2016).

According to experts, an important component of the system of international relations in the modern world is the provision of human security through economic, political and diplomatic measures in the process of settling international relations (Kertzer and Tingley, 2018). Ensuring peace on the planet is not unreasonably proclaimed the main goal of all mankind; therefore, the newly elected vectors in the sphere of global military security are characterized by a tendency to limit the use of war in its classical understanding. Gradually, there is an awareness of the danger of further continuation of the arms race, the production of technologies and weapons of mass destruction. Together with the economic and political transformations taking place in the modern world, these processes in the military sphere significantly influence the formation of a new system of international relations and contribute to the provision of both internal and cross-border security.

Unfortunately, the innovative component of modern development also has a negative feature that manifests itself in new forms of military force application, which entails the growth of social tension, aggravation of civil conflicts, and the prolongation of the proliferation of weapons of mass destruction. One of the consequences of the integration processes of the globalization era is that the emergence of a conflict situation in a certain country can create a danger for a broad coalition of states and the world.

Today, for the successful implementation of the tasks of preserving peace, the main thing is not only to ensure the defense capability of our country, but also to participate actively in the international military partnership (Reiter, 2017). The definition of the conceptual framework of the international military partnership, its principles and functions are mainly based on the standards of international law and is regulated by various bilateral or multilateral agreements. Thus, in the current geopolitical, socio-economic, international legal and military-political conditions, military partnership and international treaties for all countries of the world, including Ukraine, get special significance.

It is worth noting that since the proclamation of independence this kind of cooperation has accompanied Ukraine at all stages of its development and directly influenced the formation of our state. Scholars argue that the conclusion of interstate treaties in the field under investigation directly and comprehensively affects the formation of the state as a whole, and its individual processes (Zellner, 2015). Various international treaties and programs, such as the Partnership for Peace, have been instrumental in creating a qualitatively functioning system of civil-military relations. Moreover, Ukraine has proclaimed its desire to become a full member of NATO and the EU, which is why the world community expects from our country to be worthy of meeting their standards (Moroney *et al.*, 2002).

The topic of international military partnership acquired special significance after the aggression launched by the Russian Federation against our country. Ukraine faced new types of threats in all spheres of the life's activity of the state, and in the military in particular, which required active assistance from partner countries. The realities of the hybrid war, the object of which has become our country, require new approaches in ensuring state sovereignty and territorial integrity, including by strengthening military partnership with the countries of the European Union and the United States of America (Alexandrova-Arbatova, 2017; O'Hanlon and Petraeus, 2016). Also, scholars put forward the theory that the conflict

situation on the territory of our state occurred with the tacit consent of the partner countries in the military sphere (Edward, 2014; Mearsheimer, 2014).

Proceeding from the foregoing, the purpose of the article is to conduct a historical and legal analysis of Ukraine's interstate military agreements, as well as to determine their direct influence on the process of state formation. According to the goal settled, the main objectives of the article are defined: 1) to reveal the concept and essence of international cooperation in the military sphere; 2) to highlight and characterize the specific features of the formation of contractual bases in the context of the intensification of international relations; 3) to determine the stages of the impact of international military agreements on the formation of the state; 4) on the basis of the analysis to formulate theoretical conclusions, and outline the prospects for further development of interstate cooperation in the military sphere and its impact on Ukraine.

### **MATERIALS AND METHODS**

In the process of research, a set of general scientific, philosophical and special methods of science were used, which correspond to the aims and objectives of the article. Thus, the dialectical method allowed us to show the interconnection and interdependence of subjects, objects and other basic elements of the system of international military partnership. The comparative method provided an opportunity to compare the theoretical and methodological concepts of understanding the essence of the international military partnership, as well as to reveal the specifics of the implementation of the military policy of Ukraine and other democratic states at the present stage. The system method was used to deepen the understanding of the role and place of Ukraine in global and regional security structures. The prognostic method was applied in substantiating the prospects and directions of Ukraine's international military partnership with the leading countries of the world and exercising its influence on the state as a whole. Institutional approach was the basis for considering the role of international treaties in the formation of the state of Ukraine. A logical addition to the previous approach was the functional method, which made it possible to characterize the activities, tasks and main perspectives of interstate military partnership in the context of the transformations of our state.

Conducting historical and legal analysis is not possible without taking into account the transformations that took place not only with the object of research, but also with all the processes and phenomena associated with it. The aforementioned, above all, allows us to identify and take into account all the factors and conditions that determined the political evolution of independent Ukraine, so the historical and legal method was used to determine the stages, analogues and determinants of international cooperation in the military sphere; problem-chronological method allowed to structure the text of the study; empirical analysis helped to compare historical facts.

### **RESULTS**

The role of international military partnership in recent years naturally increases due to changes in the hierarchy of the world order. Globalization processes change the outlines of the modern world, manifesting contradictory tendencies of its further development, as well as influencing the dynamics of the development of the military sphere as components of the system of international relations. However, the problem of the correlation between international law and the development of national states is gradually becoming increasingly important. The signing of military agreements with many countries of the world is reflected in the process of the formation of an independent state.

At the present stage of development, Ukraine and other Post-Soviet countries need to establish interconnections with the world by using the principles of democratic governance. The latter are a successful way to achieve this goal, since they contribute to the sustainable development of the state and the implementation of modernized, innovative projects designed to serve as a system of democratization of all spheres of public life. All this, and the presence of supranational influences in the context of globalization, as well as the fine line between democratic and anti-democratic governance, has generated considerable scientific interest, which is aimed at studying the treaty foundations between Ukraine and other countries of the world in the military sphere, defining its characteristics, principles, functions, methods, models, concepts that will ensure the effectiveness and sustainable development of the state.

It is worth starting with the disclosure of the concept and essence of international cooperation in the military sphere. Scholars argue that neo-realism, neo-liberalism and constructivism belong to the main scientific approaches that make it possible to define the essence of international military partnership as a political phenomenon, to identify its subjects and ways of interaction between them (Abbott, 1989). The scope and purpose of the article does not provide an opportunity to fully detail their content, but it should be noted that these approaches are uniform with regard to a positive influence on the formation of the state and the projection of positive internal transformations.

As for the subjects of the international military partnership, they include states and international intergovernmental and non-governmental organizations whose constituent treaties provide for participation in international military legal relations and whose status is determined by the standards of the international law. In different ways assessing the role of the subjects of the international military partnership and the means of their symbiosis, representatives of these concepts come to a consensus on the importance of such a component of the sphere of international relations (Collins, 2013).

Thus, the notion of an "international military partnership" (or another it's used analogue – international military cooperation) refers to the voluntary cooperation of countries and provides for the pooling of resources, efforts to achieve certain successes in various fields of military activity (development of the armed forces of the own country, practical training of troops, achievement of the ability to perform common tasks with the armed forces of other states, the implementation of relevant international treaties and programs) (Jus, 2018).

The essence of such cooperation as an important component of the state's defense policy and the component of the system of international relations is determined by the fact that it covers the relations between states in the military sphere and is aimed at addressing issues of national security and defense tasks. Also, we emphasize that the basis for cooperation is its voluntariness and the pooling of resources to achieve the deduced vectors in various areas of military activity. Understanding of the international military partnership is conditioned by the fact that it is a multidimensional phenomenon, occurs in several spheres and performs a number of functions. Its nature is determined by the compatibility of the state interests of the contract parties, the coherence of the policy, mutual interest in ensuring international and national security. Also, the interstate partnership assumes the presence of three elements: 1) the overall objectives of partner countries; 2) their expectation to benefit from the situation; 3) the reciprocal nature of these benefits. One can talk about the so-called "symbiosis", mutually beneficial cooperation. By assisting another partner, each party to a particular contract expects to improve its own situation, which leads to the mutual coordination of state policies.

In modern political studies of international relations, scholars also widely use the notion of strategic partnership. It can be interpreted as a special kind of interstate cooperation, implying long-term interaction between the two states at the international level to solve a large number of issues in order to maximize the benefits for themselves and the partner (Parachonsky and Yavorskaya, n.d.). Strategic partnership is a

relatively new type of foreign policy relations, combines flexibility and deep rapprochement between the political courses of the two states, being an important addition to multilateral international negotiations on global topical issues.

Proceeding from the foregoing, it is worth supporting the proposed definition of the concept of "international legal military cooperation of Ukraine", which means a set of organizational and legal measures of the state aimed at participating in international legal relations with the goal of reinforcement national defense capability, as well as strengthening and protecting international peace and security, which is implemented by attracting the Armed Forces of Ukraine and is carried out on the basis of universally recognized principles and standards of international law, taking into account international obligations of the state (Ziniak, 2015). Yu. Trembetskaya points out: "Such cooperation contributes to the solution of global programs of the state, the organization of joint regional and international programs and projects on the basis of common trust, mutual interest and equality of relations" (Trambeetska, 2013).

It should be noted that the formation of an independent state is not possible without such a strategic partnership and the influence of neighboring countries. Contractual norms directly affect the components of the process of organizing the internal structure of the country. Historically, such development is usually seen as the activity of a politico-territorial sovereign organization of public authority, which has a special apparatus whose purpose is the management of the society (Ol'khovets, 2014). In the case of independent Ukraine, most often it is a question of the state process as a movement from the institutionalization of state structures to the full exercise of their functions (Dursun-Ozkanca, 2016). So, as a national and historical phenomenon, the process of state formation in independent Ukraine reflects not as much the dynamics of changes in the country as it is aimed at transforming the entire political system and society as a whole. At the same time, the concept of "the process of state formation" is hierarchically subordinated to the concept of "political cooperation", which is intended for a neutral description of events, without emphasis on progress or regress. The latter two concepts absorb the assessments of the results achieved in the course of political development, in which, in turn, political-legal and international-treaty factors play an important role.

The establishment of Ukraine as a sovereign, independent, democratic, social, legal state presupposes the need to intensify the development of contractual interstate cooperation. The interaction of states is based on the principles of harmonious development of national legal institutions and means of providing, protecting human rights and interests, including in the military sphere. The political history of independent Ukraine is actively explored in connection with the military-economic specifics, the development of the rule of law and civil society, and international relations.

The peculiarities of international legal cooperation of the Ukrainian SSR in the Soviet era of 1922-1991, taking into account the constitutional legislation of the USSR, were fragmentary, and it can be stated that the partnership was under the complete control of the Soviet Union. At the turn of the 80-90s of the 20th century in Ukraine, there were epoch-making historical events. In the conditions of deep socio-economic and political crisis, the process of destruction of the totalitarian Bolshevik system, as well as democratization of the socio-economic and state-legal system, began and was further developed in the republic. These trends are characterized, first of all, through the approval of publicity, political pluralism and the foundation of international partnership.

The proclamation of independence in 1991 became the basis for the formation of the fundamental foundations of a sovereign, independent, democratic, social, legal state of Ukraine. Ukraine's historical choice has set extremely challenging tasks for domestic legal scholars on the development and scientific substantiation of the own strategy of state building, reforming the system of national legislation and practice of its application that would be oriented towards European political and legal standards, first of all, the ensuring and protection of rights, freedoms and legitimate interests of citizens. This stage is directly connected with the creation of a new state – Ukraine and its formation, taking into account the gradual

transition from the vacuum state of the "closure" of the former USSR to the creation of an independent contractual base in the military sphere. However, the main drawback of this stage is the inhibition and encumbrance of the implementation of the contractual plans and concepts of Ukraine by interstate agreements that have been inherited from the USSR (for example, the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the People's Republic of China on guidelines for the mutual reduction of the armed forces and trust building in the military area in the region of the Soviet-Chinese border (1990)).

It should be noted that for the first time international cooperation in independent Ukraine in the military sphere was envisaged in the Declaration on State Sovereignty of Ukraine of July 16, 1990, adopted by the Verkhovna Rada of the Ukrainian SSR, which consolidated the position that the Ukrainian SSR, as a subject of international law, carries out direct relations with other states in the scope necessary to effectively ensure the national interests of the Republic in the military and other spheres. The singling out of Ukraine as an independent subject of international law also served to formulate the priority direction of military cooperation, which was implemented in attracting to peacekeeping activities, participation in arms control and disarmament, and cooperation with international organizations whose subject matter affected the military sphere.

One of the first agreements on the subject was the Agreement on the Principles of Providing Armaments, Military Equipment and Other Materials, Organization of Research and Development Work to the Armed Forces of the Member States of the Commonwealth of Independent States (1992), signed by Ukraine on March 20, 1992, which enshrined the cooperation of the signatory countries in the development and production of armament and military equipment. On May 26, 1993, an Agreement was signed between the Government of Ukraine and the Government of the Russian Federation on military-technical cooperation (1993), which was terminated on May 20, 2015 (Termination of the Agreement between Portuguese Republic..., 2015).

This stage has become very active in terms of signing interstate military agreements. Thus, it is worth noting the most significant ones: Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Republic of Belarus on Military Cooperation (1992); Agreement between the Ministry of Defense of Ukraine and the Ministry of National Defense of the Republic of Poland on Military Cooperation (1993); Agreement between the Ministry of Defense of Ukraine and the Federal Ministry of Defense of the Federal Republic of Germany on Cooperation in the Military Sphere (1993); Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Republic of Uzbekistan on Military Cooperation (1994); Agreement between the Government of Ukraine and the Government of the Republic of Kazakhstan on Military-Technical Cooperation (1994); Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Republic of Estonia on Military Cooperation (1994) and others.

The Agreement between the States Members to the North Atlantic Treaty and other states participating in the Partnership for Peace program on the status of their armed forces (1995) signed in Brussels on June 19, 1995 was of great importance both for the formation of the state and for the further development of the military international partnership. All the above-mentioned treaty norms contributed to the formation of the internal and foreign policy of the state, its national identity and the basis of the national legal system. The logical consequence of this influence was the adoption of the Constitution of Ukraine, which marked the beginning of a new, most extensive stage of international cooperation in the military sphere, which entailed various changes in the entire state system.

Article 18 of the Basic Law enshrined the provision that the foreign policy activity of our state is aimed at ensuring its national interests and security by maintaining peaceful and mutually beneficial cooperation with members of the international community on the basis of universally recognized principles and standards of

international law (Constitution of Ukraine..., 1996). The proclamation of interstate cooperation has become a dynamic vector of the formation of the state for the next decades, which does not lose its relevance to this day. It is advisable to cover this time period from 1996 to 2014.

Revealing the essence of military contracts in the above-mentioned temporal frameworks, we note the following: Agreement between the Government of Ukraine and the Government of Georgia on Military-Technical Cooperation (1996); Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Republic of Croatia on Bilateral Military Cooperation (1996); Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Republic of Azerbaijan on Cooperation in the Military Sphere (1997); Agreement between the Cabinet of Ministers of Ukraine and the Government of the Hellenic Republic on Military-Technical Cooperation (1999); Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Kingdom of Belgium on Military Cooperation (2002); Agreement between the Cabinet of Ministers of Ukraine and the Council of Ministers of Serbia and Montenegro on Military-Technical Cooperation (2003); Agreement between Ukraine and the Ukraine's Broken Road on Military Cooperation (2008); Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Slovak Republic on Cooperation in the Military Sphere (2011) and others.

In 2005, scholars formulated conclusions on the specifics of Ukraine's military cooperation, which, despite a large number of interstate agreements, stressed that the then military doctrine did not meet the requirements of the time and its ability to reliably secure the process of state formation by armed means was not considered to be effective (Matytshevsky, 2016). In particular, it was alleged that at that time Ukraine did not have reliable military allies, despite declaring strategic partnership in the military sphere with many countries. It is impossible to agree with this statement, since many agreements are still in effect, moreover, they show their effectiveness in the conditions of a military conflict in the territory of the country.

The analysis of the given agreements in the field under study gives grounds to assert that their influence on the processes of state formation basically boils down to the following:

- Ensuring the creation of the necessary organizational, legal and other conditions for the conclusion of agreements/contracts in the field of military-technical cooperation between authorized entities of economic activity;
- Adjusting the country's defense and security policies;
- Reforming legislation in the military and defense sectors;
- Introduction of an innovative component in the field of environmental protection from pollution associated with the activities of military formations;
- Improvement of legal support for the activities of the armed forces, adaptation of international law.

The Military Doctrine of Ukraine states that the current military-political situation is characterized by contradictions in military-political relations caused by disagreements in national interests, goals, and positions of states regarding ways and means of solving global, regional and internal problematic issues (Pogibko, 2015). Ukraine's entry into the world's circle of independent states, connected with the liquidation of its Soviet heritage, one of the largest military arsenals in Europe, led to an intensification of military-political contacts with the UNO and NATO, which in turn facilitated the modernization of the shortened army and the emergence of its own defense doctrine. We can also talk about deepening and expanding cooperation with countries in which Ukraine was directly involved in peacekeeping operations. These include Georgia, Macedonia, Tajikistan, and Croatia.

During this stage, in fact, an independent Ukraine was entrenched in the international arena not so much by diplomatic institutions as by its peacekeeping battalions in hot spots. Scholars note that its military

policy, which was formed mainly during the first half of the 1990s, inherent continuity in the international-legal and military-industrial planes (Podberezkin and Kharkevich, 2015).

The last step is expedient to start with a very significant document for Ukraine – the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand (2014). It should be emphasized that after a long process of ratification on September 1, 2017, the Agreement entered into force in full, which was a historic event and a confirmation of the development of bilateral relations between Ukraine and the European Union. Moreover, this document legalized the choice of our state in favor of modern European values and cited a list of new international legal obligations of Ukraine in the military field.

This normative legal act, in particular in Article 7 "Foreign and Security Policy", stipulates that the parties should deepen their dialogue and cooperation, promote a gradual convergence in the field of foreign and security policy, including the Common Security and Defense Policy (CSDP), as well as to consider issues of conflict prevention and crisis management, ensuring regional stability, disarmament, arms control and arms exports, including improving mutual dialogue in the space sector. Cooperation will be based on common values and interests with a focus on enhancing political convergence and effectiveness, promoting joint political planning. For this purpose, the Parties will use bilateral, international and regional forums (Association agreement between the European Union and its Member States..., 2014). The Association Agreement significantly expands and deepens the relations of the parties in the military field, strengthening their interaction and bringing Ukraine closer to full membership in the European Union. Moreover, scholars emphasize that at this stage a logical turn in the evolution of relations between Ukraine and the Community is aimed at the implementation of legally defined foreign policy aspirations in the military field (Graham, 2014).

Since 2014, Ukraine has strengthened its cooperation in the military sphere with many countries, the impetus to such an active introduction of partnership was the deployment of military operations on the territory of the state and the impossibility of a peaceful settlement of the parties' confrontation. Among the most significant bilateral military agreements, the following can be noted: Agreement between the Cabinet of Ministers of Ukraine and the Government of the United Arab Emirates on Military-Technical Cooperation (2015); Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Turkey on Military-Financial Cooperation (2016) and others. The year 2018 has become very productive in the sphere of signing new interstate military agreements; as of August, we can talk about concluding agreements with countries such as Kuwait and Canada.

Analyzing the nature of today's international military partnership of Ukraine in the Black Sea-Caspian region, one can single out the prospects for military cooperation of Ukraine within the framework of GUAM (Georgia, Ukraine, Azerbaijan and Moldova). Intensification of such cooperation in the future will lead to a significant increase in the military security of all members of this association, and of our country in particular. The prospectivity of such a partnership, according to Yu. Budzovich, is due to the fact that the GUAM member countries have a number of characteristic features that will become an intensifier for active cooperation between the above-mentioned states, namely: 1) the common historical past within the framework of the USSR; 2) identical problems of post-communist transformation: the transitional state of the economy, inefficient democracy, low living standards; 3) actual problems of violation of territorial integrity and sovereignty in all states; 4) common European integration aspirations, participation in the Eastern Partnership project, cooperation with NATO (Budzovich, 2015). The goal of Ukraine today is the gradual integration into the European political, economic and legal space with the further acquisition of full membership in the EU, as well as the deepening of cooperation with NATO; the priority task for the last



alliance is the achievement by 2020 of full compatibility of the Armed Forces of Ukraine with the corresponding forces of the member states of NATO (Ukraine's Broken Road to Europe, 2018).

This stage is characterized by an intensified Europeanization of the defense sphere of the state, which affects its components and forms new vectors for the country's further development. Thus, the signing of the above fateful document determined the further order of transformations in Ukraine, which will take place under the auspices of the need to fulfill the international legal obligations assumed by the country, including in the military sphere (Trush and Nikipelova, 2016). It is worth emphasizing that cooperation with the European Union today is one of the most important directions in the international military cooperation of Ukraine, since it is focused on strengthening security in the region.

Proceeding from the foregoing, it is considered expedient to single out the author's stages of the process of historical and legal formation of the institution of interstate military agreements in the context of their influence on the paradigm of the formation of the state of Ukraine and to propose the following their division: the first stage of post-Soviet transformations (from 1990 to 1996); the second stage is constitutional-integration (from 1996 to 2014); the third stage is European-modern (from 2014 to today). These stages are primarily connected with the processes of the formation of national statehood and the strengthening of international cooperation in the military sphere.

The historical and legal analysis of international cooperation showed that in the structural and semantic context the investigated problems of the formation of the state have an internal-national character, that is, it reflects the different but interrelated components of the historical process: internal and external military policy, economic and socio-cultural tendencies. Today we can talk about the achievement of some positive developments in this industry through a broad scientific base and the latest achievements of historical science, whose goal is to reveal the leading trends and patterns of interstate military cooperation in order to create an integrated, comprehensive, systematic and scientifically sound picture of the process of the gradual formation of an independent state of Ukraine.

Thorough study of the content of interstate agreements in the military sphere made it possible to derive the main concepts of military cooperation, which boil down to the following:

- use of the mechanism of international consultations with the world community to ensure peace, sovereignty, independence and territorial integrity of Ukraine;
- maintaining a dialogue with key partners of Ukraine, neighboring states, other leading states of the world and international organizations in order to strengthening internal and external security;
- implementing measures to fulfil Ukraine's European integration and adapting national legislation in the defense sphere to European standards;
- deepen cooperation with NATO in order to achieve the criteria necessary for membership in this organization;
- equipping the Armed Forces of Ukraine with modernized and new models of weapons and military equipment;
- continuing to participate in international peacekeeping and security operations, in accordance with international obligations assumed by Ukraine.

It is also worth noting that in the context of the escalation of the conflict in the East of Ukraine, international cooperation is focused on the use of diplomatic levers in the military and political sphere through numerous international consultations and meetings to attract the attention of the world community to the aggressive foreign policy of the Russian Federation towards Ukraine and to obtain material-technical and consultative-advisory assistance from partner countries.

The study of the phenomenon of international partnership underlined the influence of the latter on a number of components of the process of ensuring world stability and security in the military sphere, namely: a) the relationship of bilateral and multilateral diplomacy; b) conclusion of various kinds of unions and agreements providing for the mutual coordination of political lines with a view to joint conflict resolution; c) ensuring general security or resolving other issues of common interest to all parties involved; d) mutual coordination of state policies, etc.

Negative in the context of historical and legal analysis is the absence at the national level of a single normative legal act capable of regulating the procedure for the implementation of international military cooperation. In connection with this, for the further effective development of our state, the adoption of the Law of Ukraine "On International Cooperation in the Military Sphere" is recommended, which will regulate the formation of contractual relations, their goals, principles, subjects and, most importantly, the expected impact on the process of forming an independent state of Ukraine.

## **DISCUSSION**

The scientific study of the historical and legal analysis of interstate military agreements and their influence on the formation of the state of Ukraine is undoubtedly interdisciplinary in character and, therefore, this problem should be considered in complex and context with other substantiated points of view. In turn, the disclosure of the essential characteristics of Ukraine's military cooperation can be based on historical, institutional (normative-legal), structural-functional and systemic approaches.

Thus, L.V. Ziniak considered the emergence of interstate military cooperation of Ukraine long before the proclamation of its independence. The scholar claims that in the territory of states that were within the borders of modern Ukraine, the formation of international legal military cooperation began in the times of Kievan Rus; at the end of the 9th century it became a powerful military alliance of the Eastern Slavs, and continued until the conquest of Southern Rus by the Mongol Tatars in 13th century. Restoration of military cooperation occurred only in the era of the Cossacks (17th century.). In the future, until the beginning of the 20th century, Ukrainian state entities remained primarily an object of international relations in the military sphere. Under the influence of the democratic revolutionary processes of 1917, international cooperation in the military sphere through the Central Rada, the Hetmanat of P. Skoropadsky, the Directory intensified, which in their activity was based on organizational and legal forms of military diplomacy. With the formation of the USSR under the constitutions of 1924 and 1936, the Ukrainian Republic was deprived of the right to enter into international legal relations in the military sphere on its own behalf. Such competence belonged exclusively to the Soviet Union as a subject of international law. After the World War II, in order to strengthen the political influence of the USSR, separate rights were granted to the international arena of the Ukrainian SSR to enter international military relations, which was reflected in the process of the UNO founding and involvement in the work of the Security Council, conclusion of post-war peace agreements, participation in the peace protection process and disarmament and the like. At the same time, the international military cooperation of the Ukrainian SSR was of fragmentary character and was completely controlled by the Soviet Union. Proceeding from the foregoing, we can state that, despite Ukraine's low activity in interstate military cooperation on the basis of agreements, such a partnership took place, albeit in a very limited form (Ziniak, 2015).

The above author's concept of dividing the foundations of contractual cooperation in the military sphere into stages is controversial, but it is unique and has the full right to exist. Singling out of the first stage from

the moment of independence proclamation makes it possible to put emphasis on the full and effective start of international military cooperation of Ukraine as an independent subject of international law.

### **CONCLUSION**

The intensification of international-legal relations and new challenges on the international arena have led to significant transformations in views both on the role of international law and the nature of the international-legal obligation and the essence of contractual cooperation as a whole. Rethinking the need to strengthen cross-border cooperation has led to the emergence of the international community as an element of a new international-legal reality, the core of which is global interests, in particular, peace ensuring based on well-designed military cooperation.

Consequently, the international obligations of states in the military sphere are the result of rather complex processes taking place in international law and national legislation of states related to changing priorities of world and national importance, where peace and security are becoming necessary conditions for world and national development, as well as an evaluation category activities of the entire international community and each state. Based on the foregoing, the international military partnership should be viewed as a strategically important branch of international relations, since it has a wider meaning than purely military issues, and at the same time is more specific than the study of common security problems.

At the present stage of the development of international cooperation of states in the military sphere, active bilateral and multilateral cooperation is taking place on a contractual basis. The signing of interstate agreements reveals the correlation between the world processes of globalization and Ukraine's search for modern new forms of identity (national, linguistic, regional, confessional), transforming and correcting the process of forming an independent state. The development of military cooperation is already becoming one of the foundations of the Ukrainian foreign policy strategy. In turn, military policy as a phenomenon of modern, crisis and unpredictable development of society today attracts the attention of many scholars in the field of economics, political science, sociology, social philosophy, criminology, international law and others. In the context of strengthening the European integration aspirations of our state, the need for detailed analysis and disclosure of the problem of the influence of interstate cooperation on the country's military policy and on the process of its formation as a state with the purpose of introducing means of modernizing public life at the European level acquires particular urgency. The presence on the territory of Ukraine of a militarized conflict leads to the need for a gradual solution of the problem at the domestic and global levels.

The conducted research allowed to fragmentary reveal the concept and essence of international cooperation in the military sphere, including the definition of the concept of "international legal military cooperation of Ukraine". As a result of the historical and legal analysis became author's set of stages in the formation of the institution of interstate military agreements in the context of their influence on the paradigm of the formation of the state of Ukraine, and the following division was proposed: the first stage of post-Soviet transformations (from 1990 to 1996); the second stage is constitutional-integration (from 1996 to 2014); the third stage is European-modern (from 2014 till present). The proposed division is due to a gradual, legally conditioned process of intensification of international cooperation, which entailed qualitative changes in the state structure.

On the basis of the analysis, the specifics of the formation of contractual bases in the military sphere have been singled out and characterized; the main tendencies of influence on the formation of the independent Ukraine have been outlined; the prospects for the further development of the country and the transformation of its status in the international arena have been outlined. In addition, amendments to the current legislation have been proposed, namely, the development and adoption of the Law of Ukraine "On International Cooperation in the Military Sphere", which will regulate the formation of contractual relations, their goals, principles, subjects and, most importantly, predicted the expected impact on the process

formation of an independent state of Ukraine. Thus, the priority direction of further studies of the problems of military cooperation should be clarification of the current and future development of regulatory and legal frameworks in the field of such cooperation with a view to improving them.

### **BIBLIOGRAPHY REFERENCES**

Abbott, K.W. (1989). Modern international relations theory: a prospectus for international lawyers, *Yale Journal of International Law*. 14: pp. 335-411.

Agreement between the Cabinet of Ministers of Ukraine and the Council of Ministers of Serbia and Montenegro on military-technical cooperation. (2003). Retrieved July 1, 2018 from [http://zakon2.rada.gov.ua/laws/show/891\\_017](http://zakon2.rada.gov.ua/laws/show/891_017).

Agreement between the Cabinet of Ministers of Ukraine and the Government of the Hellenic Republic on military-technical cooperation. (1999). Retrieved July 2, 2018 from [http://zakon2.rada.gov.ua/laws/show/300\\_027](http://zakon2.rada.gov.ua/laws/show/300_027).

Agreement between the Cabinet of Ministers of Ukraine and the Government of the United Arab Emirates on military-technical cooperation. (2015). Retrieved July 4, 2018 from [http://zakon2.rada.gov.ua/laws/show/784\\_001-15](http://zakon2.rada.gov.ua/laws/show/784_001-15).

Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Turkey on military-financial cooperation. (2016). Retrieved July 2, 2018 from [http://zakon2.rada.gov.ua/laws/show/792\\_002-16](http://zakon2.rada.gov.ua/laws/show/792_002-16).

Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the People's Republic of China on guidelines for the mutual reduction of armed forces and the strengthening of confidence in the military area in the region of the Soviet-Chinese border. (1990). Retrieved July 3, 2018 from [http://zakon2.rada.gov.ua/laws/show/156\\_039](http://zakon2.rada.gov.ua/laws/show/156_039).

Agreement between the Government of Ukraine and the Government of the Russian Federation on military-technical cooperation. (1993). Retrieved July 1, 2018 from [http://zakon5.rada.gov.ua/laws/show/643\\_043](http://zakon5.rada.gov.ua/laws/show/643_043).

Agreement between the Government of Ukraine and the Government of the Republic of Kazakhstan on military-technical cooperation. (1994). Retrieved July 3, 2018 from [http://zakon2.rada.gov.ua/laws/show/398\\_021](http://zakon2.rada.gov.ua/laws/show/398_021).

Agreement between the Government of Ukraine and the Government of Georgia on military-technical cooperation. (1996). Retrieved July 5, 2018 from [http://zakon2.rada.gov.ua/laws/show/268\\_077](http://zakon2.rada.gov.ua/laws/show/268_077).

Agreement between the Ministry of Defense of Ukraine and the Federal Ministry of Defense of the Federal Republic of Germany on cooperation in the military field. (1993). Retrieved July 6, 2018 from [http://zakon2.rada.gov.ua/laws/show/276\\_058](http://zakon2.rada.gov.ua/laws/show/276_058).

Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Republic of Belarus on military cooperation. (1992). Retrieved July 2, 2018 from [http://zakon2.rada.gov.ua/laws/show/112\\_067](http://zakon2.rada.gov.ua/laws/show/112_067).

Agreement between the Ministry of Defense of Ukraine and the Ministry of National Defense of the Republic of Poland on military cooperation. (1993). Retrieved July 3, 2018 from [http://zakon2.rada.gov.ua/laws/show/616\\_191](http://zakon2.rada.gov.ua/laws/show/616_191).

Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Republic of Uzbekistan on military cooperation. (1994). Retrieved July 1, 2018 from [http://zakon2.rada.gov.ua/laws/show/860\\_048](http://zakon2.rada.gov.ua/laws/show/860_048).

Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Republic of Estonia on military cooperation. (1994). Retrieved July 5, 2018 from [http://zakon2.rada.gov.ua/laws/show/233\\_029](http://zakon2.rada.gov.ua/laws/show/233_029).

Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Republic of Croatia on bilateral military cooperation. (1996). Retrieved July 2, 2018 from [http://zakon2.rada.gov.ua/laws/show/191\\_023](http://zakon2.rada.gov.ua/laws/show/191_023).

Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Republic of Azerbaijan on cooperation in the military sphere. (1997). Retrieved July 1, 2018 from [http://zakon2.rada.gov.ua/laws/show/031\\_076](http://zakon2.rada.gov.ua/laws/show/031_076).

Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Kingdom of Belgium on military cooperation. (2002). Retrieved July 4, 2018 from [http://zakon2.rada.gov.ua/laws/show/056\\_009](http://zakon2.rada.gov.ua/laws/show/056_009).

Agreement between the Ministry of Defense of Ukraine and the Ministry of Defense of the Slovak Republic on cooperation in the military sphere. (2011). Retrieved July 1, 2018 from [http://zakon2.rada.gov.ua/laws/show/703\\_089](http://zakon2.rada.gov.ua/laws/show/703_089).

Agreement between the States parties to the North Atlantic Treaty and other States participating in the partnership for Peace Program on the status of their armed forces. (1995). Retrieved July 3, 2018 from [http://zakon2.rada.gov.ua/laws/show/994\\_042](http://zakon2.rada.gov.ua/laws/show/994_042).

Agreement between Ukraine and the Portuguese Republic on military cooperation. (2008). Retrieved July 2, 2018 from [http://zakon2.rada.gov.ua/laws/show/620\\_018](http://zakon2.rada.gov.ua/laws/show/620_018).

Agreement on the Principles of Providing the Armed Forces of the States Members of the Commonwealth of Independent States with Weapons, Military Equipment and Other Material Resources, Organizing Research and Development. (1992). Retrieved July 5, 2018 from [http://zakon2.rada.gov.ua/laws/show/997\\_451](http://zakon2.rada.gov.ua/laws/show/997_451).

Alexandrova-Arbatova, N. (2017). *Security relations in the Black Sea region: Russia and the West after the Ukrainian crisis*. Routledge, London/New York.

Association Agreement between the European Union and its member states, of the one part, and Ukraine, of the other part. (2014). Retrieved July 6, 2018 from [https://eeas.europa.eu/ukraine/docs/association\\_agreement\\_ukraine\\_2014\\_en.pdf](https://eeas.europa.eu/ukraine/docs/association_agreement_ukraine_2014_en.pdf).

Beddoes, Z.M. (2016). Planet trump: the world in 2017, *The Economist*. 9: pp. 13-14.

Budzovich, Yu. (2015). GUAM in the context of security and cooperation of the Black Sea region, *Bulletin of the Precarpathian University. Series: "Politics"*. 9: pp. 80-88.

Collins, A. (2013). *Contemporary security studies*. Oxford University Press, Oxford.

- Constitution of Ukraine: Law of June 28, 1996 No. 254к/96-BP. (1996). Retrieved July 3, 2018 from <http://zakon.rada.gov.ua/laws/show/en/254%D0%BA/96-%D0%B2%D1%80>
- Declaration on State Sovereignty of Ukraine of 16.07.1990 No. 55-XII. (1990). Retrieved July 1, 2018 from [http://static.rada.gov.ua/site/postanova\\_eng/Declaration\\_of\\_State\\_Sovereignty\\_of\\_Ukraine\\_rev1.htm](http://static.rada.gov.ua/site/postanova_eng/Declaration_of_State_Sovereignty_of_Ukraine_rev1.htm)
- Dursun-Ozkanca, O. (2016). The peacebuilding assembly-line model: towards a theory of international collaboration in multidimensional peacebuilding operations, *International Journal of Peace Studies*. 21(2): pp. 41-57.
- Edward, L. (2014). *The new cold war: how the Kremlin menaces both Russia and the West*. Bloomsbury Publishing, New York.
- Graham, A. (2014). *The new architecture for EU foreign policy in the people's project? The new EU treaty and the prospects for future integration*. European Policy Centre, Brussels.
- Jus, O.A. (2018). International military partnership as a means of ensuring Ukraine's military security, *Evropský Politický a Právní Diskurz*. 5(2): pp. 54-61.
- Kertzer, J.D., Tingley, D. (2018). Political psychology in international relations: beyond the paradigms, *Annual Review of Political Science*. 21: pp. 319-339.
- Matytsevsky, Yu.V. (2016). *In the trap of hybridity: zigzags of transformations of political regimes in Ukraine (1991-2014)*. Knyhy – XXI, Chernivtsi.
- Mearsheimer, J.J. (2014). Why the Ukraine crisis is the West's fault. The liberal delusions that provoked Putin, *Foreign Affairs*. 93(5): pp. 77-89.
- Moroney, J.D.P., Kuzio, T. Molchanov, M. (2002). *Ukrainian foreign and security policy: theoretical and comparative perspectives*. Praeger, Westport.
- O'Hanlon, M., Petraeus, D. (2016). America's awesome military. And how to make it even better, *Foreign Affairs*. 95(5): pp. 10-17.
- Ol'khovets, O.P. (2014). Legal principles of development of the military organization of the state and their perspectives, *Legal Science*. 1: pp. 108-114.
- Parachonsky, B.O., Yavorskaya, G.M. (n.d.). *Strategic partnership of Ukraine: an analytical note by the Department of Globalistics and Security Strategies at NISD under the President of Ukraine*. Retrieved July 6, 2018 from <http://www.niss.gov.ua/articles/600/>.
- Podberezkin, A.I., Kharkevich, M.V. (2015). *Peace and war in the 21st century: the experience of long-term forecasting of the development of international relations*. MGIMO-University, Moscow.
- Pogibko, O.I. (2015). The military doctrine of Ukraine is the normative and legal basis for the legislative support of the state defense, *Precarpathian Legal Bulletin*. 3(9): pp. 17-24.
- Reiter, D. (2017). *The sword's other edge: tradeoffs in the pursuit of military effectiveness*. Cambridge University Press, Cambridge.
- Termination of the Agreement between the Government of Ukraine and the Government of the Russian Federation on military-technical cooperation. (2015). Retrieved July 3, 2018 from <http://zakon2.rada.gov.ua/laws/show/307-2015-%D0%BF>.

Trambeetska, Y. (2013). Peculiarities of organization of international cooperation in the system of training of future officers of the armed forces of Ukraine, *Visnyk of Lviv Ivan Franko University. Series: "Pedagogical"*. 29: pp. 110-119.

Trush, O.O., Nikipelova, E.M. (2016). Historical and legal principles of European security and defense policy, *Theory and Practice of Public Administration*. 3(54): pp. 1-7.

Ukraine's Broken Road to Europe. (2018). Retrieved July 4, 2018 from <http://foreignpolicy.com/2016/06/16/ukraines-broken-road-to-europe/>.

Zellner, W. (2015). Entfeindung durch Dialog. Vom Heißen Krieg in der Ukraine zum Frieden in Europa, *Blätter für Deutsche und Internationale Politik*. 8: pp. 89-98.

Ziniak, L.V. (2015). *International legal principles of military cooperation of Ukraine*. Yaroslav Mudryi National Law University, Kharkiv.