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Legal aspects of civil-military cooperation in comparative context

ПРАВОВІ АСПЕКТИ ЦИВІЛЬНО-ВІЙСЬКОВОГО СПІВРОБІТНИЦТВА В ПОРІВНЯЛЬНОМУ КОНТЕКСТІ

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Abstract

The goal of the research paper is to study, with active reference to the comparative legal method, Ukrainian and foreign models of civil-military cooperation (CIMIC). The following scientific methods have been used to study chosen military-legal issues, substantiate the theses expressed by the authors, and formulate conclusions: historical-legal, system analysis, formal-logical and method of comparison. It has been determined that CIMIC concept remains novel for both Ukrainian military and civil society in general at the current stage of national, political and defense development; in fact, CIMIC doctrine is also a relatively new phenomenon in the military doctrine and standards of NATO member states.

Based on the results of the study, it has been argued that Ukrainian CIMIC doctrine of the Central Command as a program document in a certain direction should further focus on the

Анотація

Метою наукової статті є вивчення, із активним зверненням до порівняльно-правового методу, української та зарубіжних моделей цивільно-військового співробітництва (ЦВС). Для дослідження обраної військово-правової проблематики, обґрунтування висловлених авторами тез, формулювання висновків використано такі наукові методи: історико-правовий, системного аналізу, формально-логічний та метод порівняння. Визначено, що на поточному етапі національного, політичного та оборонного розвитку концепція ЦВС залишається значною мірою новою як для українських військових, так і для громадянського суспільства загалом; власне доктрина ЦВС є порівняно новим феноменом також у військовій доктрині та стандартах держав-членів НАТО.

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following areas: 1) development of a culture of mutual respect, trust and support between all involved military and non-military actors; 2) promotion of patriotic education in Ukrainian society, protection of the rights and freedoms of members of the Central Election Commission; 3) use of CIMIC units as a platform for civil-military contact and cooperation in eastern Ukraine, especially in the area of the Joint Forces Operation; 4) promotion of legal guarantees of gender equality and equal opportunities for men and women in the Armed Forces of Ukraine.

Key words: civil-military cooperation, military doctrine, armed conflict, Armed Forces of Ukraine, gender equality, human rights, comparative legal analysis.

Introduction

Analysis of the political and security situation in Ukraine since the early 2014 has revealed ineffectiveness of existing approaches to confidence-building measures and improving cooperation between the civilian population and the Armed Forces of Ukraine (hereinafter – AFU) in the areas of permanent military deployment and anti-terrorist operation.

The lack of an effective system of popularization and information about the activities of the AFU and aggressive anti-Ukrainian propaganda by the Russian Federation has created preconditions for distrust and, in some cases, opposition from the local population in some districts of Donetsk and Luhansk regions.

In order to prevent creation of preconditions for a humanitarian catastrophe in the areas of the anti-terrorist operation, the emergence of social tensions in other parts of Ukraine, formation of positive public opinion on the activities of the AFU during a special period, martial law or emergency, peacekeeping security, elimination of the consequences of emergencies, there is a vital need to further improve the system of civil-military cooperation in the AFU.

It is no secret that today's military operations take place in diverse environments and under frequently changed circumstances. The military, multiple civilian and humanitarian institutions

Спираючись на результати проведеного дослідження, аргументовано, що українська доктрина ЦВС як програмний документ у визначеному напрямі повинна в подальшому зосередитися на таких моментах: 1) розвиток культури взаємоповаги, довіри та підтримка між усіма залученими військовими та невійськовими акторами; 2) сприяння патріотичному вихованню в українському суспільстві, захисту прав і свобод учасників ЦВС; 3) використання підрозділів ЦВС як платформи для цивільно-військового контакту та співпраці на Сході України, особливо в зоні проведення Операції об'єднаних сил; 4) просування правових гарантій гендерної рівності та рівних можливостей чоловіків і жінок у Збройних Силах України.

Ключові слова: цивільно-військове співробітництво, військова доктрина, збройний конфлікт, Збройні Сили України, гендерна рівність, права людини, порівняльно-правовий аналіз.

have to face a challenging and broader range of issues. In various cases the military has been confronted with tasks, which are not precisely 'military' in nature. This has increased the importance of managing complex, ever changing civil-military interface, predominantly the one between the military and humanitarian organizations. This process of management is frequently described as Civil-Military Cooperation (hereinafter –CIMIC).

From the historical point of view, CIMIC as a separate though integrated component of NATO forces has emerged in the late 1980s as a result of numerous interethnic conflicts in the territories of the South and Eastern Europe, for the settlement of which international peacekeeping contingents have been involved. The armed conflict in former Yugoslavia as well as in both Iraq campaigns and a more recent military operation in Afghanistan have also been used as resourceful test-grounds for CIMIC operations.

Since the early 1990s, CIMIC has been a somewhat controversial term of a heated debate within the civilian, humanitarian and military communities regarding their relationship with each other.

Ukraine has gained some valuable experience in international peacekeeping and security operations since 2003. The concept as well as the

term civil-military relations was previously defined in the Law of Ukraine “On Democratic Civilian Control of the Military Organization and the Law Enforcement Agencies of the State” (Law of Ukraine № 975-IV), where civil-military relations have been defined as a set of legal relations between society and constituent parts of the Military Organization of the State, which cover political, financial, economic, social and other processes in the field of national security and defense (Triukhan, Adamova, Kryvenko, Shevchuk, & Ostapenko, 2019, 277).

CIMIC initiatives and resources should be applied to those situations, when military leaders are required to take social, political, cultural, religious, economic, environmental and humanitarian factors of the operational area into consideration. In addition to the above, they also need to reckon with the presence of a large number of international and non-governmental organizations, whose objectives, techniques and future activities must be coordinated with military interests. Presence of the media as well as legitimate and less justifiable expectations of the local and international community present an added challenge in peace-keeping operations. As a result, efficient relations between civil organizations and the military are of fundamental importance with a focus on resolving the conflict.

It is obvious that civil society and the military are dependent on each other. Both operate in conflict situations and both are confronted with violence and violations of human rights. Thus, protection of human rights under international legal standards is one of the key goals for military in general and CIMIC in particular.

With these introductory points being made, this research paper will cover, within a consecutive comparative analyses framework, several blocks of material: NATO CIMIC structure, goals and tools together with similar CIMIC parameters (provisions) in the United States and Ukraine.

The key goal of the following research is to study, with an active reference to the comparative legal method and military law provisions, Ukrainian and foreign models of civil-military cooperation, both their advantages and disadvantages.

Methodology

Theoretical provisions of this study, its achievements create necessary methodological basis for further research on the proper understanding of various civil-military

cooperation aspects, as well as become useful, based on Ukraine’s experience in the efforts on strengthening such cooperation, at lawmaking and organizational levels.

Within the course of this research philosophical, general scientific and private scientific methods of research have been used. In particular, the use of the historical-legal method has contributed to the study of origins of civil-military cooperation in Ukraine and abroad. The comparative legal method has been employed extensively throughout the study in order to compare existing models of civil-military cooperation in Ukraine, the United States of America and within NATO’s multijurisdictional framework. The dialectical method has allowed to comprehend the problems of research, its methodological bases, to structure research, to carry out step-by-step knowledge of the object of research (Movchan, Vozniuk, Burak, Areshonkov, & Kamensky, 2021, 17). The systemic method (method of system-structural analysis) has been used to determine the system and subsystems of manifestations of civil-military cooperation and to develop general principles of this model. The formal-logical (dogmatic) method has been used when interpreting the normative content of the provisions of CIMIC doctrines, relevant national laws and formulating definitions of certain legal concepts surrounding the contents of the study.

The normative basis of the study is presented by the relevant legal acts.

Traditional methods of axiomatic, analysis, synthesis, deduction and induction have also been used when solving research tasks at hand.

Treatises on military, administrative, international law as well as on general theory of law and on comparative jurisprudence, on some other branches of law and theory constitute scientific and theoretical basis of this research project.

This paper has been written based on the results of the research grant conducted by a group of “Donbas Gates” NGO experts for the DCAF Project “Civil-Military Cooperation”.

Results and discussion

1. NATO CIMIC Doctrine: Definition, Goals and Key Elements

Among the long-term objectives of CIMIC activities is to establish, maintain and improve cooperation with the civil population and

institutions in the area of operation (governmental and non-governmental, international and regional organizations) in order to ensure the success of the mission (with the slightest possible interference with civilian life) and the establishment and maintenance of the conditions required for the crisis resolution (Besenyő, 2010, 103).

The North Atlantic Treaty Organization (NATO) recognizes that military cannot resolve crisis or conflict by itself. Modern crises and conflicts are often not related to the military and therefore require assistance from outside the military. Operating environment involves complex and interlinked areas, such as ethnic, religious, ideological and technological issues. Crisis management requirements have expanded in terms of duration, tasks carried out, actors involved, complexity and multitude of factors (social, economic, environmental etc.).

Officially, CIMIC has been recognized and integrated into the NATO structure in 2003 with the adoption of AJP-9 NATO Civil-Military Co-Operation (CIMIC) Doctrine.

That initial document had defined CIMIC as co-ordination and co-operation, in support of the mission, between the NATO Commander and civil actors, including national population and local authorities, as well as international, national and non-governmental organizations and agencies.

Since that first document a number of other, later editions of NATO CIMIC doctrine have been in force in the past.

Currently, NATO STANDARD AJP-3.19 Allied Joint Doctrine for Civil-Military Cooperation (hereinafter – STANDARD) sets foundation for all CIMIC structures and functions, operating within NATO missions. It currently defines CIMIC in Sec. 2.1 as *a joint function comprising a set of capabilities integral to supporting the achievement of mission objectives and enabling NATO commands to participate effectively in a broad spectrum of civil-military interaction with diverse non-military actors* (Nato standardization office (NSO), 2018).

As one might see, definition of CIMIC, which underlines its core principles and methods, has evolved over time and now broadly encompasses multidimensional interaction process between diverse groups of military and non-military participants.

NATO's engagement in a comprehensive approach to resolve crises is facilitated through civil-military interaction (CMI), which applies to all military bodies and various situations:

- a) improve coherent application of the Alliance's own crisis management instruments, including its military and political planning procedures;
- b) improve the Alliance's practical cooperation at all levels with partners, the United Nations (UN) and other relevant international organizations, governmental and nongovernmental organizations (NGOs), contractors, commercial partners and local actors when planning and conducting operations;
- c) enhance the Alliance's ability to support stabilization and reconstruction efforts in all phases of a military conflict in concert with other actors;
- d) proactive engagement between all actors, both before and during a crisis;
- e) the importance of shared understanding engendered through cooperative working, liaison, education and common language;
- f) the value of collaboration, based upon mutual trust and a willingness to cooperate, promote institutional familiarity and information sharing.

The STANDARD rests on several core principles, which collectively serve as effective guidance to commanders, staff and forces in the planning and conduct of NATO operations in various locations. These principles contribute to successful implementation of a comprehensive approach with CIMIC as the facilitator of civil-military interaction. Among these key guidelines, which should be introduced into Ukrainian CIMIC model as well, are the following: 1) understand the civil environment; 2) understand the aims and objectives of all non-military actors; 3) respect civilian primacy (which is especially important for any modern democracy); 4) act with integrity; 5) integrate planning with non-military actors; 6) establish effective relationships and communication with non-military actors. The STANDARD further details the meaning of each principle.

Overall, CIMIC has the following core (basic) functions: civil-military liaison; support to the force; and support to non-military actors and the civil environment (CIMIC Handbook, 2020).

Each require the Alliance and its members to have capabilities of sufficient quality and quantity to be able to conduct CIMIC.

It should be mentioned that while most NATO member states follow key STANDARD provisions, American approach (with the U.S. obviously being the leading NATO nation) remains quite different from the relevant NATO doctrine, since it focuses first and foremost on influencing civilian environment in order to support military forces. During CIMIC operations the U.S. military can perform civilian functions, create and maintain public authorities and public organizations (Kryvenko, 2017, 36). That is, basic U.S. CIMIC principle provides for a certain adaptation of civilian groups and their functioning to specific military goals and needs.

2. *The Doctrine of Civil-Military Operations in the United States of America and its Key Features*

Various hybrid models of civil-military engagement have been in the focus of the U.S. military for quite a long period of its military history.

The apprehension of losing domestic support operates in conjunction with a related fear: endangering support of the local population. The U.S. military's vaunted Counterinsurgency Field Manual testifies to this fear. "[S]ecuring the civilian, rather than destroying the enemy, [is the] top priority" when waging counterinsurgency warfare of the sort currently fought in Iraq and Afghanistan (Department of the Army, 2006). Winning a counterinsurgency campaign requires earning trust and support of the locals. Modern warfare manual stands for the case that the real battle is for civilian support for, or acquiescence to, the counterinsurgents and host nation government.

As B. Groves coherently puts it, while the first factor allowing for civil-military cooperation is the global growth of the language of law, the second is sheer necessity. More than ever, the military simply must work with humanitarians and vice versa. Each profession reached this conclusion independently. For humanitarians, various reasons fuel the need to cooperate in conflict zones. The United Nations guide on civil-military cooperation in Iraq traces this necessity to two developments: the often-dangerous security conditions, under which humanitarians must work, and the military's fairly new role in performing traditionally humanitarian tasks, including provision of relief and services to the population (Groves, 2009, 23).

The U.S. Joint Chiefs of Staff Publication 3-57 "Civil-Military Operations" (hereinafter – Publication 3-57) sets forth joint doctrine to govern activities and performance of the Armed Forces of the United States in joint operations, and it provides considerations for military interaction with governmental and nongovernmental agencies, multinational forces, and other interorganizational partners; it provides military guidance for the exercise of authority by combatant commanders and other joint force commanders (JFCs), and prescribes joint doctrine for operations and training. It provides military guidance for use by the Armed Forces in preparing and executing their plans and orders.

At the same time the document's preamble contains important disclaimer: "it is not the intent of this publication to restrict the authority of the JFC from organizing the force and executing the mission in a manner the JFC deems most appropriate to ensure unity of effort in the accomplishment of objectives". Thus, Publication 3-57 makes the military a 'general partner' when conducting joint civil-military operations.

The related concepts of civil affairs, civil affairs activities and civil-military operations are defined as follows by the U.S. Department of Defense:

Civil Affairs (CA): "Designated Active and Reserve component forces and units organized, trained, and equipped specifically to conduct civil affairs activities and to support civil-military operations";

Civil Affairs activities: "Activities performed or supported by civil affairs that (1) enhance the relationship between military forces and civil authorities in areas where military forces are present; and (2) involve application of civil affairs functional specialty skills, in areas normally the responsibility of civil government, to enhance conduct of civil-military operations."

This document also defines *civil-military operations* (CMO) as a complex of activities performed by military forces to establish, maintain, influence, or exploit relationships between military forces and indigenous populations and institutions (IPI). CMO support US objectives for a specific host nation (HN) and regional stability. CMO may include activities and functions normally performed by the local, regional, or national government. Such activities may occur prior to, during, or subsequent to other military actions or operations.

Overall, the American approach to CIMIC (which is CMO) addresses specifically foreign war conflicts requiring reinstallation of effective civil control rather than domestic civil-military coordination and cooperation.

The bottom-line of the American approach to civil-military operations is that: 1) it is almost exclusively foreign-oriented rather than domestically oriented (as is the case, for example, in Ukraine); 2) it underlines the supremacy of the military over the civil groups in the ongoing civil-military operations.

As one of many good points referred to in the discussed Publication 3-57, this document explicitly refers to the term “civil-military team”. Such team, as designed, helps stabilize operational environment in a given province, district, state, or locality through its combined diplomatic, informational, military, and economic development and enforcing the rule of law. Examples of civil-military teaming include provincial reconstruction teams, which were used, for example, in Operations IRAQI FREEDOM and NEW DAWN in Iraq and Operation ENDURING FREEDOM in Afghanistan. It combines representatives from interagency (and perhaps multinational) partners into a cohesive unit capable of independently conducting operations to stabilize a part of the operational environment by enhancing the legitimacy and the effectiveness of the HN government.

Overall, the scope of the U.S. civil affairs doctrine differs from the NATO CIMIC doctrine. NATO perceives CIMIC as a vital function to improve coordination with the civilian component, and the NATO CIMIC doctrine is not project-oriented, yet does not rule out the possibility of CIMIC conducting humanitarian projects provided they support the military mission.

In contrast, the Civil Affairs approach of the U.S. seems inclined to influence the civilian environment in support of their armed forces. CMOs may substitute for civilian authorities and organizations, function independently and without civil groups. The same prime-military approach is promoted in Britain: CIMIC does not equal British Civil Affairs (CA). There CA implies adjusting the civil society to the needs of the force, that is to influence (or manipulate) the civil society in “good colonial tradition” (Kristoffersen, 2005, 53).

The issues of human rights protection in zones of military conflict remain in the focus of American human rights activists, media and, to a somewhat lesser degree, military itself.

As an example, the international renowned group, Human Rights Watch, has extensively researched the issue of civilian deaths in Iraq. Human Rights Watch researchers went to many of the hospitals in the ten cities and numerous small towns they visited during the mission.

The report, based on Associated Press’s survey of Iraq’s 124 hospitals immediately after the end of major combat operations has revealed that at least 3,420 civilians have died. The count was described as “fragmentary” the complete toll was likely to be significantly higher.” The Los Angeles Times did a survey of twenty-seven hospitals in Baghdad and outlying areas and found that at least 1,700 civilians died and more than 8,000 were injured in the capital (Human Rights Watch, 2003).

In turn, the U.S. government has long supported the extraterritorial application of human rights law – as a matter of customary international law. The most recent State Department annual reports, for example, criticize Iran and Russia for their responsibility for human rights violations in foreign countries. The report on Iran states, “The country materially contributed to human rights abuses in Syria, through its military support for Syrian president Bashar al-Assad and for Hizballah forces there, as well as in Iraq, through its aid to certain Iraqi Shia militia groups.” The report on Russia states, “The country played a significant military role in conflicts in eastern Ukraine and Syria, where human rights organizations attributed thousands of civilian deaths as well as other human rights abuses to Russian-led forces and Russian occupation authorities in Crimea.” (Goodman, 2019).

3. Ukraine’s CIMIC Doctrine: its Meaning, Elements and Goals

Today the Doctrine “Civil-Military cooperation” (hereinafter – UA Doctrine) is the key CIMIC-related document in Ukraine. It is a publicly open official document, created by the working group of the Department of civil-military cooperation of the General Staff of the Armed Forces of Ukraine and approved by the involved parties within the Armed Forces structure and operational departments of the General Staff of the AFU. As recognized by the document itself, the UA Doctrine is a system of views on the meaning, mission and place of the CIMIC during

the routine activities and at the times of using the Armed Forces of Ukraine and other defense components in case of military aggression in any of its forms and manifestations, including hybrid warfare and military conflict (Civil-Military Cooperation Department of the General Staff of the Armed Forces of Ukraine, 2020).

The UA Doctrine, as its authors imply, has been developed based on the modern requirements of guiding documents, standards, adopted by NATO countries, current and perspective organizational structure of the military forces, military authorities, CIMIC structures.

The UA Doctrine defines *civil-military cooperation* as a systematic, planned activity of the Armed Forces of Ukraine and other components of the defense forces: commanders, chiefs, bodies of military administration, staffs of all levels, military bases (divisions), objects of the civilian environment in order to create favorable conditions for the implementation of the tasks assigned to them with the use of military and non-military forces and means.

The UA Doctrine following the relevant NATO model also recognizes *civilian environment* as a set of objects (and the relationship between them), which are located (operate) on a certain territory and are not part of the structure of the AFU or the Ministry of Defense of Ukraine or other components of the Defense Forces and do not belong to the objects of military purpose. Such broad interpretation provides for a major border line between vast military and nonmilitary parts of the Ukrainian society (people) thus allowing for the main parameters of their cooperation and joint efforts in combatting foreign military aggression.

Support of the civilian environment (objects of the civilian environment) includes joint, coordinated place and time of action of troops (forces), aimed at restoring the impaired capabilities of the objects of the civilian environment to ensure successful completion of tasks by the national military forces.

Among the main CIMIC inter-agency goals are: protection of civilians, protection of children and preventing their participation in war conflicts, prevention of gender-based violence, protection of cultural heritage objects, implementation of transparency and best practices in fighting corruption.

Obviously, solving such complex inter-agency issues goes far beyond the routine tasks of the

AFU and other components of the defense forces. At the same time, they will have a significant impact on the situation and conditions, within which the troops (forces) are performing their routine tasks.

Establishing the exchange of information (interaction) with civilian environments to address complex related issues will provide the military command with additional information on the state of the civilian environment in such issues, as well as to assess and take into account the impact of military activities on the civilian environment.

The bottom line of the UA Doctrine analyses is that establishing communication is a fundamental area of civil-military cooperation, which is carried out primarily through units of civil cooperation, equipped outside deployments of military units and subdivisions, access to which is open to the local population and representatives of civil society organizations. Effective communication is done through coordination meetings, within citizens' petitions etc.

Information exchange is one of the functions of civil-military cooperation aimed at ensuring that commander has reliable, updated information on the activities of civilian players, organizations that have or can influence the course of the operation. Information is also exchanged at the level of local administrations and bodies management, international organizations, governmental and non-governmental organizations in order to create favorable conditions to plan and coordinate their activities with the activities of the military component (Salnikova, Kushnir & Proshchyn, 2019).

Ukrainian CIMIC Doctrine and human rights protection. Within broad international context Human rights are rights inherent in all human beings, whatever their nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. These rights are all interrelated, interdependent and indivisible. They are often expressed and guaranteed by legal norms, in the form of treaties, customary international law, general principles and other sources of international law.

Under Art. 29 of the Universal Declaration of Human Rights, in the course of exercising his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting just requirements of morality,

public order and the general welfare in a democratic society. The categories of public order and, to a lesser degree, general welfare, broadly correspond to the concepts of national security and public safety. Thus it can be presumed that the Declaration recognizes limitation of human rights in some extreme situations, military conflicts among them.

Ukrainian constitutional doctrine, while referring to the fundamental rule of law principle, recognizes that some rights and freedoms of persons may be limited under exceptional circumstances and only by employing the proportionality principle. Such limitations have to pursue legitimate goals only.

Enforcing national security is among the factors of such regimes of human rights limitations. This is even more necessary today, under the circumstances of real military threat to the functioning of public authorities and society in general. Such personal rights restrictions are based on the extraordinary character of threats to social, political, economic, informational foundations of society, they pose as potential threat to their sustainable development. Such limitations can be introduced based on the logic of minimizing threats to most important human values (life and health, normal nutrition, minimal life standards etc.) (Petrezka, Bysaha, Belov, & others, 2018, 122).

Obviously human rights entail both rights and obligations. States assume obligations under international law to respect, protect and fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups from human rights abuses. The obligation to fulfil means that States must take positive action to facilitate enjoyment of human rights. As individuals, we are all entitled to human rights, but each of us should also respect human rights of others (United Nations, 2011, 14).

In the area of protection of human rights and freedoms, especially when facing new security challenges, the issues of observance of rights and freedoms are not fully addressed. The same applies to the protection of civilians in the context of protracted armed conflict. The process of protecting civilian population is a combination of: political decisions and actions; protection against physical violence; creating institutions, which can guarantee long-term protection against

violence (Office of Civil-Military Cooperation of the Armed Forces of Ukraine, 2019, 120).

The UA CIMIC Doctrine (paragraph 3.3.1) covers some fundamentals of human rights protection in the areas of armed conflicts by explicitly outlining major areas (vectors) of military support of civil environment. They are as follows: 1) assisting civil population by means of restoration of lost capabilities of government agencies and local authorities, other objects of civil-military cooperation in order to exercise their functions; 2) assisting, within their areas of competence, with measures to restore public safety and order; 3) creating opportunities or military support (if necessary) to humanitarian operations by civil groups; 4) assisting in organization, coordination and exercise of measures to meet emergency needs in water, food, electricity, medical treatment, educational and residential rights of persons, affected by the military actions; 5) coordinating joint programs, assisting government agencies and local authorities in restoring damaged infrastructural objects.

In the course of various operations, the military command has legal responsibilities and obligations to people under international humanitarian law. In fulfilling these legal requirements, the command must constantly reduce the impact of the military operation on non-combatants and provide them with maximum support and safety wherever possible.

CIMIC and gender-related issues. Both under Ukrainian and NATO standards, gender-related issues pose a separate topic, rather something that is an integral part of the CIMIC projects. Gender awareness is currently among the pressing issues. Gender refers to the social attributes associated with being male and female learned through socialization and determines a person's position and value in a given context.

The UA CIMIC Doctrine defines gender caused violence as acts aimed against persons due to their gender or customs and traditions, which are common in the society (stereotypes about social functions (status, responsibilities etc.) of women, men, children), or acts, which refer primarily to persons of certain gender or age or affect them disproportionately, which cause physical, sexual, psychological or economic harm or sufferings, including threats of such actions, in public or private life.

Compared to 2014, when the number of servicewomen slightly exceeded 14,000, of which

1,582 were female officers, 12,388 privates, sergeants and non-commissioned officers, and 349 cadets, their number more than doubled in 2020.

According to the 2020 statistics, 31,758 servicewomen served in the army (15.6% of the total number). Of these, 4,810 were officers (8.9%), 25,780 were privates, sergeants and non-commissioned officers, and 1,162 cadets. Currently the number of women who serve and work in Ukrainian Armed Forces reaches almost 22.5%. This is one of the highest percentages of women in relation to the total number of troops, even among many NATO armies (Mosjondz, 2021).

Despite such high percentage of women in the army, barriers to some officer positions continue to exist in Ukraine. Men and women are provided with unequal medical (sanatorium) treatment and have different rights in the context of raising children, even different levels of responsibility for the same types of offenses.

When it comes to gender equality, the first thing is the empowerment of women. But in practice this is far not always the case. For example, the Law on Social and Legal Protection of Servicemen and Members of Their Families prohibits male personnel from taking parental leave during a special period of martial law until they reach the age of three or (in some cases) six years. In peacetime, this right can be exercised only by men who are raising a child on their own. There are no such restrictions for women.

Also, although women and men may be subject to offenses and crimes, the law contains certain restrictions on the imposition of certain penalties and penalties on women. For example, the Code of Ukraine on Administrative Offenses states that arrest with detention in a guardhouse cannot be applied to female servicemen, and the Criminal Code of Ukraine prohibits imposition of punishment on women servicemen in the form of detention in a disciplinary battalion.

These are all women, not just those who, for example, are pregnant or have children, which is clearly not the case with the principles of motherhood and childhood.

Each sanction for a military administrative offense provides for detention in a guardhouse, and 12 sanctions out of 34 provisions, which define elements of military offenses provide for such a type of punishment as detention in a disciplinary battalion.

Based on this and other critical analyses, V. Facievich makes a conclusion that to this date there is a special treatment of women in Ukrainian military formations, which not only hinders development of their military careers, but also discriminates against men in access to certain social guarantees, including those related to the upbringing of children. Equality in the military, which provides not only equal rights but also responsibilities, is the key, as the author points out, to Ukraine's successful integration to NATO, and proposed projects are in line with national plans and programs for the coming years (Facievich, 2021).

The Ministry of Defense of Ukraine recognizes gender equality among the key principles of military service, which is an absolute innovation for regulations governing the order of military service in the Armed Forces. In addition, responsibilities of the military to adhere to gender equality in their daily activities are enshrined. As for the commanders, their responsibility for the observance of the principles of social justice and gender equality in the entrusted unit is legally determined.

As a forecast for the near future, in case the new Statute of Ukrainian Armed Forces is adopted, some legal acts will be amended or supplemented with sections that take into account the requirements of observance of the principles of social justice and gender equality in the Armed Forces. This harmonizes legislation governing the activities of the Ukrainian army with Progressive NATO and EU Standards (Romanov, 2020).

To sketch a complete picture of the civil environment, both male and female perspectives from men and from women within the society have to be included. Men, women, boys and girls may face different risks and vulnerabilities, play different roles in societies, or are affected by a changing security environment differently. Thus, gender perspective has to be included in planning, assessments and reports.

Specifically, the presence of gender-based violence in the AOO and possible counter measures need to be assessed and conveyed to the commander.

Today, gender issues in the civil and military relations hold a prominent place. This is mainly due to the fact that the armed forces are in a state of transformation. Physical strength and aggression, as traditionally male features, lose their meaning. It is the main argument presented

by supporters of involving women in military structures. Another key argument is that women have the same rights and responsibilities as men, thus their participation in the military functions should be equivalent to those of men.

There are two possible avenues for women to join the Armed Forces. Women either adapt to the existing regulations and orders, which are “masculine” in nature, or they change the existing structure and nature of the army, thus making it gender-neutral (Grytsenko, Kvit, & Martsenyuk, 2016, 10).

Sometimes in Ukrainian media, women on the front are depicted as auxiliary and supporting male fighters. In other cases, reports cover women who are in no way inferior to men in their combat skills and achievements. The presence of women in the Joint Forces Operation (JFO) area has a positive function of support and mobilization in both cases. It is important to note the absence of overtly negative images of women in the media. There are no accusations of frivolity, masculinity, ignoring traditionally female functions, women in JFO are almost never victimized.

Unfortunately, local mass media do not cover real needs and concerns of women in the JFO. The concept of being brave and defending the country actually consists of many real actions and situations that should be learned and managed. A greater media emphasis on the women’s needs on the front and the problems they face after returning from the war would help improve public awareness and could be an additional leverage of influence on supplies and gender.

These remarks and some critical observations completely apply to the active involvement of women in various CIMIC projects. It is our position that male and female army officers working together with representatives of civil society are able to achieve better results in the ongoing civil-military dialogue than male (female) officers only.

Conclusions

The critical comparative study of civil-military cooperation environments in Ukraine and some other jurisdictions have led to several conclusions, which can be further elaborated by academic means.

Though the definition of the key term “CIMIC” under review can vary (civil-military cooperation

in Ukraine, civil-military operations in the U.S., civil-military dialogue under the UN approach), its core concept remains largely the same: a joint civil-military effort, aimed at achieving a specified set of peacekeeping and peace restoring goals within a broad spectrum of civil-military interaction with a wide range of non-military actors, both on group and individual levels.

Neither NATO, nor its members, including the United States, addresses within relevant civil-military cooperation guidelines the issues of patriotic education and cultivating the high level of respect to the military by various groups of society. Obviously, this is not a priority in some nations, given the *de facto* high level of respect and professional deference to the military. At the same time, cultivating such culture of mutual understanding, support and cooperation is essential for the CIMIC success in Ukraine.

Gender-based issues are not fully addressed in either NATO or foreign countries CIMIC standards. They remain pressing issues for Ukrainian CIMIC aspirations as well. A research conclusion has been formulated that a much more active involvement of military women in the CIMIC projects, especially the ones conducted in the Joint Forces Operation area, will provide for a better partnership dialogue between the military and civil stakeholders.

At this point of the national political and defense developments, the CIMIC concept remains largely novel both for Ukrainian military and civil society. The CIMIC doctrine itself is a comparatively new phenomenon in NATO military doctrine and standards. Nevertheless, once it was introduced in Ukraine, as a doctrine at the Ministry of Defense Level, it is now evolving and expanding, while also continuously moving in the direction of modern warfare standards, adopted by NATO and its members.

Based on the results of this research, Ukrainian version of CIMIC doctrine, especially with the foreign military aggression being largely in the focus of the whole nation, should concentrate on the following points of improvement: 1) cultivating the culture of mutual respect, trust and support between all involved military and non-military actors; 2) promoting patriotic education in Ukrainian society, especially young people, with active members of the military serving as mentors; 3) using CIMIC groups (divisions) as a platform for civil-military contact and cooperation in Eastern Ukraine, especially in area of the ongoing Joint Forces Operation; 4) cultivating awareness and culture of gender

equality and equal opportunities for men and women in the military.

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