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INTERNATIONAL RELATIONS

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GEOSTRATEGIC ANALYSIS OF THE ZANGEZUR CORRIDOR'S POTENTIAL COMMERCIAL AND LOGISTIC IMPACTS ON THE REGION

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Abstract

The Zangezur Corridor stands out as a strategic initiative aimed at strengthening regional connectivity across the South Caucasus by linking Central Asia to Europe via Azerbaijan and Türkiye. It is expected to reduce transport time and costs significantly, providing new momentum to trade, logistics, and infrastructure development, especially for landlocked Azerbaijan. This research employs a qualitative methodology based on content analysis of government strategies, statistical reports (ARDSK 2025), academic publications, and international expert opinions. The study focuses on assessing the corridor's impact on Azerbaijan's foreign trade, transit capacity, and its broader geopolitical significance in Eurasian logistics.

The findings suggest that the corridor presents multiple advantages: it creates a shorter and more efficient transport route compared to the BTK railway, facilitates direct Azerbaijan–Nakhchivan–Türkiye connectivity, and strengthens Azerbaijan's role as a critical transit country in the Middle Corridor. The study also highlights the projected increase in freight and passenger movement and the potential establishment of logistics hubs in Fuzuli, Zəngilan, and Culfa. Despite the corridor's transformative potential, significant challenges remain, including political resistance from Armenia, unresolved border disputes, a lack of a qualified labour force, and infrastructure financing gaps. However, if fully realized, the corridor may reduce dependence on Iran, provide strategic advantages to Azerbaijan and Türkiye, and contribute to regional peace and economic interdependence. It is also positioned as an alternative to routes such as the Suez Canal, enhancing Europe-Asia transport security. Additionally, the project is expected to attract foreign investment and foster technological exchange through international partnerships in the logistics sector.

Keywords: Zangezur Corridor, Azerbaijan's foreign trade, Regional logistics, Middle Corridor, Transport infrastructure, Geopolitical risks.

Introduction

As a result of the Second Karabakh War, a ceasefire agreement was signed between Armenia, Russia and Azerbaijan. This agreement ended the conflicts and became a turning point in the region. At the same time, Azerbaijan and Turkey signed the Shusha Declaration. This declaration emphasized the strategic cooperation of Shusha between Turkey and Azerbaijan. Later, on November 10, 2020, Azerbaijan, Russia and Armenia signed the Tripartite Declaration. Article 9 of the Declaration includes the reorganization of direct relations between Azerbaijan and Nakhchivan. This arrangement means both getting rid of the traffic

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blockade of the Nakhchivan Autonomous Republic and the construction of the Azerbaijan-Nakhchivan-Turkey (ANT) railway, which is an alternative to the Baku-Tbilisi-Kars (BTK) railway, with the restoration of the Zangezur Corridor. Azerbaijan has historically been at the intersection of important trade routes due to its strategic location. This has contributed to the development of Azerbaijan's logistics sector. However, the economic, social and political problems experienced with the collapse of the Soviet Union also affected the logistics sector of Azerbaijan. In addition, the war between Azerbaijan and Armenia caused significant negative effects on the logistics sector of the states in the region. Especially the loss of land connection between Azerbaijan and the Nakhchivan Region as a result of the annexation of the western parts of the Zangezur region to Armenia, and the fact that Nakhchivan is connected to Azerbaijan but does not have a land connection, has caused various difficulties, especially in the logistics sector, for many years. In this sense, the Zangezur Corridor has the potential to create a new trade network of intercontinental importance and to support development again. In addition to all these potential positive effects, there are also some problematic issues. For example, it is thought that the Corridor will present some geopolitical disadvantages for countries such as Armenia and Iran in terms of supporting transit trade. In addition, there are infrastructural deficiencies and planning problems in order for the corridor to operate effectively. However, the literature review and web resource reviews have shown that, although the Zangezur corridor is of intercontinental importance and a current foreign trade issue, it has not been studied at a level that will help make strategic decisions that will provide a situation assessment for Azerbaijan and the countries in the region. In addition, the strengths and weaknesses of the corridor and the opportunities and threats originating from the external environment have not been investigated. In this context, there is a lack of a study that tries to understand the dimensions of the effects of the opening of the Zangezur Corridor for the states. In this context, the aim of this study is to examine the possible foreign trade and logistics effects that the opening of the Zangezur Corridor will create for Azerbaijan and the surrounding countries.

Literature review

According to the literature review on the Zangezur Corridor, it is seen that the subject is newly established at the conceptual level in the international literature. It has been determined that in non-empirical studies on the effects of the corridor, the majority of them are published in Azerbaijani and Turkish; in limited resources, the universal language, English, is used and international publications are made. For example, Özlem Arzu Azer, Yasemin Ülker, and Wei Min (Azer et al, 2021). "The Strategic Importance of the "Belt and Road Initiative" Connectivity With the "Middle Corridor" Program in Turkey" analyzes the importance of the corridor for the functioning of both the Turkic world and the Middle Corridor as a whole.

Orkhan Baghirov (Baghirov, 2021). "The Impact of the Opening of Zangezur Corridor on Regional Transportation and Communication Lines" examined the geopolitical and geoeconomic aspects of the transit potential of countries in the modern period, the feasibility study of the transport infrastructure, which is one of the main sectors of the national economy, and the assessment of the international location of the transit potential, the realization of cooperation and competition in the system of international transport corridors, the economic benefits and future prospects in the direction of the implementation of international transport projects.

In the study titled "Problems and Analysis Solutions in the Field of Transport and Logistics" written by Quliyev (Quliyev, 2018), the problems of cooperation in the field of transport and logistics of the Republic of Az <https://globalhorizons.wsj.com> erbaijan were mentioned and solutions were discussed.

In the study titled "Improving the Efficiency of the Transport and Logistics System in Azerbaijan" written by Abdullaoğlu, ways to increase the efficiency of Azerbaijan's logistics and transportation system were examined and in accordance with the Strategic Roadmap, ways to increase the competitiveness of Azerbaijan in transport and logistics services were determined in order to use its transit potential more efficiently.

In the study titled "Transportation System in the Occupied Territories and Its Contribution to the National Economy" written by Xudiyeva and Aslanov (Xudiyeva & Aslanov 2022), the analysis of the modern transportation situation in the Republic of Azerbaijan was given and at the same time, the contribution of the Azerbaijani territories liberated from occupation during the 2nd Karabakh War to the country's transportation and economy was examined, and detailed research results were noted. The development dynamics of the transportation sector, which has an important place in the Azerbaijani

economy, were examined and analyzed with statistical indicators. The classification of the types of transportation in Karabakh was given and their effects on the economy were examined. Considering the important role played by the transportation sector in all areas, it was emphasized that many projects were put forward, measures were taken and investments were attracted in Azerbaijan, as in the whole world, regarding the spread of this area, and it was emphasized that multifaceted studies were carried out mainly in the field of automobile transportation.

Mustafa Kemal Bayırbağ, and Seth Schindler (Bayırbağ & Schindler, 2022). In the study titled “Turkey between Two Worlds: EU Accession and the Middle Corridor to Central Asia”, the Modern Silk Road project, the effects of the project on Turkey's tourism, information, technological and transportation points were analyzed using the SWOT method.

In the study titled “Geographical Location of Zangezur and Geopolitics for Turkey and Azerbaijan” written by İsayeva (İsayeva, 2022), it was mentioned that the Zangezur Corridor has three dimensions of importance: local, regional and intercontinental, its importance at the local level, and its encouraging contribution to local economic development in the countries through the lands it will pass through. Inferences were made that expanding economic and commercial ties between countries will support the development of the entire region.

The study titled “Possible effects of the Zangezur Corridor on the foreign trade of Azerbaijan and Türkiye” written by Hamzatli (Hamzatli, 2022) aims to examine the possible effects of the Zangezur Corridor on the foreign trade of Azerbaijan and Türkiye. Economic, geopolitical studies, opportunity and risk analyses of Azerbaijan and Türkiye were conducted, and in line with these analyses, specific issues were examined in these two countries. In the analysis made by the two countries, the fields of information, transportation and technology were examined under one heading and the studies to be done in these areas were discussed. The positive effects of this corridor on tourism in Azerbaijan and Türkiye, the studies carried out in the field of logistics, and the studies to be done in the future were discussed.

In the study titled “Türkiye's International Trade and Azerbaijan Application” written by Bayramoğlu (Bayramoğlu, 2022), the regional effects of the partnerships between Turkey and Azerbaijan in the fields of economy, military, social, cultural and transportation were examined. In addition, the studies carried out in the fields of logistics and transportation and future predictions were also evaluated.

Gawliczek and Iskandarov (Gawliczek & Iskandarov 2023), in their study titled “The Zangezur corridor as part of the global transport route (against the backdrop of power games in the South Caucasus region)”, emphasized that Azerbaijan, located at the intersection of the North-South and East-West transportation routes, is currently considered an even more important transportation and logistics center due to the Zangezur Corridor. In addition, some scenarios were given regarding the opening of the Corridor. It was emphasized that the most realistic scenario is the opening of the Corridor, which is advantageous for the Azerbaijani government but will damage the reputation of the current Armenian government. From the Iranian perspective, it is stated that with the opening of the Corridor, Azerbaijan will no longer pay transit fees to Iran, and this situation makes the Iranian government uneasy. In addition, it is known that a direct natural gas line to be drawn from Azerbaijan to Turkey through this corridor will disrupt Iran's natural gas exports to Turkey and that this will naturally be contrary to Iran's interests. In addition, it is stated that the importance of the natural gas line from Iran to Armenia will decrease.

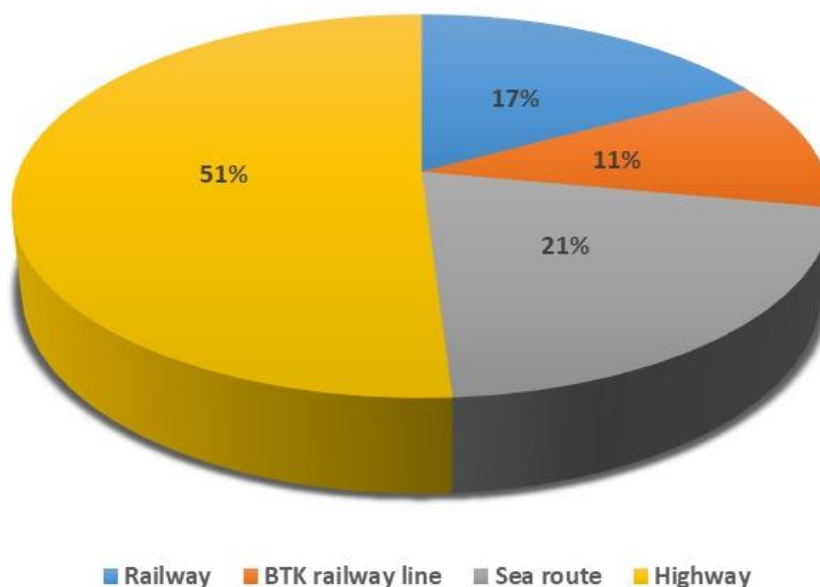
Oxford Analytica (Oxford Analytica, 2023), an international consultancy firm that provides strategic analysis of world events as well as studies conducted in Azerbaijan and Turkey, the main stakeholders of the corridor, states in a study published in an international journal that Iran perceives its isolation in the South Caucasus as a result of changing geopolitical relations in the last three years. While Israel has increased its presence, traditional ties between Russia, Armenia and Iran have weakened, while Turkey-Azerbaijan relations have strengthened through this corridor. In line with these studies, Oxford Analytica (Oxford Analytica, 2023) predicts that Iran will work to develop ties in the South Caucasus in the coming period. Another conclusion reached in the literature review is that the subject has not yet been the subject of sufficient scientific research in the countries that are stakeholders of the Zangezur Corridor. For example, while there are newspaper articles and press releases for Georgia, Armenia and Iran, there is a limited number of international scientific studies. In a study conducted in Armenia and published in Armenian, it is explained that the inclusion of neighboring countries in the Zangezur Corridor project is very important for Azerbaijan and therefore puts pressure on Armenia. It is stated that the extent to which interregional projects will provide economic benefits to Armenia depends on Armenia's ability to complete the construction of the North-South highway corridor (Michael, 2023). Another study that presents the Armenian perspective on the subject

(Poghosyan, 2021) states that Armenia should guarantee the security of transportation connections between the western regions of the Republic of Azerbaijan and the Nakhchivan Autonomous Republic. However, it is anticipated that the recent tensions in the Syunik region are likely to affect the success of these developments. *When reviewing the literature relevant to our research, we must also take into account scholarly works addressing the practice of economic diplomacy under the challenging conditions of geopolitical confrontation – even if in a different context (Vysotskyi et al., 2025).*

To summarize, in the relevant literature, there are studies that mainly focus on the logistics sector of Azerbaijan and investigate the local, regional, economic and geopolitical importance of the Zangezur Corridor, but there are non-empirical studies. It has also been observed that these studies have been examined in a limited way in the literature of Iran, Armenia, Georgia, and Russia, which are parties to the Corridor, and that a limited number of English publications can be accessed.

Discussion

The corridor has regional effects in terms of offering alternatives in various directions. The first and most important of these effects is the emergence of a new logistics route between Turkey and Central Asia. Turkey is interested in reducing its dependence on its regional rival, Iran, and establishing connections with Central Asia through the territories of countries with more positive diplomatic relations. The country is achieving this goal in the north via Georgia and Azerbaijan and aims to realize a similar scenario in the south via the Armenia-Azerbaijan route. It is envisaged that the Zangezur Corridor can serve this purpose. Indeed, the Zangezur Corridor will also enable Türkiye to provide alternative transportation opportunities to Central Asian countries. In addition, it is envisaged that the Corridor will end the congestion in the South Caucasus and that the movement that has been human and commercial for centuries will gain new momentum in the region. Thus, goods and services trade, freight and passenger transportation and touristic trips will be organized through a new route extending from China to Europe and the Americas.



Graph 1. Percentage display of freight transport data for 2024

Source: ARDSK 2025

In addition, the countries in the region that have been negatively affected economically by the coronavirus outbreak will have new cooperation opportunities thanks to the Zangezur Corridor. The corridor also has significant potential for global trade by contributing to the uninterrupted and more economical operation of the Middle Corridor with the North-South route.

Considering the positive contributions of logistics activities to the international trade and economy of the countries, it is anticipated that the research on the Zangezur Corridor, which is planned to be put into operation at full capacity, will make significant contributions in terms of theory and practice.

The universe of the current research consists of the possible effects of the opening of the Zangezur Corridor on Azerbaijan's foreign trade. The study addresses detailed research results on the contribution of the Zangezur Corridor to Azerbaijan's transportation and national economy. This corridor will play an important role in the construction of the Azerbaijan Nakhchivan-Turkey railway line, which is an alternative to the BTK railway.

Considering the important role played by the transportation sector all over the world, it is known that many projects have been implemented and investments have been attracted in Azerbaijan regarding the expansion of this area. In addition, the full capacity of the Corridor is also important for neighboring countries. In fact, in recent years, various studies and research have been conducted on the subject by countries that are thought to be directly affected by the corridor. One of the most recent examples is the workshop organized in Turkey in 2024 on the Strategic Importance of the Zangezur Corridor in Regional Development and Economic Growth. The workshop emphasizes the strategic importance of the corridor for both countries, as it is the subject of a new trade agreement between the two countries. Similarly, the corridor has an important global position in terms of providing transit passage to many points in the world for Russia and China. On the other hand, it is known that the corridor is not accepted by Armenia. Armenian officials have emphasized that the Zangezur Corridor is not open to discussion. The Corridor is considered a commercial barrier in terms of offering a transit passage option for Iran as well as Armenia.

The logistics sector in the Republic of Azerbaijan is developing every year. Both the public and private sectors are carrying out important work in this field and implementing many projects (ARDSK, 2025). The "Strategic Roadmap for the Development of Logistics and Trade in the Republic of Azerbaijan" approved by the President of the Republic of Azerbaijan is a concrete example of these developments (Decree of the President of the Republic of Azerbaijan on approval of the "Socio-economic Development Strategy of the Republic of Azerbaijan for 2022-2026). In a study conducted by Aliyev in 2018, it was stated that Azerbaijan has a strategic location despite being landlocked. The country has two important trade routes from Asia to Europe, the North-South and East-West (TRACECA) transport corridors. Projects such as the Baku-Tbilisi-Kars railway and the Baku International Sea Trade Port contribute to the transport corridors. In addition, according to Aliyev (Aliyev, 2018), thanks to this, Azerbaijan has become an important transport center connecting Central Asia to the West and South Asia to the North. It has also gained political importance by taking part in international projects. Establishing and developing international logistics centers with the revenues obtained from projects such as the Baku-Tbilisi-Ceyhan oil pipeline and the Baku-Tbilisi-Erzurum natural gas pipeline are among the priority agenda items.

Azerbaijan gains political priorities by participating in international projects. The current agenda is the creation and development of logistics centers at the international level with the income obtained from the Baku-Tbilisi-Ceyhan oil pipeline, the Baku-Tbilisi-Erzurum gas pipeline and other similar projects around the world. Statistical data on the country's income from transportation and research conducted in this field also provide a reason to make positive predictions for the future. The importance of the Zangezur Corridor can be characterized by the existence of alternative routes in different directions. First of all, this corridor will encourage the creation of a new route between Turkey and Central Asia, weakening Türkiye's dependence on Iran in this direction, and secondly, it will reduce the influence of the Nakhchivan transit, which is an instrument of pressure for Iran, connecting Azerbaijan to the Nakhchivan Autonomous Republic. It will also help create a new transportation route between Russia and Turkey without entering Georgia.

With the opening of the corridor, it is expected that trade distances between countries will decrease significantly and trade will increase. The Zangezur Corridor will be approximately 40 kilometers long and is an important project that will increase the trade potential in the region. With the opening of the corridor, Turkish companies are expected to play an active role in the reconstruction of the region. In addition, thanks to the corridor, goods can be shipped directly to Azerbaijan without the need for lines passing through countries such as Iran and Georgia, and transportation to Central Asia can be carried out faster and at lower costs. This situation reveals the potential to increase the functionality of ports by increasing the number of voyages on the Caspian Sea (Baghirova, 2021, p.15). The People's Republic of China, one of the world's most important exporters, supplies goods worth 2 trillion 400 billion US dollars to the world market annually, half of which belongs to the European market. In this context, China attaches great importance to economic relations with Europe and is interested in creating new alternative transportation routes. From this point of view, China wants to offer an alternative to the existing commercial transportation network, ensuring that the goods sent from its country are transported to the eastern provinces of Türkiye and from there to Europe

via the Straits. In this sense, it can be predicted that the fully functional Zangezur Corridor will have an important position in the world trade arena. In addition to these, the Zangezur Corridor will bring political gains as well as economic gains to Azerbaijan. First, the Azerbaijan-Nakhichevan route is 344 km shorter than the BTK railway route. This factor significantly reduces the turnover time indicator, which is considered one of the main efficiency indicators of international trade. The shortening of the circulation time reduces circulation costs due to the short time the goods spend on the road, which provides great benefits to both senders and recipients (Bayramoğlu, 2022). Another important factor is the availability of alternative routes, which are of great importance in international transportation. Since transportation routes with many alternatives are considered more reliable, in case the BTK route is out of service for any reason, transportation from China to Europe can be carried out via the Azerbaijan-Nakhichevan-Turkey route. It should be noted that the Russia-Ukraine war also had an impact on the significant increase in transportation on Azerbaijani railways. According to the data of Azerbaijan Railways Inc., 636,000 tons of additional cargo was transported in January-April 2024 compared to the 4th month of 2023, and most of this was transported in transit mode (ARDSK, 2025).

As a result of Azerbaijan's victory in 2020, the liberation of Karabakh lands from occupation has opened up new opportunities for the geo-economic map of Eurasia and further strengthened Azerbaijan's position. The Zangezur corridor is being used as an alternative to the BTK railway, paving the way for the opening of the Baku-Julfa-Iğdır line. This will increase the potential for transporting goods from China to Europe via the Central Asian route and pave the way for the country to become a regional trade and logistics center. It is considered appropriate to establish two more trade and logistics centers in the liberated territories (Mammadov & Hasanoglu, 2023):

1) The Fuzuli or Zangilan economic region, which was liberated from occupation – With the opening of the Zangezur Corridor, the commissioning of various transportation infrastructures here – Fuzuli International Airport, airports under construction in Zangilan and Lachin, the Azerbaijan-Nakhichevan-Turkey railway, the construction and commissioning of 10 highways with a length of 700 km in Karabakh and East Zangezur, will be important in strengthening the investment flow in the development of this region and shaping this region as a logistics center in the future. Central Asia-Azerbaijan-Turkey-Europe, Iran-Russia, Russia-Turkey, Russia-Armenia routes are considered as the main transportation routes.

2) The Culfa district of Nakhchivan or the Sederek settlement – The Zangezur Corridor will accelerate the development of these regions of Nakhchivan. The main routes are Central Asia-Azerbaijan-Turkey-Europe, Russia-Turkey. All this shows that Azerbaijan has a great reputation as a reliable country with alternative transportation routes both in the region and in the world.

With the opening of the Zangezur Corridor, it is thought that railway and highway transportation will work together to improve the transportation of the region. The travel time between Europe and Asia will be significantly reduced to only 12 days. This will increase cooperation and economic connections between the South Caucasus and other countries in the region. At the same time, it will encourage growth in the transportation sector by providing opportunities for new companies in the field of freight and human transportation. This will increase the opportunities for cooperation with international companies in the creation of international transportation infrastructure by ensuring the integration of countries into global economies (Hamzatlı, 2022). Therefore, the development of the city and the potential for new companies to enable investments are among the strengths of the Zangezur Corridor. In addition, the Corridor offers a more reliable route compared to its alternatives connecting China to Central Asia and Europe. In this sense, the ability to provide a more seamless transfer of goods and services is one of its strengths.

The fact that Azerbaijan and Türkiye are located on this corridor ensures that the Corridor has strategic importance in terms of Europe-Asia transportation (Bayramoğlu, 2022). The fact that this corridor is on world trade routes and that the trade from Asia to Europe will shift to the middle corridor will increase the trade volume. In addition, costs will decrease with the decrease in road and air distances, it is safer in terms of security compared to alternative routes, and it is more convenient and faster compared to routes from the south and north to Europe, which are among the strengths of this corridor. With the Turkish Union reaching the level of strategic partnership, the transitions will be made easily and quickly.

A declaration was signed between the parties after the Second Karabakh War ended with the 2020 Nagorno-Karabakh Ceasefire Agreement. Despite this, the activation of the Zangezur Corridor is not accepted by various countries, especially Armenia. For this reason, there are errors and deficiencies in the planning and implementation steps of the corridor, which cannot exist effectively. In addition, the inadequacy of qualified labor, expert numbers and capital for the realization of the Project, and the lack

of sufficient capital for the construction of the 43-kilometer road passing through Armenia (Hamzatli, 2022) constitute the weaknesses of the Corridor.

With the opening of the Zangezur Corridor, the Oil and Gas Pipeline System (OGPS) extending from the Caspian Sea to Europe, the "East-West Corridor", the "North-South" International Transport Corridor (ITC) and the Caspian Transport Network (CTN) will be further strengthened. This line will facilitate the operation of the OGPS and increase regional economic cooperation. In addition, it will provide an important opportunity in the future for the solution of the energy crisis in Europe. Azerbaijan's dependence on Georgia in oil and natural gas transportation lines will also decrease (Hamzatli, 2022). The world becoming a global village and therefore the development of transportation activities, especially in logistics and economic terms, play an important role in achieving these opportunities.

Beyond these, the opening of the Zangezur Corridor will provide an alternative transportation route to the excess and monopoly situation regarding the fees of the Suez Canal. This will reduce transportation costs and accelerate transportation between Europe and Asia. In addition, an alternative option will be provided against the transit processes and security problems in the Suez Canal. This can create a safer environment for commercial activities. With the opening of the corridor, the current route between the Baku-Dilucu Border Gate through Iran will be shortened by 25% and become more efficient (Hamzatli, 2022). The road distance between Turkey and Azerbaijan will decrease by up to 400 kilometers (Turgunov, 2022). With the opening of the corridor, it is expected that a strong economic connection will be formed between the countries of the region and Azerbaijan-Turkey and that transportation between Europe and Asia will be facilitated. In this way, an increase in trade, tourism and other economic activities is expected. It is stated in the study written by Hamzatlı in 2022 that the opening of the corridor will also contribute to the countries in the region becoming more attractive in their international trade and will help the regional economies grow.

The studies carried out will make the logistics infrastructure of the countries even stronger. The eastern regions will be open to new business opportunities and investments. In addition, the arrival of foreign investors to Azerbaijan can contribute to the development of local companies by providing technology and knowledge transfer. Azerbaijan's position among the leading countries in the field of logistics can also help the country gain economic and political power. This is a development that will occur depending on investment and business opportunities. Investors need to recognize and evaluate the opportunities in the countries located in this corridor (Bayramoğlu, 2022).

Azerbaijan will be able to use every branch of air, sea, highway and railway transportation due to its location. According to the study written by Aslanlı in 2021, it is expected that freight and passenger transportation will increase with the implementation of the corridor. Thanks to this corridor, the trade volume between the countries in the region will increase and the tourism sector will also be revitalized. In addition, the provision of a road and railway connection between Nakhchivan and Azerbaijan will allow the transportation network in the region to be further developed.

The economic connection that the corridor will create between the countries in the region and Azerbaijan-Türkiye is also considered an important opportunity. The increase in interdependence in the South Caucasus, the increase in the atmosphere of peace and the creation of common prosperity areas can be an important opportunity for increasing cooperation between the countries of the region (Aslanlı, 2021). It has been found that there are many opportunities for the Zangezur Corridor at the national and global levels. However, there are also some threats that may affect strategic decision-making:

Table 1

Threats

Political instability	Trust issue
Global risks and uncertainties	Problems in the Caspian Sea
Alternative routes	Political issues
Conflict environment	Armenian lobby
Possibility of war	

Source: Created by the author.

One of the most obvious threats is political problems. For example, the fact that the borders of Azerbaijan and Armenia have not been finalized in the Karabakh region is a significant threat. In addition, there are political problems behind the failure of the corridor to become operational. With the end of the Second Karabakh War with the 2020 Nagorno-Karabakh Ceasefire Agreement, a declaration was signed between the parties. Despite this, the activation of the Zangezur Corridor makes stakeholders uneasy in terms of economic and political authority, and the opening of the Corridor is reported to be unacceptable (Daily Sabah, 2022).

However, Europe and especially the USA's China policy, wars and political problems in the Middle East, political problems between Azerbaijan and Armenia, Azerbaijan's inability to sufficiently advance its relations with European countries due to its long-term warm relations, and Armenia's slowing down of the opening of this corridor, which is among the political problems, include political and military issues.

Problems such as waiting times in the Caspian Sea passages and the lack of Ro-Ro ships result in trips from the Caspian Sea to only two ports and the vehicles on the ship waiting for disembarkation for long periods. This situation is stated in a study written by Hamzatlı in 2022 as being due to container and bulk carriers using separate ports. This situation is a very basic threat to the Corridor.

Azerbaijan's decrease in need of Iran to reach Nakhchivan, Iran's decrease in revenue from transit passages and Iran's opposition to the corridor due to the idea that its strategic importance will decrease are considered as significant threats. In addition, the possibility of an embargo by European states on China or a weakening of trade with China due to political problems, relations between the Turkic Republics not being at the expected level and in some cases reaching the breaking point, the failure to reach an agreement between Azerbaijan and Armenia and the political tensions that may arise as a result are considered as threats. Political risk and uncertainty are a threat to the Corridor.

One of the issues that draws attention at the international level is the impact that the Corridor will have on the Russian front. It is known that the Armenian railways belong to the Russian company JSC Russian Railways, and the construction of the railway passing through Zangezur will begin in Russian rubles, as announced by a news agency closely followed in the Caucasus. Russia is also an important actor in the issue in terms of foreign trade. According to an article found in the research, it is predicted that Russia will be able to take control of a large part of Armenia thanks to the Zangezur Corridor, and the Corridor offers a great potential for commercial connections as it will create the first direct railway between Russia and Turkey (Gawliczek & Iskandarov, 2023).

Conclusions

Azerbaijan is located on central roads, despite being landlocked, and has a favorable geographical location on the two most important trade routes from Asia to Europe, the North-South and East-West (TRACECA) transport corridors. The Baku-Tbilisi-Kars railway, which is considered the main part of the TRACECA transport corridor (Bayramli, 2017), and the Baku International Sea Trade Port located on the North-South corridor have been built and put into use. Through this port, Azerbaijan has become a transportation hub connecting Central Asia with the West (European Union) and South Asia with the North, especially Iran and India. According to Article 9 of the Tripartite Declaration signed by Azerbaijan, Armenia and Russia on November 10, 2020, it was emphasized that direct relations between Azerbaijan and Nakhchivan should be reestablished. The reconstruction of the Zangezur Corridor means the construction of the Azerbaijan-Nakhchivan-Turkey railway line, which is an alternative to the BTK railway. It is anticipated that the Project will make significant contributions to the International Trade literature, as it is accepted to be implemented in 2020 and its effects have not been discussed in detail in the literature (Bayirbag, 2022). Based on this, the study attempts to reveal the logistics and commercial effects of the opening of the Zangezur Corridor for Azerbaijan.

Based on the findings obtained from the current literature review on the Zangezur Corridor, it can be said that the restoration of the Zangezur Corridor will provide Azerbaijan with commercial, economic, logistic as well as political gains. First, the Azerbaijan-Nakhichevan route is 344 km shorter than the BTK railway route. This significantly reduces transportation time, which is considered an important efficiency indicator in international trade. Another important factor is the availability of alternative routes. With the restoration of the corridor, a new route will be created that will benefit countries and reshape the transportation network. It has been understood through the study that regional positive effects will emerge with the opening of the Zangezur Corridor, Azerbaijan will be positively affected economically, its political power in the region will increase, positive effects will be observed in logistic areas and it will help ensure

peace between societies. In the light of these findings, it is clear that applications are needed to make the best use of opportunities, further develop strengths, eliminate weaknesses and eliminate threats. In this context, we can summarize what will be done as follows:

The biggest factor affecting this project is political events. It is necessary to remove obstacles to commercial and political innovations along the corridor and to ensure security. Problems related to transit passage should be eliminated, meetings should be held with the countries on the route in this regard, and efforts should be made to turn the region into an important base.

Another issue is the necessity of border and border security research. In order to minimize the complexity of border crossings, factors such as reducing threats, ensuring security, and adjusting the number of personnel and responsibilities are important. In addition, if an agreement is reached between Azerbaijan and Armenia, the "Green Pass" service can be used in transit passages. In this way, trains and trucks passing through the corridor will be able to continue their journeys without waiting and losing time. The green pass service is a service model that promotes environmentally friendly and sustainable transportation. This service aims to reduce the environmental impact of transportation operations, reduce the carbon footprint and protect natural resources (Baghirov, 2021). The green transit service includes the selection of environmentally friendly modes of transport, energy efficiency measures, the use of renewable energy sources and environmental practices.

Azerbaijan's logistics infrastructure should be built in the most reliable way. Because Asian markets have a great impact on the global economy and the goods and services produced in these markets need to be transported to the European market in the shortest possible time and at the lowest cost. It is important to carry out logistics studies for the railway route, which is a part of the Central Silk Road, develop new projects and establish high-speed train lines. In this way, Azerbaijan can strengthen its position as the logistics center of the region and facilitate trade between Asia and Europe.

In short, the biggest factor affecting the Zangezur Corridor Project is political events. Obstacles to commercial and political innovations along the corridor should be removed and security should be ensured. Problems related to transit passage should be eliminated, consultations should be held with the countries on the route in this regard, and efforts should be made to turn the region into an important base. The country's logistics infrastructure should be developed and new projects should be prepared. In order for logistics services to be centralized worldwide, correct planning, process analysis, corporate resource planning, risk analysis and prioritization must be done and implemented correctly. In this way, logistics operations can be managed effectively, resources can be used efficiently and risks can be minimized and service quality can be increased. In future studies, various contributions can be made to international trade theory and practitioners by evaluating the effects of the Zangezur Corridor on the international logistics and trade activities of surrounding countries in a geopolitical and economic context.

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THE FORMATION OF A NEW WORLD ORDER SYSTEM AND SECURITY ARCHITECTURE

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Abstract

This paper examines the prospects for constructing a new system of world order and the potential for updating the international security system. Particular attention is given to a retrospective analysis of the development of the security architecture of the world order during different historical epochs. Well-known systems of world order are analyzed, including the Westphalian, Vienna, Versailles-Washington, and Yalta-Potsdam systems. The authors consider the historical formation and operational nature of the key elements in the architecture of the existing security model – such as the UN, NATO, CSTO, and the OSCE – and highlight the need for their reform. The main trends in the development of the modern world order are revealed. The prospects of establishing a uni-, bi-, multi-, or non-polar system are analyzed and outlined. The debatable character of the issues concerning the establishment of a new world order has been highlighted. Emphasis is placed on the absence of universally recognized leading states that could serve as future “poles of influence” within the global system. Based on statistical data concerning the military potential of the G7 and BRICS member countries, the paper substantiates the prospects of their involvement in building a renewed security architecture. The authors analyzed the potential of the most powerful states and assessed their competitiveness in the contest for global leadership. The conclusion is made that the absence of clearly defined centers of influence hinders the establishment of a new world order system and complicates the process of forming a new security architecture. Finally, the authors provide recommendations that should be considered when seeking a new balance of power and updating the international security system.

Keywords: world order, security architecture, transformation, multipolarity, conflict, international security, universalism, state, international institutions.

Introduction

The current system of international relations is increasingly showing signs of fragmentation. The world order established after the Second World War is losing its legitimacy, and the contemporary global structure is undergoing a profound transformation. Historically, systems of world order have usually emerged following global wars, which resulted in the redistribution of territories and the division of states into winners and defeated parties. The former would set the global agenda, while the latter often nurtured revanchist sentiments, leading to new military and political conflicts. Today's situation differs fundamentally. Since the end of the Cold War, international processes have developed inertially, with no country decisively raising the issue of revising the existing world order. Instead, states focused on accumulating military and political potential, modernizing their economies, and strengthening their defense sectors. Nevertheless, global

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processes continued to evolve. Existing military-political alliances were reformed, and new international security organizations were established. At the regional level, tensions between key stakeholders often escalated into armed conflicts, with new methods of warfare being developed. Yet, on a global scale, no system of control and deterrence was formed that could de-escalate conflicts. Furthermore, no clearly recognized global decision-making centers have emerged – states that would be acknowledged by the international community as legitimate leaders capable of resolving global tensions.

Prolonged conflicts and wars, increased geopolitical competition, and the erosion of international institutions have called into question the stability of the post-war security architecture. In today's highly interconnected world, the pursuit of peace, prosperity, and human freedom requires new thinking and new instruments (Scholz, 2023).

Against this backdrop, the need for a critical reassessment of the existing world order and its associated security architecture has become evident, along with the development of mechanisms and conditions for achieving global consensus on peaceful coexistence.

The issue of security, in the context of building a modern global order, is addressed by various scholars.

For example, American political scientist Wolfers (1962) argued that security, in an objective sense, means the absence of threats to acquired values, and in a subjective sense – the absence of fear that these values may be harmed or destroyed. He also viewed security as a fundamental public good that should form the basis of any system of world order. Wolfers likened international relations to the interaction of billiard balls, asserting that each state is a “closed, impermeable, and sovereign entity”. British scholar Rothschild (1995), in her study of security, proposed a conceptual four-dimensional model of national security, emphasizing the relationship between the state and international institutions. American researchers Buzan and Wæver (2003) focused on conceptualizing international security and examined the role of regional factors in the global security framework. Ukrainian scholar Sytnyk analyzed and reinterpreted historical perspectives on the formation of security architectures and discussed the main trends in the transformation of the international relations system (Sytnyk & Orel, 2021).

As for the formation of a new world order, it is the subject of research by scholars such as Gilpin (1994), who analyzed changes in the international order since World War II; Haass (2008), who explored the transition from a unipolar to a nonpolar global system; and Ikenberry (2010), who proposed a model of international relations in which the United States plays a dominant strategic role. Bulvinskyi (2017) examined the architecture of international relations in the context of the political modernization of post-Soviet states. However, insufficient attention has been given to the need to adapt international institutions to current security challenges and to the prospects of building a new world order amidst rising geopolitical competition.

The aim of this study is to define the current conditions and prospects for constructing a new system of world order and security architecture.

Research Methods

This article employs a range of general scientific and specialized methods. The historical method was used to analyze systems of world order from the 17th century to the present, examining their characteristics and influence on the evolution of interstate relations and the resolution of global security issues.

The comparative method was applied to examine international institutions such as the UN, OSCE, NATO, WTO, and the CSTO. This enabled the identification of differences among these institutions, their founding goals and activities, their relevance to current security challenges, and their capacity to shape a new world order.

To study the transformation trends in the current global system and the existing security architecture, the analytical method was used. It helped assess the extent of transformation in military-political alliances, determine the level of escalation in armed conflicts, understand their impact on the global order, and identify problem areas in the process of constructing a new system and defining new “poles of influence”.

Finally, the generalization method was employed to formulate recommendations and conclusions concerning the contemporary prospects for developing a new system of world order and security architecture, particularly in terms of establishing new centers of global and regional influence.

Results

In studying the formation of a new world order and security architecture, particular attention should be given to its establishment, normative framework, and prospects for development. The security

architecture of the world order is a combination of institutionalized and informal international mechanisms that regulate security relations at the global and regional levels, maintaining stability and reducing the risks of conflicts, threats, and crises (Bull, 1966; Northedge & Grieve, 1972; Hinsley, 1973). It includes normative foundations (international law, the UN Charter), institutions (the UN, NATO, OSCE), geopolitical balances, and ideological paradigms of global governance (Waltz, 1967; Burton, 1972; Walzer, 1977; Bull, 1979). According to Waltz, the structure of the international system determines its security architecture, which under conditions of anarchy is ensured by a balance of power (Waltz, 1979). Bull also described the security architecture as an anarchic society of states based on common interests, rules, and norms (Bull, 1977). At the same time, political scientist Lake emphasized (Lake, 2019) that it is inaccurate to call the international arena anarchic. On the contrary, this system shapes regional reserves of peace and cooperation. International hierarchical alliances act as a powerful force for maintaining peace both within and between confederations – instead of dozens of conflicting countries, negotiations are conducted by several coalitions.

We agree with Lake's explanation that powerful states benefit from weaker relations, while imperial coercion has not disappeared. Neighboring countries cede political questions to the hegemon, recognize its trade leadership, and act as allies in conflicts with other hegemonies, receiving opportunities to develop their economies, reduce spending on national defense and security, and more in return. Such reciprocal relations are legitimate and even popular. At the same time, Buzan and Wæver proposed the concept of regional security complexes, which form localized clusters of interdependence and risks (Buzan & Wæver, 2003). The authors offer a distinctive interpretation of international security after the Cold War, avoiding both extreme simplifications of a unipolar perspective and excessive deterritorialization seen in many globalist visions of new world disorder.

If we briefly examine the history of forming security systems of the world order, in most cases, it was a consequence of particular historical events, primarily major wars, followed by the redistribution of territories among the victorious states. Among the well-known systems that shaped the then-existing security architecture are the Westphalian, Vienna, Versailles-Washington, and Yalta-Potsdam systems. Each of them created specific rules for coexistence among states.

For example, the Westphalian system was formed after the Thirty Years' War as a result of signing the Peace of Westphalia, which established certain rules defining state sovereignty and the conditions for their participation in international processes, as well as a redistribution of territories and the designation of key centers of power. The goal of these transformations was to react promptly to problematic issues and potential conflicts through agreements resolved exclusively by peaceful means (Taran & Popov, 2023). The Peace of Westphalia had a significant impact on the development of international law and diplomacy, laying the foundations for the world order of that time, where the principle of national sovereignty made all countries equal and emphasized the inadmissibility of interference by European states in each other's internal affairs (Shumskiy, 2020).

The Vienna system was formed after the Napoleonic Wars through the decisions of the Congress of Vienna, which established a new distribution of political forces and an updated European order – another territorial redistribution among the leading states. The new security order was maintained by the Quadruple Alliance, which included the most influential powers of the continent: Great Britain, Austria, Prussia, and Russia, each pursuing its own national interests. Later, France also joined in shaping the European order (Kissinger, 2017). This system lasted until the outbreak of the First World War, after which several empires collapsed, new states were created, another territorial redistribution took place by the victorious countries, and political regimes changed in many states.

The end of the First World War was marked by the formation of the new Versailles-Washington system. During this period, the first institution for collective security was also established – the League of Nations. However, this system was later criticized for the actual absence of conditions for the use of force to maintain peace and stable global coexistence. This point was also highlighted by renowned American diplomat and international relations expert Kissinger: "Rarely has a diplomatic document so completely failed to achieve its aims as the Versailles Treaty. Too punitive for reconciliation, yet too lenient to deter renewed German ambitions. The Versailles Treaty condemned the exhausted democracies to perpetual anxiety over an irreconcilable and revanchist Germany and a revolutionary Soviet Union" (Kissinger, 2017). One of the significant consequences of the weaknesses of the Versailles-Washington system, along with the irrepressible desire of certain states for a new redistribution of the world, was the outbreak of the Second World War.

A new system – the Yalta-Potsdam – was established as a result of the Second World War by the victorious states (USSR, USA, Great Britain). It fixed a new order based on a revised balance of power and the interests of the victorious states, primarily the USA and USSR. The world was divided into capitalist and socialist systems – ideologically opposed and competing with each other until nearly the end of the 20th century (Krushynskyi & Manzhola, 2007). At the institutional level, the responsibility for maintaining world order and safe coexistence was assigned to the United Nations (Taran, 2022). It should be noted that the UN has not become a maximally effective institution for resolving international conflicts and ensuring stable security. The biggest weakness in its functioning is seen by researchers in the privileged position of the victorious states of the Second World War, as they are not obliged to comply with the provisions of the global order. Moreover, they hold veto power, so enforcement measures are hardly applicable to them as permanent members of the UN Security Council. The involvement of these states in major global conflicts under conditions requiring unanimous decision-making directly indicates the ineffectiveness of the UN (Diurozel, 1995).

Additionally, a distinctive feature of the Yalta-Potsdam system of international security was the creation of an extensive network of structural military-political elements for ensuring regional military security. In post-war Europe, the foundation of the new security model's architecture was the creation in 1948 of the Western European Union (WEU) based on the Treaty of Brussels on economic, social, and cultural cooperation and collective self-defense between France, Great Britain, Belgium, the Netherlands, and Luxembourg. Over time, the number of member states in this European regional military-political organization increased, and by 2006 it included 10 member states, 3 associate members, and 8 observers (Denysov, 2005).

Despite the predominantly consultative and research-oriented nature of this Union's activities, it became the first attempt to create a modern regional system of collective security. It played a deterrent role and laid the groundwork for the development of new forms and institutions of security. Thus, in 1949, based on the Western European Union and with the active participation of the United States, the North Atlantic Treaty Organization (NATO) was established. At that time, its members included the United Kingdom, the French and Portuguese Republics, Belgium, the Netherlands, Luxembourg, Norway, Denmark, Iceland, Italy, the United States of America, and Canada. The distinctive features of the new security model, which emerged with the establishment of NATO, included the significant expansion of the region's boundaries from a European to a Transatlantic scope, the adherence to the principle of equality among all member states, and the provision of security and protection for the Alliance's members against potential aggression.

From the moment the relevant cooperation agreement was signed in 1955 until the collapse of the USSR, NATO's opponent was the Warsaw Pact Organization (WTO). Its members included the USSR, Romania, Bulgaria, Poland, the German Democratic Republic, Czechoslovakia, Hungary, and Albania. According to the treaty, the participating states committed to refraining from the threat or use of force within international relations and to assisting one another – including through armed forces – in the event of an armed attack against any member (Melnykova, 2004).

However, many researchers noted frequent and serious violations of these fundamental principles by the member states of the WTO, which in part provoked the withdrawal of certain countries from the treaty and ultimately led to the organization's dissolution (Pavlenko, 2005).

The tough confrontation between the two military-political blocs led to increased military spending and accelerated the arms race. Both the USA and the USSR built extensive networks of military bases in other countries. As a result, the primacy of international law, declared at the founding of the United Nations as the basis of its activities (United Nations, 2021), was gradually replaced by the primacy of military force. The Helsinki Act of 1975 later established the foundation for the international security system – the doctrine of nuclear deterrence.

This global division came to be characterized as a bipolar world order system, as two powerful superpowers functioned on the geopolitical stage, forming camps of supporters in the form of satellite states. It is considered that this was the most stable and secure system since a clear balance of power operated, and emerging local conflicts were manageable and took place with the support of the superpowers. A widely held view is that under a bipolar system, global security conditions are more stable and controllable than under a multipolar system. A key feature of the bipolar world, which existed from the end of the Second World War until the collapse of the USSR, was that only two states had the greatest influence on global political processes and controlled the stability of international security. After the collapse of the USSR, the world

order began to be described as unipolar, with the United States occupying a dominant role in military, technological, and financial spheres.

It should be noted that new conditions required reform and modernization of the existing collective security system and a transition to a new security architecture. This process of transformation directly affected both NATO and the WTO. The latter completely ceased its activity after the collapse of the USSR. Following the dissolution of the WTO, in 1992, the Collective Security Treaty Organization (CSTO) was established in the post-Soviet space. This military-political international organization was intended to serve as an alternative to NATO.

Initially, military-political cooperation among states was regulated by the signed Collective Security Treaty (CST), and in 2002, the CST was transformed into a full-fledged international organization – the CSTO – with a Charter and an Agreement on the legal status of the organization, which were ratified by its member states. The original signatories of the CST included Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, and Armenia. Later, Azerbaijan, Georgia, and Belarus also joined. However, the composition of member states changed over the years, and as of April 2025, the CSTO includes Russia, Belarus, Kazakhstan, Kyrgyzstan, and Tajikistan.

In order to enhance the CSTO's weight in the system of international relations, it obtained observer status at the United Nations General Assembly in 2004. In 2009, the leaders of CSTO member states signed an agreement on the creation of Collective Rapid Reaction Forces (Konstantynov, 2004).

However, in its current form and condition, the CSTO can hardly be considered a genuine alternative to NATO. This is not only due to the scale of its operations and its level of influence but also because of internal crises caused by significant disagreements among its members, who primarily pursue their own, rather than collective, military-political goals in Central Asia and the South Caucasus (former members of the organization).

Regarding NATO, the restructuring of the European security system and the transition to a new architecture at the end of the 20th century provoked changes within the organization itself. At the London Summit in 1990, it was recognized that it was necessary to revise NATO's strategy and adapt to new conditions. Issues such as the reduction of armed forces due to the decreasing level of external threats and the need to strengthen cooperation with the newly established democracies of Eastern Europe were brought to the agenda.

The next step was the Rome Summit in 1991, where the Strategic Concept and the Declaration on Peace and Cooperation were adopted, which laid the foundation for the establishment of the North Atlantic Cooperation Council (NACC), aimed at fostering cooperation with the countries of Central and Eastern Europe. Later, this body was succeeded by the Euro-Atlantic Partnership Council (EAPC), which focused on consultations regarding the control and limitation of nuclear, biological, and chemical weapons (Dzvinchuk, 2012).

Another important initiative in reforming the security system was NATO's Partnership for Peace program, designed to conduct joint military exercises, plan military development, and build trust among partner states. Additionally, the Membership Action Plan (MAP) was introduced – a program of practical assistance and political dialogue for candidate states, implemented within individual frameworks with each country. As of now, NATO has 32 member states (NATO, 2024).

In the context of reforming the existing security system, it is also necessary to mention the world's largest regional intergovernmental security organization – the Organization for Security and Co-operation in Europe (OSCE), which includes 57 member states from North America, Europe, and Central Asia. Starting its work as the Conference on Security and Cooperation in Europe in 1973, the organization set the goal of building a united, democratic, prosperous, and peaceful Europe. Under the auspices of the OSCE, dialogues on security issues, arms control, disarmament, and confidence-building measures have been conducted. Documents on the global exchange of military information, guidelines for nuclear non-proliferation, and a Code of Conduct on Politico-Military Aspects of Security – which outlines obligations for the democratic control of armed forces and their use – have been adopted (Shemshuchenko, 2001).

According to the Helsinki Summit Declaration, the OSCE possesses a range of mechanisms for deploying official missions and personal representatives of the OSCE Chairperson-in-Office. These missions carry out monitoring, fact-finding, reporting, and mediating functions to prevent conflicts and resolve crisis situations (OSCE, 2005). It is logical to conclude that the OSCE could become an optimal platform for discussions and negotiations on the development of a new security architecture. However, on one hand, the OSCE is not a legally binding organization and does not have international legal personality. On the other

hand, a large number of member states with differing interests take part in the organization's activities, which creates divisions within the OSCE itself. For this reason, the issue of reforming the OSCE remains relevant, particularly in terms of agreeing on a new, universally acceptable, and effective agenda that meets today's challenges, along with defining common rules of engagement.

Peculiarities of the Formation of the Modern World Order

In our view, the modern world order is forming under the influence of a changing global distribution of power, where a larger number of actors have the ability to impact key international issues (Brzezinski, 1997). At the same time, the world is also experiencing growing polarization – both at the international level and within the domestic politics of many countries (Fukuyama, 2018). In recent years, the concept of “multipolarity” has been increasingly used in professional high-level discussions. Moreover, some researchers believe that – judging by political speeches and strategic documents – a new multipolar order is either emerging now or already exists (Bunde et al., 2025). In contemporary political science discourse, various approaches can be found to explain the essence of multipolarity. These interpretations can be described in the following ways: as an expression of hope for global changes, as part of a “power game” aimed at involving countries of the so-called Global South, or as evidence of “intellectual avoidance” by those who prefer to ignore the growing dynamics of bloc confrontation (Bekkevold, 2023). In any case, these views reflect the multidimensionality of opinions regarding the existing and future world order.

Despite the large number of explanations, assumptions, and claims, researchers still find it difficult to interpret the nature of the current world order, which complicates outlining prospects for future coexistence and the construction of a new security architecture. At present, there is no unified agreement on whether today's world is uni-, bi-, multi-, or even non-polar. Moreover, no consensus exists regarding which actors can be considered as the respective poles in the current or future world order. This is connected to ongoing debates about defining great powers and the necessary criteria for states to claim such a status (Keersmaecker, 2016).

For some analysts, the world remains unipolar, and they do not see prospects for changes in the future. Although few still consider the United States an all-powerful superpower, these analysts argue that global shifts in the international system are less significant than often assumed. Relying on various indicators, members of this school of thought claim that the U.S. will remain the only superpower: “the world is neither bipolar nor multipolar, nor is it going to become either one” (Brooks & Wohlforth, 2023). Accordingly, the United States will become the core of the formation of a new security architecture – a guarantor of strength and stability not only in the Euro-Atlantic region but also globally. It should be noted that for several decades after the end of the Cold War, the United States has maintained a global network of partners and allies, as well as at least 128 foreign military bases in over 50 countries (The White House, 2022). Its military-technological superiority and rapid progress in the development of military technologies keep the U.S. far ahead of its nearest competitors – a situation quite different from previous eras before major world redistributions (Gilli, A. & Gilli, M., 2019).

Another group of analysts concludes that the direction of global changes points to the establishment of a bipolar system, where the United States and China acquire the status of superpowers, while for other states, the threshold of military and economic capacity remains unattainable (Lind, 2024; Kupchan, 2021). They consider “on the one hand, the narrowing power gap between China and the United States, and on the other – the widening gap between China and any third state” – which, in their view, leads to the formation of a new bipolar system (Tunsjø, 2018). In this situation, China does not consider it necessary to surpass the United States in military-economic power but rather to actively participate in international dialogue to become a serious competitor. In recent years, China has actively started to express its position on widespread global conflicts, whose parties are drawing more and more states to their side. Taking a stance of non-intervention, China proposes alternative measures and action plans for conflict resolution, including for Ukraine. For this reason, the United States takes a pragmatic view of the situation and perceives China as a real adversary. Thus, in the 2022 U.S. National Security Strategy, the administration of then-President Biden identified China as “the only competitor with both the intent to reshape the international order and, increasingly, the economic, diplomatic, military, and technological power to do so” (The White House, 2022). Under the new President Trump, China remains the main challenge to U.S. national security, as current military planning is largely focused on the indicators of China's military-economic potential. Already as a U.S. senator and now U.S. Secretary of State, Rubio openly stated: “Communist China is the most powerful adversary the United States has ever faced in living memory. This is not an exaggeration. We sometimes

forget that past enemies, including Nazi Germany and Soviet Russia, had smaller economies than ours. Each tried to conquer neighbors and harm our country in the process. Each failed, because America outbuilt and outarmed them” (Rubio, 2024).

Another group of scholars believes that a multipolar world does not necessarily imply the existence of several states with approximately equal capabilities that could be classified as superpowers or “poles of influence”. In their view, a “multipolar world simply requires that significant power is concentrated in more than two states” (Ashford & Cooper, 2023). In this regard, countries such as Russia, France, Germany, India, Japan, or Brazil can be clearly recognized as “important global powers”.

Other researchers emphasize an even lower threshold for defining a state as a “pole of influence”, which is connected to the unprecedented level of interdependence between states due to globalization processes (Khylyko, M. & Khylyko, O., 2024). These processes have affected almost the entire world and have made relations between countries closer than ever before. As one scholar notes, “Any state that controls an important international resource or plays a significant international role in any field cannot be dismissed as a secondary player” (Kausikan, 2023). For example, Saudi Arabia, Qatar, and Turkey – which were not previously considered “poles of influence” – now play an unusual yet influential role in international politics. Acting as mediators in military conflicts, performing peacekeeping missions, and economically stimulating the parties involved in conflicts, these countries directly influence the global security system and act as influential forces within their regional environment, and sometimes beyond it (Kausikan, 2023).

Finally, special attention should be paid to those scholars who argue that today’s club of great powers has far less influence than similar groups in the past because their “ability to settle issues of order among themselves and formalize relations of dominance over the rest of the system is now lower than it was in 1815, 1918, and 1948” (Græger et al., 2022). In this context, they emphasize the current trend toward nonpolarity, where major powers are more limited in their capacities and means of influence, as power is more widely distributed, can take different forms, but cannot be easily or quickly transferred from one sphere to another (Græger et al., 2022). These factors, according to researchers, explain the protracted nature of existing global conflicts and the high probability that they cannot be fully resolved. Scholars see the scenario of building a new world order architecture as problematic due to the lack of clearly expressed centers of influence with undeniable authority over the rest of the international community.

It should also be noted that the necessity of defining new outlines for the world order and its related security architecture remains on the agenda of many regional and global conferences and forums. For instance, in 2025, the Munich Security Conference Report was devoted to the challenges of multipolarity. The discussions held during the conference focused on identifying the character of the current global order, clarifying potential poles of the future world order, the degree of their polarization, possible consequences, and management methods in order to assess the level of necessity and the possibilities for constructing a new security architecture. A key issue of debate among the conference participants was the development of scenarios for the further evolution of the security system after passing the bifurcation point.

One method for identifying potential states capable of competing for military-political leadership and becoming a “pole of influence” in the new world order system is the calculation and comparison of states’ defense expenditures. In the 2025 Munich Security Report, among other criteria of state influence, data on the military spending of G7 and BRICS countries, aiming to play, if not leading, then at least significant roles in the new security system, were presented (see Fig. 1).

As shown in Fig. 1, the United States remains the undisputed leader in terms of military expenditure, surpassing its nearest competitors by more than three times. This indicator naturally presents the current state of affairs in a rather unipolar way. However, as mentioned earlier, for some countries such as China, it is not necessarily required to spend the same amount on defense. The pace of modernization in China’s military industry already causes serious concern among U.S. leadership. According to some analysts, as a result of the active build-up of military power, China has in certain areas already reached and in some cases surpassed the United States, which allows it to claim the status of a superpower (Bunde et al., 2025). Regarding the country with the third-largest defense budget – Russia – it remains the only nuclear superpower on par with the United States. Nonetheless, despite its nuclear arsenal, in the current global order, Russia is considered a regional power with significant national capabilities. Yet, in the new global distribution of power, it also seeks to claim the status of a “pole of influence”. The next country, India, while demonstrating steady growth and with the potential to shift the global system towards multipolarity in the future, currently spends only about one-third of China’s defense budget. As a result, it is unable to compete with the leading three powers, largely due to a range of domestic problems. The European Union

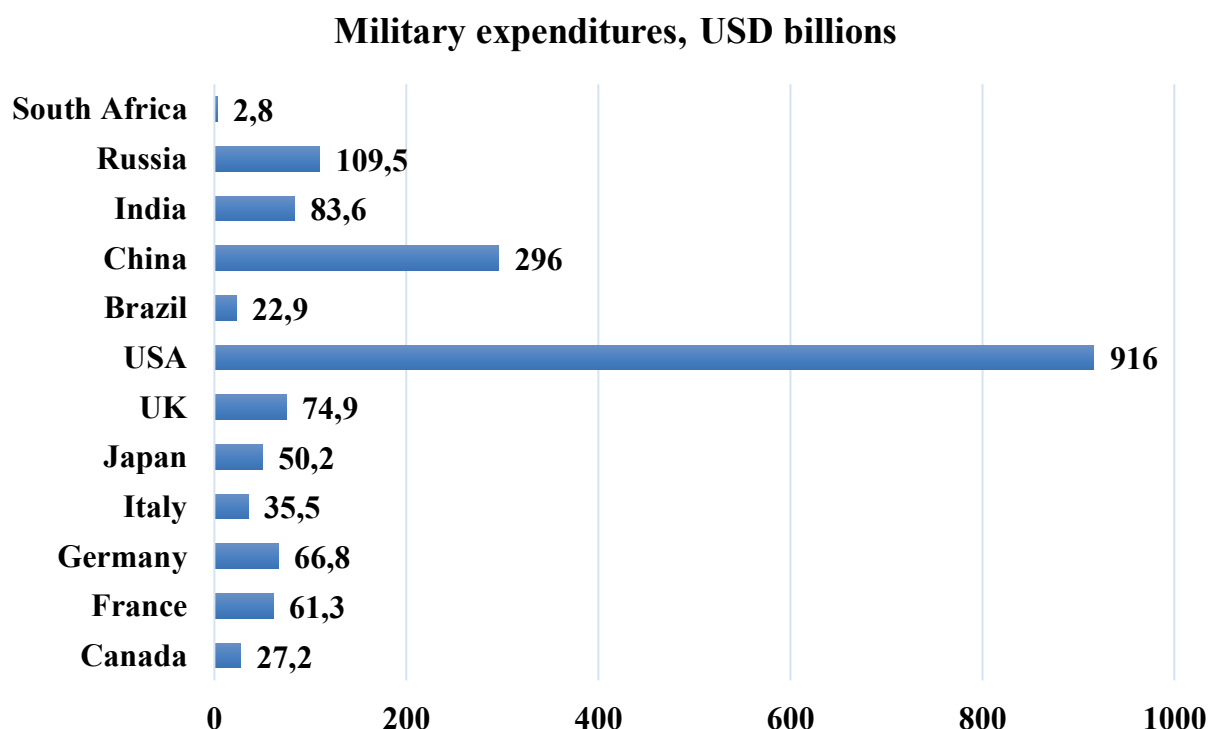


Fig. 1. Military expenditures of G7 countries and key BRICS states

Source: Authors' development based on the 2025 Munich Security Report's data (Bunde et al., 2025).

countries and the United Kingdom also show a relatively good result overall. However, individually, none of them can claim to be a “pole of influence” or play a large-scale role in shaping a new security system. Thus, according to this indicator, only three states can, to some extent, compete with one another, claim a worthy position in the new world order, and partially guarantee security for the global community.

Although the outlined considerations about possible scenarios for constructing a new world order and its related security architecture reveal common conclusions regarding the future of the international system, the debate on this issue remains unresolved. As Sørensen (2006) and Badie (2019) noted, “The current world order is an interregnum: a period when a new, stable order has not yet been established, while significant elements of the old order remain”. Therefore, in the search for a new balance of power, in our opinion, several aspects should be taken into account as recommendations.

First, while building a new security architecture, it is necessary to consider not only traditional but also new risks and threats caused by information development, globalization, and gradual attempts to reverse it – all while retaining the relevance of external military danger and the potential for large-scale battles involving mass armies and extensive military equipment (Prymush, 2006).

Second, it remains difficult to create a unified global security field. A potential system may consist of regional security structures of varying weights, involving states with different statuses and levels of power. In recent decades, although the world has retained its main centers of power (the United States, European Union, China, Russia), not only has the balance of power and influence between them changed significantly, but so has the distribution of resources and military-political potential within these centers. A crucial difference in today's agenda is that the center of the global system of international security is starting to shift. The core of the new architecture will likely no longer be limited to the European and Euro-Atlantic regions. Increasing attention is being drawn to the growing military-political potential of Asian countries, which are seeking to expand their influence by securing the support of other states and regional leaders who, in turn, aim to participate in and strengthen their positions in the future world order. Consequently, while previous security systems were typically built around the most powerful states across all spheres, today the formation of rules for establishing and functioning of the new security architecture should involve all states that possess significant international influence.

Third, the modern international security system is characterized by anthropocentrism. Amid the revision of the existing security system and the development of a new architecture, it seems necessary to preserve this trend. The human need for security is reaffirmed through a focus on achieving global and universal public goods such as physical and political safety, political freedoms, democracy, human rights, and the rule of law (Lavrynenko & Donaj, 2023).

Fourth, today's international security is ensured by means and methods fundamentally new in content. In particular, this concerns the nature of state governance. In the context of security protection, emphasis is placed on upholding the principle of effective state governance within the framework of democratic principles. The promotion of good governance practices, the fight against corruption and abuse of power, the strengthening of the rule of law and protection of human rights, and the support of political and social reforms are considered the most effective tools for reinforcing international order. Most EU countries adhere to these principles consistently. However, questions have recently arisen regarding their key security partner – the United States – especially after the election of a new president. Fukuyama, Senior Fellow at the Freeman Spogli Institute for International Studies at Stanford University, has openly criticized the policies of Trump. According to Fukuyama, “America is experiencing a process of repatrimonialization, as have many other societies before it”, since, in the researcher's view, the new president and his entourage “deliberately dismantle existing constitutional checks on executive power in the U.S. system. He never attempted to pass policies through the Republican-controlled Congress, preferring instead to rule by executive order” (Fukuyama, 2025). Additionally, recent statements by the current president regarding the potential U.S. withdrawal from NATO or the reduction of American financial contributions to the organization further prompt a reassessment of the United States' global role as the guardian of the international order. This is primarily a signal to EU countries to revise their own defense capabilities and reconsider their place in the emerging world order. Through consolidation, they can preserve their influence on the international stage and remain full-fledged actors in the future global system.

Conclusions

The modern world order is experiencing a phase of transformation, generating discussions and presenting several challenges to the global community. Firstly, in the past, after a change of epochs, it was possible to clearly identify the victors on the world stage, who then set the rules of international relations. Today's situation shows the absence of clearly defined global centers of influence in the form of superpowers, whose dominance would be indisputable. This uncertainty is associated with two factors: intense competition between states claiming world leadership, and the incomplete nature of the current transition to a new historical period.

Secondly, the nature of the activity of existing security alliances and institutions is also either in need of change or is already undergoing transformation. For example, in the cases of the UN and the OSCE, researchers emphasize the outdated mechanisms, forms, and methods of their functioning, as well as their inability to effectively resolve modern conflicts. Events of recent years have revealed the paralysis of the UN, especially when two permanent members – who possess veto power – find themselves in open confrontation. The vulnerability of the OSCE is mainly caused by internal factors, as member states often use the organization as a tool to achieve their own goals, which does not help reduce tension in international conflicts. In the context of the new U.S. policy, NATO also faces new challenges, and for the Alliance to remain effective, it will be necessary to implement a number of reforms. The most problematic situation appears to be within the CSTO, which currently cannot compete with NATO and, if it fails to overcome internal contradictions, may risk ceasing to exist.

Uncertainty about the character of the existing world order provokes ongoing debates about the future. At present, there is no consensus among researchers about whether the modern world is uni-, bi-, multi-, or non-polar. Supporters of each position present their arguments, but the central issue remains the question of which states should be considered superpowers and which do not meet that status. Some believe that the current world order is unipolar with the dominant role of the United States, a position it is likely to maintain. Others argue that the U.S. already faces a strong rival in China, which is capable of setting its own rules and influencing the global agenda. A third group views the world as a system where power is concentrated in more than two states, though not necessarily with equal capacities. In this context, France, Germany, Russia, India, Japan, and Brazil are also seen as important international actors with ambitions to participate in shaping a new security architecture. Meanwhile, some researchers point to an unprecedented level of interdependence caused by globalization processes, making state relations more interconnected than

ever and preventing the formation of clear global leaders. Lastly, a number of experts argue that today's club of major powers has significantly less influence than similar alliances in the past, due to their inability to independently resolve global problems. Therefore, the modern world is increasingly showing signs of a tendency toward nonpolarity.

The quantitative indicators of military expenditures by G7 and BRICS member states presented in this study demonstrate a significant lead by the United States. However, the active increase in military power and modernization in China enhances its ability to compete with the United States. Russia also stands out as a nuclear state, currently considered a regional power with considerable national potential and aspirations for global leadership. India's influence is still mainly projected for the future, while the European Union states can claim the status of a "pole of influence" only collectively. Thus, according to this indicator, only three states can to some extent compete with one another, claim a worthy place in the new world order, and offer a certain guarantee of global security.

Considering the ongoing debate on the issue of building a new world order and security architecture, this study emphasizes the importance of taking several factors into account while searching for a new balance of power: when constructing a new security system, it is necessary to consider not only traditional but also new threats generated by the information age, globalization, and attempts to reverse it, while maintaining the relevance of external military dangers and large-scale conflicts involving mass armies. A potential future security system may consist of regional security structures of unequal weight, including states with different status positions and military capabilities. Given the ongoing revision of the existing security system and the development of a new one, it is essential to preserve the principle of anthropocentrism. Additionally, ensuring international security today requires placing special emphasis on effective state governance in accordance with democratic principles.

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LANGUAGE SECURITY OF UKRAINE UNDER THE CONDITIONS OF COUNTERACTING RUSSIAN AGGRESSION: PUBLIC-ADMINISTRATIVE DIMENSION

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Abstract

The article examines the issue of Ukraine's language security in the context of public administration amid the country's opposition to Russian armed aggression. The language policy in Ukraine is reviewed, noting that it aims to establish, develop, and ensure the widespread use of Ukrainian as the state language.

The recent history of Ukraine is marked by constant attempts by pro-Russian political forces to undermine the status of the Ukrainian language as the state language. These forces have even used the «European Charter for Regional or Minority Languages», which was mistranslated.

To conceptualise the notion of «language security», a comparative analysis of the language-related provisions in four «National Security Strategies of Ukraine» (2007, 2012, 2015, 2020) has been made.

The concept of ruscism, a new totalitarian ideology defined in the Resolution of the Verkhovna Rada of Ukraine (2023), is analysed. Attention is focused on the key features of ruscism: expansionist state policy and practices of spreading Russian language and culture among other peoples.

The dominant status of language issues in Russia's war against Ukraine is highlighted. If the state does not adequately protect the language environment, threats to national interests can arise within this environment.

It is stated that Ukraine's language security is an integral part of its national security and stressed the importance of the state of protection of the state language, support of its development and functioning in all spheres of public life, strengthening its role in Ukrainian society as a means of enhancing state unity and the democratic constitutional order, alongside other vital interests of individuals, society, and the state. It also involves measures to ensure the free development, use, and protection of the languages of national minorities and the promotion of learning languages of international communication.

Keywords: language security, national security, public administration, language policy, war, Russian aggression, state, Ukraine, authority, political manipulation.

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Introduction

The modern development of Ukrainian society, which is resisting armed Russian aggression, is largely influenced by the nature of ethnonational processes within it. Transformational and modernisation changes, along with the war with the Russian Federation, have led to diverse changes in social relations, including national relations. This situation necessitates the formation of new approaches to state ethnonational policy, with public administration playing a crucial role. At the same time, the role of public administration as a science is growing, as it can comprehend and substantiate various ethnopolitical strategies to develop effective management decisions and technologies in language issues. In a multinational country, the problematic field of language policy becomes one of the components of public administration, especially considering the need to stabilise a society at war. Therefore, the development of measures for language security in the context of Ukrainian society's resistance to Russian armed aggression needs urgent resolution, particularly from the perspective of public administration and the science of public administration.

The concept of «language security» has not become widespread in the field of social sciences. Moreover, this term is used rather fragmentarily in both English and Ukrainian scientific discourses. It should be noted that the term «language security» is used in the field of programming: for example, for the analysis of programming languages or to denote a language's security profile.

At the same time, there are examples of the use of the term «language security» in the field of social and humanitarian sciences to denote the problems that arise in communities suffering from linguistic insecurity or discrimination based on language. As «language can also be divisive and serve as a powerful contributor to conflict and war» (Ringe, 2022, p. 2).

According to Jagiello-Tondera, «security systems in the non-military dimension should definitely cover the issue of linguistic security on many levels» (Jagiello-Tondera, 2024, p. 20). The author notes that language security should be perceived as an integral part of national security. In other words, the status of language security should be treated in the same manner as the status of information security or cultural security, which are already included in the sphere of national security.

The term «language security» is actively used by scholars from China, analyzing the linguistic vulnerability of communities at risk of disappearing (Hongwei, 2016; Jiang, 2020).

Additionally, the term «linguistic insecurity» is sometimes used to describe the issues of linguistic vulnerability within communities. Nonetheless, the term «linguistic insecurity» is rarely used to address these problems.

The concept of language security is almost absent in the Ukrainian scientific discourse. According to Berestok, language security is primarily associated with preserving national identity (Berestok, 2022). It is noted that in the conditions of military aggression and economic crisis, special attention should be paid to the national language.

Sytko believes the term «linguistic security» should be used, which «is understood as the state of legal protection of the state language» (Sytko, 2020, p. 45).

Sometimes the term 'language security' appears in philological research. However, the use of this term is associated not with language-political or security discourse but with the safety of expressions, non-conflict of texts (Tsareva, 2025).

In some works, language issues are analysed in the context of national security. For example, Demchenko considers the Ukrainian language as a factor of state security (Demchenko, 2016).

Researcher Makarets analyses the language dimension of Ukraine's national security in her work. She rightly noted that a single state language is very important for the formation of a young independent state, as it «becomes one of the tools for protection against possible encroachments on its national interests» (Makarets, 2017, p. 40).

When researching the outlined issue, it was extremely important to familiarise oneself with the studies of modern Ukrainian scholars whose scientific interests are related to the development of the problems of state regulation of language policy in various dimensions. Among them are: Kalyta, Kovalyova, Levchenko, Plotnytska, Popovych, Trybushnyi, and others. However, most of these researchers did not aim to thoroughly analyse public administration issues of the normative and legal support for implementing language policy in Ukraine. Moreover, insufficient attention has been paid to the issue of language security in Ukraine in the context of countering Russian aggression.

The purpose of this article is to conceptualise the category of language security in Ukraine in the context of countering Russian aggression from the perspective of public administration.

Materials and Methods

The theoretical and methodological basis of the study consists of general scientific methods of cognition regarding the problem of language security in Ukraine, in particular, analytical, comparative, empirical, and descriptive methods. The research methods are also based on the principles of historical, structural-functional, and system analysis.

To identify the specifics of language policy in Ukraine, the studies of the following Ukrainian scientists were analysed: Kalyta, Kovalyova, Kuts, Levchenko, Plotnytska, Popovych, Sergeyeva and others. An analysis of Ukraine's normative and legal legislation was also carried out to identify the priorities for the formation of language policy in Ukraine: Constitution of Ukraine (1996); «European Charter for Regional or Minority Languages» (2003); «Concept of State Language Policy» (2010); Law of Ukraine «On Ensuring the Functioning of Ukrainian as the State Language» (2019); Decision of the Constitutional Court of Ukraine on the constitutionality of the Law of Ukraine «On Ensuring the Functioning of Ukrainian as the State Language» (2021); «State Targeted National and Cultural Program for Ensuring the Comprehensive Development and Functioning of Ukrainian as the State Language in All Spheres of Public Life for the Period Until 2030» (2024).

Focus is given to the problematic translation of the name «European Charter for Regional or Minority Languages» (2003), which was long used by pro-Russian political forces to russify Ukraine. The authentic name of the Charter uses the term «regional or minority languages», not «regional languages or languages of minorities».

The authors of the study analysed the security, regulatory, and legislative framework of Ukraine using content analysis, synchronic-diachronic method, and others. The methodological basis for the conceptualization of the category of language security in Ukraine was the normative and legislative framework of Ukraine: Law of Ukraine «On National Security of Ukraine»; «Strategies of National Security of Ukraine» (2007, 2012, 2015, 2020); «Doctrine of Information Security of Ukraine» (2017); «Information Security Strategy» (2021); Resolution of the Verkhovna Rada of Ukraine «On the Use of the Political Regime of the Russian Federation of the Ideology of Ruscism, Condemnation of the Principles and Practices of Ruscism as Totalitarian and Misanthropic» (2023).

To identify the specifics of the concept of «language security», the concepts of Jagiello-Tondera and Jiang were used, while the concept of Shakhov and Madisson was used to analyse Ukraine's national interests.

A comparative method was applied to consider language security issues in four «Strategies of National Security of Ukraine» (2007, 2012, 2015, 2020), which were in effect during the presidencies of Yushchenko, Yanukovych, Poroshenko, and Zelensky.

Sociological studies of Ukrainian citizens regarding language-political issues were examined.

Results and Discussion

Ethno-national policy in the field of language relations is determined by various factors: the ethnic composition of the population, the political regime, the geopolitical situation, etc. The «Small Encyclopaedia of Ethno-State Studies» defines language policy as «a set of ideological guidelines, normative acts, and practical actions aimed at regulating language relations in the country or at developing a language in a certain direction» (Kuts & Sergeyeva, 2019, p. 17). The vagueness of the definition is obvious. It reflects the goals and activities of the state but does not indicate the processes of interaction between policy subjects, nor does it outline the role of ethnic communities in the language issue.

In the «Encyclopaedia of Public Administration», language policy is defined as a set of ideological principles and practical measures aimed at solving language problems in the state and society. Language policy in a multinational state is particularly complex. In a multinational state, factors such as bilingualism or multilingualism must be taken into account, as well as the peculiarities of the national composition and interethnic relations, while identifying the role of individual languages and their speakers in public life (Levchenko et al., 2011, p. 364).

In public-administrative discourse, notes Popovych, language policy becomes a demonstration of the state's attitude, represented by state power institutions, towards solving language problems in a particular country (Popovych, 2013). According to Kovalyova, language policy should be understood as a set of guidelines, theories, legislative acts, and various measures designed to influence both the processes of language life in society and the regulation of these processes (Kovalyova, 2008).

Language policy in Ukraine is intended to be part of national policy, reflecting its principles and corresponding state ideology. Based on this, I. Lopushynsky defines language policy as a component

of ethno-national policy. Language policy is aimed at establishing, developing, and ubiquitous functioning of the Ukrainian language as the state language in Ukraine, ensuring the proper provision of language rights for national and regional communities for the consolidation of the entire society (Kuts & Sergeyeva, 2019, p. 17).

From Cherednyk's point of view, the concept of state language policy should be understood as the activity of the state and society aimed at solving problems in the field of language relations. Such activities are based on reconciling the interests of different language groups (Kuts & Sergeyeva, 2019, p. 18).

In our opinion, the provided definitions lack mention of the main subjects of language policy – ethnic communities in nation-building. Therefore, language policy should be considered as the activities of subjects of ethno-policy (the state, ethnicities, political parties, etc.) in identifying, reconciling, and meeting language interests and needs not only of the titular nation but also of ethnic communities. The subjects of ethno-policy are currently equal partners in the development and implementation of language policy based on democratic discourse. If there is no interaction between ethno-policy subjects on language issues, it means that the country has established the dictatorship of one subject. In such conditions, language policy exhibits the totalitarian-dominant nature of one language.

Article 10 of the Constitution of Ukraine clearly states that the Ukrainian language is the state language in Ukraine (Constitution of Ukraine, 1996). In 2010, the Concept of State Language Policy was approved, declaring that language policy takes a key place in the system of state priorities. The strategic task of language policy is «to ensure strict adherence to constitutional guarantees regarding the comprehensive development and functioning of the Ukrainian language as the state language in all spheres of public life throughout Ukraine, free development, use, and protection of the languages of national minorities, and meeting the language needs of Ukrainian citizens» (President of Ukraine, 2010).

At the time of Ukraine's declaration of independence, the use of the Ukrainian language in various public spheres was rather catastrophic. The knowledge and application of the Ukrainian language in society were at a low level, and in the public-administrative sphere, at the political level, the Ukrainian language was completely displaced by Russian. However, in mass media, publishing, and school education, the Ukrainian language was used thanks to state support. The acquisition of the Ukrainian language as the state language did not lead to significant positive shifts. Ultimately, language policy in Ukraine was constantly accompanied by political manipulations, resulting in political confrontations. As Pavlo Zhebrivskyi, Head of the Donetsk Military-Civil Administration, remarked on the eve of the large-scale invasion, if today Russia did not conduct its dirty and brazen «hybrid war» against Ukraine, it would be possible to think about language as a cultural phenomenon. «But the Russian language, through the efforts of frenzied imperialists, has turned into an effective tool of hybrid warfare. Practically the same as the once innocent 'Georgian ribbon'» (Zhebrivskyi, 2016).

Not without reason, there is a widespread opinion that the unprotected state of the Ukrainian language is one of the main factors in the threats to Ukraine's national security. To further strengthen the stability of the polyethnic society, it is necessary to pay increased attention from state administrative structures to language policy issues.

After the start of the full-scale invasion of the Russian Federation into Ukraine in 2022, the position of the Ukrainian language has significantly strengthened (see Table 1). According to the data of the nationwide survey on «Identity. Patriotism. Values», conducted by the «Rating» sociological group in August 2022, the share of individuals who believe that the Ukrainian language should be the only state language in Ukraine and the Russian language should have no preferences increased by 21 % compared to September 2021, reaching 86 %. The percentage of those willing to grant the Russian language alongside Ukrainian the status of the state language decreased from 22 % to 3 % (Sociological Group Rating, 2022).

At the same time, as emphasized by the Constitutional Court of Ukraine in its decision dated July 14, 2021, in connection with the military aggression by the Russian Federation and its use of the «language issue» as one of the tools of its geopolitical expansion, «the threat to the Ukrainian language is equivalent to the threat to the national security of Ukraine, the existence of the Ukrainian nation and its state» (Constitutional Court of Ukraine, 2021). The Ukrainian nation, in the absence of full-fledged functioning of the Ukrainian language in all spheres of public life and throughout the territory of Ukraine, is threatened with losing the status of a titular nation and a state-forming nation. Such threats can determine the disappearance of the Ukrainian state.

Table 1

**Responses of respondents in Ukraine to the question:
«How should the Ukrainian and Russian languages coexist in Ukraine?»
(Sociological survey, 2022)**

Survey month and year	How should the Ukrainian and Russian languages coexist in Ukraine?, %			
	The Ukrainian language – the only state language	The Ukrainian language – state language, Russian – official status in certain regions	The Russian language, along with Ukrainian, should become the state language throughout Ukraine	Difficult to answer
April 2014	47,0	23,0	27,0	4,0
June 2014	50,0	29,0	19,0	2,0
July 2014	50,0	27,0	21,0	2,0
September 2016	58,0	22,0	15,0	5,0
May 2017	61,0	19,0	18,0	2,0
August 2017	64,0	17,0	17,0	1,0
December 2017	61,0	20,0	15,0	4,0
June 2018	61,0	21,0	14,0	4,0
July 2018	61,0	17,0	19,0	3,0
December 2018	62,0	16,0	16,0	5,0
January 2019	68,0	14,0	16,0	4,0
May 2019	70,0	11,0	17,0	2,0
June 2019	66,0	11,0	21,0	2,0
November 2019	66,0	12,0	19,0	3,0
February 2020	66,0	13,0	19,0	3,0
June 2020	66,0	10,0	22,0	2,0
July 2020	66,0	11,0	22,0	2,0
September 2021	65,0	12,0	22,0	2,0
March 2022	82,0	8,0	7,0	2,0
August 2022	86,0	10,0	3,0	1,0

In March 2024, the Cabinet of Ministers of Ukraine adopted the Resolution «On the approval of the State Targeted National Cultural Program for Ensuring Comprehensive Development and Functioning of the Ukrainian Language as the State Language in All Spheres of Public Life until 2030». The goal of this Program was «to ensure constitutional guarantees and create conditions for the comprehensive development and functioning of the Ukrainian language as the state language in all spheres of public life throughout the territory of Ukraine» (Cabinet of Ministers of Ukraine, 2024). It is noted that it is necessary to promote the mastery of the Ukrainian language by people. Effective strategies should also be developed to increase the prestige of using the Ukrainian language, strengthening its role in Ukrainian society. In particular, promoting the idea that the widespread use of the Ukrainian language becomes a means of strengthening state unity, contributing to the protection of the national linguistic-cultural and linguistic-information space.

The Program outlines several tasks to be implemented for an effective language policy. In particular (Cabinet of Ministers of Ukraine, 2024): strengthening the state status of the Ukrainian language, developing an effective mechanism for its protection, advancement and promotion; ensuring compliance by officials and employees of various public authorities (state authorities, local self-government bodies), other officials and employees with the requirements of the Law of Ukraine «On Ensuring the Functioning of the Ukrainian Language as the State Language» (Verkhovna Rada of Ukraine, 2019) regarding the obligatory use of the state language during the performance of official duties, etc.

Overall, effective measures should be taken to protect and develop the Ukrainian language as the state language. According to Kalyta, strict legal protection of the Ukrainian language as the state language should be introduced to prevent various attempts to destroy the state and linguistic-cultural integrity of Ukraine (Kalyta, 2024, p. 54).

All modern history of Ukraine is marked by constant attempts to devalue the Ukrainian language (as the state language) by pro-Russian political forces. Periodically, these political forces promoted the idea of russification of the political and socio-cultural space of Ukraine.

Within the russification of Ukraine by pro-Russian political forces, even the «European Charter for Regional or Minority Languages» was used, which was ratified by the Law of Ukraine in 2003 (European Charter, 2003). The name of the Charter was incorrectly translated, which constantly led to political manipulations on the linguistic grounds. The original name of the Charter uses the term «regional or minority languages», not «regional languages or languages of minorities». That is, an unfortunate mistake was made in the official translation, as the Russian version of the Charter was used for translation, not the original document. The English version of the Charter uses the terminology: «regional or minority languages». Similar terminology is used in the French version of the Charter's name: «langues régionales ou minoritaires».

This translation error determined a long-term distortion in understanding language policy in Ukraine, as it was believed that the Charter is intended to protect the languages of national minorities. Accordingly, this mistakenly translated Charter was used by pro-Russian politicians in Ukraine for more than two decades, demanding extensive linguistic rights for the Russian national minority. However, the Charter is actually intended to protect minority languages, that is, languages that are endangered and may disappear. The real essence of the Charter lies in preserving linguistic-cultural diversity.

Back in 2021, the Constitutional Court of Ukraine adopted a decision regarding the elimination of the ambiguous interpretation of the Charter. The Constitutional Court recommended to the authorities, particularly the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine «to establish unambiguity in the matter of official translation of the Charter into Ukrainian, as well as to take other actions required for the proper fulfilment of Ukraine's obligations under the Charter as an international treaty» (Constitutional Court of Ukraine, 2021).

Finally, in December 2024, the Cabinet of Ministers of Ukraine submitted the relevant draft law to the parliament, according to which the name of the Charter is brought into compliance with the original document – «European Charter for Regional or Minority Languages» (Cabinet of Ministers of Ukraine, 2024).

Also, the Charter has identified a list of languages that needed special support and protection. Due to the erroneous translation of the Charter's name, the Russian language, which is a language of the national minority but not a minority language, was included in this list. Currently, in the draft law that will change the name of the Charter, the list of languages has been updated and the Russian language has been removed from it (Cabinet of Ministers of Ukraine, 2024).

Such political manipulation actualizes the problem of language security, as the lack of protection of the state language can produce threats to the national security of Ukraine.

According to Jiang, who analyzed the linguistic insecurity of specific communities, the theory of language security is closely related to the issue of linguistic identity (Jiang, 2020, p. 124). He identified three levels of language security: macro-level, meso-level, and micro-level. At the macro-level, attention should focus on issues of cultural security. At the meso-level, it is important to analyze the relationship between language and cultural security. At the micro-level, attention should be directed to the security of individual language speakers.

From the perspective of Jagiello-Tondera, given new security challenges, language security should be considered in three interconnected contexts: 1. protecting your own language; 2. protection of the nation and national identity; 3. language security as a new category of security (Jagiello-Tondera, 2024, p. 21-22).

To conceptualise the notion of «language security», we first turn to the concept of national security, which encompasses various dimensions of security. Article 1, paragraph 9 of the Law of Ukraine «On National Security of Ukraine» states that national security of Ukraine means «the protection of state sovereignty, territorial integrity, democratic constitutional order, and other national interests of Ukraine from real and potential threats» (Verkhovna Rada of Ukraine, 2024).

Thus, in simplified terms, the concept of national security means the protection of Ukraine's national interests. Of course, the fundamental national interests primarily include categories of state sovereignty,

territorial integrity, democratic constitutional order, sustainable development of the national economy, civil society and the state, the integration of Ukraine into the European political-legal space, etc. Meanwhile, other priorities of national interests may change depending on the political situation in which the country finds itself.

By its orientation, national interests «are aimed at ensuring survival and progressive development and, to some extent, leadership of the individual, society, and the state» (Shakhov & Madisson, 2013, p. 46). If there is constant uncertainty and significant discrepancies in the formation of basic criteria for defining national interest, this is primarily evidence of a divided society and an unformed political nation.

The state has a monopolistic right to form and legitimate interpretation of national priorities. Therefore, the formation and implementation of national interests are the prerogative of the state. However, in a democratic system, besides the state, various political actors participate in the realisation of national interests: authorities of different levels, business structures, civil society, political parties, etc. Accordingly, «a national interest reflects the unity of aspirations of civil society and the state» (Shakhov & Madisson, 2013, p. 50).

Under the national interests of Ukraine (Article 1, paragraph 10 of the Law of Ukraine «On National Security of Ukraine») are understood «vital interests of the individual, society, and the state, the implementation of which ensures the state sovereignty of Ukraine, its progressive democratic development, as well as safe living conditions and well-being of its citizens» (Verkhovna Rada of Ukraine, 2024). Given the above definition of national interests, it can be stated that in the conditions of Ukraine's confrontation with armed Russian aggression, the Ukrainian language is a part of the vital interests of the individual, society, and the state. The realization of these interests can ensure the state sovereignty of Ukraine. Accordingly, the Ukrainian language needs protection and support in all spheres of its functioning.

It is important that the issue of protecting the Ukrainian language as the state language was among the priorities of Ukraine's national interests. This was mentioned in the Law of Ukraine «On the Basics of National Security of Ukraine», which was adopted in 2003 and lost its validity in 2018 due to the adoption of a new law. Thus, in Article 6 of this law, it was stated that one of the priorities of Ukraine's national interests is «ensuring the development and functioning of the Ukrainian language as the state language in all spheres of public life throughout the territory of Ukraine» (Verkhovna Rada of Ukraine, 2003). However, in the same article, guaranteeing the free development of the Russian language, its use, and protection are also mentioned. Therefore, it is not surprising that in 2018, four years after the start of Russian armed aggression against Ukraine, this point disappeared from the priorities of Ukraine's national interests.

Actually, the priorities of state policy in the spheres of national security, as well as threats to Ukraine's national security, are separately detailed in documents called «National Security Strategy of Ukraine» (Verkhovna Rada of Ukraine, 2024, Article 3, paragraph 5). This document, which is adopted during the term of each President of Ukraine, defines the current threats to Ukraine's national security. Also, in the «National Security Strategy of Ukraine», corresponding goals, tasks, and mechanisms for protecting Ukraine's national interests are formulated. In Ukraine, this security document was introduced into the legislative field starting with the presidency of Viktor Yushchenko.

Let us turn to the comparative analysis of provisions regarding language issues in the four «National Security Strategies of Ukraine», which were adopted during the presidency of Viktor Yushchenko, Viktor Yanukovich, Petro Poroshenko, and Volodymyr Zelensky.

In the «National Security Strategy of Ukraine», which was in effect during the presidency of Viktor Yushchenko (2005-2010), language policy is mentioned in the section «Strategic priorities of Ukraine's national security». In the Strategy-2007, it is stated that the language policy is one of the key components of state humanitarian policy. Language policy «should be based on the necessity of strict compliance with constitutional guarantees regarding comprehensive development and functioning of the Ukrainian language as the state language and the language of official communication in all spheres of public life throughout the territory of Ukraine» (President of Ukraine, 2007, paragraph 3.5).

During the presidency of Viktor Yanukovich (2010-2014), who became notorious for fleeing Ukraine to Russia after the Maidan («Revolution of Dignity»), the «National Security Strategy of Ukraine» from 2012 was in effect. In the Presidential Decree, it is stated that the text of the Strategy-2012 is a new updated version of the text of the Strategy-2007.

In the Strategy-2012, the emphasis shifted significantly towards giving more importance to the Russian language in Ukraine (President of Ukraine, 2012). In section 4 of Strategy-2012, strategic goals and main

tasks of national security policy were highlighted. Among the main tasks of national security policy, along with the provision dedicated to the issue of protecting the Ukrainian language as the state language, the provision on guaranteeing the development of the Russian language and the need for its protection is included as seemingly equal (President of Ukraine, 2012, paragraph 4.3). Thus, the parity between the need for protection of the state Ukrainian language and the need for protection of the Russian language in Ukraine was established. Moreover, in the same paragraph 4.3. of Strategy-2012, one of the tasks of national security policy was defined as the elimination of barriers of a linguistic nature (along with barriers of cultural, confessional, regional nature). Such a definition of priorities suggests that the postulation of the need for simultaneous protection of both Ukrainian and Russian languages is due to some artificial barriers that need to be eliminated. Subsequently, the elimination of linguistic barriers led to a significant narrowing of the status of the Ukrainian language as the state language.

Ultimately, this led to political manipulations with the adoption of linguistic legislation in Ukraine in 2012, which significantly expanded the use of the Russian language in various public spheres (Verkhovna Rada of Ukraine, 2012). The law seems to suggest that the use of regional languages in Ukraine should expand, provided that at least 10 % of speakers live in a certain region. But in practice, this law led to the rapid expansion of the use of the Russian language in the eastern and southern territories of Ukraine.

It is indicative that the promotion of the Russian language into various spheres of public life in Ukraine during the presidency of Yanukovich contradicted the existing priorities of Ukrainian society. Let's turn to the data from sociological surveys. The Razumkov Centre in 2024 published the results of a sociological survey «Identity of Ukrainian citizens: trends of changes» (Razumkov Center, 2024). Among the questions asked to respondents regarding their attitude to the attributes of an independent Ukrainian state, there is a question about the attitude to the state Ukrainian language. It is important that the survey provides the dynamics of respondents' answers starting from 2011 (see Table 2).

Table 2

**The attitudes of respondents in Ukraine towards the Ukrainian language
as a feature of the independent Ukrainian state
(Sociological survey, 2024)**

Survey month and year	How do you feel about the state Ukrainian language as an attribute of an independent Ukrainian state?, %				
	Proud of it	Positive	Negative	Negative and would like to change	Difficult to answer
August 2011	31,8	60,5	2,4	2,6	2,6
August 2012	35,8	54,7	2,0	3,1	4,5
December 2015	48,7	42,8	2,8	0,9	4,8
May 2023	74,4	23,5	0,6	0,3	1,1
June 2024	64,7	30,7	1,0	0,6	2,9

As seen from the survey results, in both August 2011 and August 2012, a significant majority of Ukrainian citizens fully supported the status of the Ukrainian language as the state language, considering it an important attribute of Ukraine's independence. Therefore, the language law of 2012 did not meet the expectations of Ukrainian citizens at all.

Following the beginning of the Russian armed aggression against Ukraine in 2014, the «Law on the Principles of State Language Policy» (from 2012) was annulled by the Verkhovna Rada of Ukraine. This language law finally lost its validity in 2018 following the corresponding decision of the Constitutional Court of Ukraine.

During the presidency of Petro Poroshenko (2014-2019), the «National Security Strategy of Ukraine» came into effect starting from 2015. Section 3 of the 2015 Strategy identified current threats to Ukraine's national security. In particular, it stated that Russia's aggressive actions were aimed at «humiliating the Ukrainian language and culture, falsifying Ukrainian history, and forming an alternative distorted information picture of the world using Russian media» (President of Ukraine, 2015, clause 3.1.).

Therefore, the 2015 Strategy clearly articulated that as a result of Russian aggression, the problem of preserving the Ukrainian language was classified as a threat to Ukraine's national security. Due to the state's insufficient protection of those areas, the Russian enemy actively engaged in operations and promoted its own narratives.

According to the «Law of Ukraine on National Security», the concept of national security threats is interpreted as follows (Article 1, clause 6): «phenomena, trends, and factors that make it impossible or difficult or may make it impossible or difficult to realize national interests and preserve national values of Ukraine» (Verkhovna Rada of Ukraine, 2024, Article 1). Thus, raising language issues to the level of threats in connection with the devaluation and humiliation of the Ukrainian language due to Russian aggression means that ignoring these problems can significantly complicate the realisation of Ukraine's national interests. Accordingly, threats to the Ukrainian language automatically become threats to Ukraine's national security.

In addition to the 2015 Strategy, during President Poroshenko's tenure, the «Information Security Doctrine of Ukraine» was approved and was in effect throughout his presidency. The Information Security Doctrine outlined Ukraine's national interests in the information sphere. Regarding language issues, it was stated that the national interests of Ukraine in the information sphere included «ensuring the comprehensive development and functioning of the Ukrainian language in all spheres of public life throughout Ukraine» (President of Ukraine, 2017, section 3).

With the arrival of President Volodymyr Zelensky in power in 2019, a new «National Security Strategy of Ukraine» was adopted, which is still in effect. The 2020 Strategy does not mention language issues. Only in the section «Main Directions of Foreign and Domestic Policy Activities of the State to Ensure Its National Interests and Security» it is stated that decisive measures should be taken to counter attempts to incite national enmity, to humiliate national honour and dignity, and to counter restrictions on rights or the establishment of privileges based on linguistic grounds (President of Ukraine, 2020, clause 46). It emphasises the need for the development of Ukrainian culture as a basis for consolidating the Ukrainian nation and strengthening Ukrainian national identity.

At the same time, language issues are mentioned in the «Information Security Strategy», which was adopted in 2021 (President of Ukraine, 2021). The Information Security Strategy outlines tasks to achieve the goal of «Ensuring the comprehensive development of Ukrainian culture and the establishment of Ukrainian civil identity». Among the priority tasks to achieve this goal is the issue of language policy: «ensuring the comprehensive development and functioning of the Ukrainian language in all spheres of public life throughout Ukraine» (President of Ukraine, 2021).

Let us turn to the survey of Ukrainian citizens regarding identity choice priorities. The Razumkov Centre conducted a sociological survey in 2023 titled «Identity of Ukrainian Citizens: Trends of Change» (Sociological survey, 2023). Respondents were asked to which cultural tradition they relate themselves: pan-European, Soviet, Ukrainian, Russian, or other. Table 3 shows the dynamics of Ukrainians' responses to this question.

It is interesting that since 2014, after the beginning of Russian aggression against Ukraine, the number of respondents who identify themselves with the Ukrainian cultural tradition has increased significantly. And in the same period, the number of people who associate themselves with the pan-European cultural tradition has increased. Interestingly, in 2019, the Constitution of Ukraine (Constitution of Ukraine, 1996) was amended in the Preamble, which states that the Ukrainian people have a European identity.

In 2023, the Verkhovna Rada of Ukraine adopted a resolution introducing the concept of «ruscism» and explaining it as a new totalitarian ideology. Ruscism means «a new kind of totalitarian ideology and practices that underlie the regime formed in the Russian Federation under the leadership of president vladimir putin and are based on the traditions of Russian chauvinism and imperialism, the practices of the communist regime of the USSR and national socialism (nazism)» (Verkhovna Rada of Ukraine, 2023).

The Resolution identifies the key features and consequences of ruscism, including the following: expansionist state policy of «the practice of spreading the Russian language and culture, the Russian Orthodox Church, media, political and public institutions, and propaganda of the ideas of the 'Russian world' among other peoples» (Verkhovna Rada of Ukraine, 2023). In other words, in Russia's war against Ukraine, the forcible imposition of the Russian language on Ukrainian citizens has become one of the dominant practices of ruscism as the latest totalitarian ideology.

Indeed, in Russia's war against Ukraine, there were facts of the extermination of Ukrainian citizens (native speakers of the Ukrainian language) based on language. In addition, there are widespread cases

Table 3

**Responses of participants in Ukraine to the question
«Which cultural tradition do you primarily identify with?»
(Sociological survey, 2023)**

Survey month and year	Which cultural tradition do you primarily identify with?, %					
	pan-European	Soviet	Ukrainian	Russian	other	Difficult to answer
May 2006	6,6	16,4	56,3	11,3	1,5	7,9
October 2008	4,2	17,3	58,1	15,5	1,4	3,5
December 2013	7,5	12,5	67,7	6,2	1,7	4,4
March 2015	10,0	13,8	65,5	4,2	2,2	4,2
December 2015	7,1	10,3	70,0	3,2	1,7	7,7
December 2017	13,1	9,9	68,9	2,0	0,9	5,1
June 2021	9,8	9,8	72,9	3,3	0,8	3,4
May 2023	10,3	3,6	80,8	0,5	1,7	3,1

of destruction of Ukrainian books in the Ukrainian territories occupied by Russia. For example, in the Kharkiv region, in 2022, Russian troops occupying villages and towns immediately destroyed (often burned) Ukrainian textbooks and other Ukrainian books in libraries. Instead, in the occupied territories of the Kharkiv region, Russians quickly imported only Russian textbooks to Ukrainian schools, mostly published in 2022. Also, on Ukrainian lands, Russians immediately changed all Ukrainian signs, street and city names, etc. In addition, immediately after the arrival of the Russian occupation regime, Ukrainian-language media disappeared from Ukrainian lands.

Given the dominant status of the language issue in Russia's war against Ukraine, let us turn to the conceptualisation of the category of «language security». If the linguistic environment is not sufficiently protected by the state, then threats to national interests may arise in this environment.

In post-soviet Ukrainian society, where the idea of linguistic division has long been cultivated through political manipulation, there are risks associated with the establishment of a single state language. If the state language does not become a guarantee of national security, language relations can be transformed into a threat to the integrity of the state.

It is the state language that, given the existence of different ethnic communities in the country, becomes a determinant of their unification into a single nation, especially in the context of armed aggression. Accordingly, the concept of language security in Ukraine primarily refers to the state of legal protection of the state language.

Thus, the language security is an integral part of the national security of Ukraine, the state of protection of the state language, ensuring its development and functioning in all spheres of public life throughout Ukraine, strengthening its role in Ukrainian society as a means of reinforcing state unity and the democratic constitutional order, other vital interests of a person, society and the state, in which the language rights and freedoms of a person, his or her language needs, language identity and uniqueness are duly ensured, as well as a system of measures to ensure the free development, use and protection of languages of national minorities and to promote the study of languages of international communication.

In general, special attention should be paid to ensuring the priority development of the Ukrainian language as the state language. After all, the Ukrainian language is an important factor in state-building and the consolidation of the Ukrainian political nation. Mastery of the state language should become a vital need for every Ukrainian citizen and an integral part of their patriotism.

Conclusions

Thus, the issue of language security in the public administration context in Ukraine is of utmost importance given the Ukrainian society's opposition to Russian armed aggression.

The article deals with the issues of language policy in Ukraine. It is noted that the language policy is aimed at the establishment, development and widespread functioning of the Ukrainian language as the state language in Ukraine. Its goal is to ensure the proper protection of the language rights of national and regional communities to consolidate the whole society.

It is stated that the entire modern history of Ukraine is marked by constant attempts to devalue the Ukrainian language (as the state language) by pro-Russian political forces. These forces have even used the «European Charter for Regional or Minority Languages», the title of which was mistranslated, in the russification of Ukraine. The authentic title of the Charter uses the term «regional or minority languages», not «regional languages or minority languages». In other words, the Charter is intended to protect minority languages that are threatened and may disappear. There is currently a draft law that would change the name of the Charter.

It is noted that, given the constant political manipulations in the language environment, the issue of language security is becoming more relevant. After all, if the state language is not protected, the language environment is capable of producing threats to the national security of Ukraine.

To conceptualise the concept of «language security», the authors examine the regulatory and legislative framework of Ukraine. In particular, a comparative analysis of the provisions on language issues in the four «National Security Strategies of Ukraine» which were in force during the presidencies of Yushchenko, Yanukovich, Poroshenko and Zelenskyy is carried out.

The article analyses the concept of ruscism as a new totalitarian ideology, which is defined in the Resolution of the Verkhovna Rada of Ukraine (2023). In particular, attention is focused on the key features of ruscism: expansionist state policy, practices of spreading the Russian language and culture among other peoples.

Attention is focused on the dominant status of the language issue in Russia's war against Ukraine. If the linguistic environment is not sufficiently protected by the state, then threats to national interests may arise in this environment. It is the state language that, given the existence of different ethnic communities in the country, becomes a determinant of their unification into a single nation, especially in the context of armed aggression. Accordingly, the concept of language security in Ukraine primarily refers to the state of legal protection of the state language.

It is stated that language security of Ukraine is an integral part of national security of Ukraine, the state of protection of the state language, ensuring its development and functioning in all spheres of public life throughout Ukraine, strengthening its role in Ukrainian society as a means of strengthening the state unity and democratic constitutional order, and other vital interests of a person, society and the state, under which the language rights and freedoms of a person, his/her language needs, language identity and uniqueness, as well as a system of measures to ensure the free development, use and protection of languages of national minorities and to promote the study of languages of international communication.

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NATIONAL RESILIENCE OF UKRAINE: CONTENT AND SECURITY STRATEGY IN THE CONTEXT OF A WAR AND POST-WAR RECOVERY

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Abstract

The article examines the problem of strengthening the national resilience of modern states in the context of a sharp increase in security challenges and risks using the case of Ukraine as an example. The purpose of the research is to find out the characteristics of Ukraine's national resilience, the specifics of the strategy for its strengthening under the conditions of resistance to Russia's armed aggression and preparation for future post-war recovery. It is emphasized that the resilience of Ukraine is subject to the simultaneous pressure of security, resource, climate, social, demographic and other challenges. The importance of strengthening national resilience to threats and dangers in the physical and digital world, within and outside the state (internal and external dimensions of national resilience) is stated. It is noted that the national resilience of Ukraine depends not only on internal potential, consolidation of national resources but also on the volume and timeliness of external support. The authors proved that for Ukraine, the issue of national stability is an existential issue in view of external aggression, the long-term struggle to restore the territorial integrity of the state, the need to carry out post-war recovery, restore the demographic resource, etc. The key vectors of strengthening the national resilience of Ukraine are identified. The authors identified the factors on which Ukraine's national resilience depends: national unity and consolidation of society; international support (diplomatic, financial, military, etc. assistance, availability of reliable guarantees of Ukraine's security); the state's ability to strengthen defence capabilities; preservation and enhancement of human potential; information resilience (ability to counter propaganda, disinformation, etc.); institutional strength (effectiveness of state institutions, effective strategy for preventing and combating corruption, deepening digitalisation of the public sector, etc.

Keywords: national resilience, consolidation of Ukrainian society, national unity, national security, Russian armed aggression, post-war recovery, multi-layered threats, civil society.

Introduction

The study of the peculiarities of Ukraine's national resilience and ways of its strengthening has acquired special importance in the context of the long-term functioning of the state and society under Russian armed aggression. During this time, numerous problems of various types and scales have arisen, which

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require solutions in different timeframes – from the immediate to the post-war period. The significance of the study of the strengthening of national resilience is also due to the prospect of the future large-scale post-war recovery. This process will require extensive human, financial, logistical and other resources, and therefore requires preparation. Today, there is a strong social demand for an understanding of the mechanisms and tools for strengthening national resilience in the face of severe security challenges. Ukraine is currently the first to face such challenges, but the reality is that conflicts and crises in many countries are escalating as a result of the ambitions of neo-authoritarian leaders. In the context of the study of Ukraine's resilience, the impact of the rapid dynamics of events on the research is worth mentioning, because the war continues and the number of challenges for the national resilience of Ukraine increases with each passing day. Consequently, a wide range of issues related to ensuring Ukraine's resilience in the face of existing problems, the role of Ukraine's partners in strengthening resilience, prospects for rapid post-war recovery, etc., need to be studied.

The purpose of the study is to identify the peculiarities of Ukraine's national resilience and the strategy of its strengthening under the conditions of resistance to external armed aggression and preparation for the future post-war recovery. To achieve this goal, the following tasks are set: to find out the peculiarities of national resilience under the conditions of war as an extraordinary challenge for the state and society; to study the factors on which the national resilience of a state that is subjected to external armed and other forms of aggression depends; to determine the key areas of strengthening the national resilience of Ukraine under the conditions of war; to investigate the vectors of strengthening national resilience for effective post-war recovery. The research methodology is based on institutional analysis. It is aimed at studying the initiatives of both governmental and non-governmental actors to strengthen the resilience of Ukraine at the national and international levels.

Literature Review

Scientific research on the problem of resilience began with studying psychological aspects of resilience at the individual level. Security, socio-economic, geopolitical and other vectors of analysis also quickly became the object of study. Research on resilience expanded to the level of communities and socio-political institutions. Not only individual studies but also specialized scientific publications, such as *The Journal of National Resilience, Politics and Society*, appeared on the problems of national resilience.

In the 2020s, the concept of resilience received a new reading under the influence of the coronavirus pandemic, the Russian full-scale invasion of Ukraine, the growth of security challenges (in the Indo-Pacific region, the Middle East, the region of the Baltic and North Seas, etc.). Although resilience is not only about war or security, this problem became actualized precisely "with the growing turbulence in international relations and the aggravation of confrontation between the major geopolitical players" (Gerasymchuk, 2022, p. 18-19). The problem of resilience is therefore studied from the standpoint of political science, international relations, and security studies, though social and psychological aspects have not lost their relevance.

It is evident that, first of all, researchers from countries facing severe security challenges are showing interest in the issue of resilience in response to the existing social demand. Thus, before Russia's full-scale invasion of Ukraine, studies of national resilience under the conditions of wars, armed conflicts, etc. were scarce (Kimhi & Eshel, 2009). However, Russia's aggression against Ukraine gave impetus to the study of the nature of Ukraine's resilience (Brovko, 2024; Goodwin et al., 2023; Joseph & Juncos, 2020; Khoma, 2023; Kurnyshova, 2022; Natorski, 2022; Nazarov, 2023; Reznikova, 2022), increased scientific interest in assessing the ability of various states to resist new challenges to global security. This was especially relevant due to the cooperation of non-democratic states (Russia, China, the DPRK, Iran, etc.) and their increasingly bold pressure on the established international order, democratic values, human rights, etc. (Khoma & Nikolaieva, 2023; Khoma & Vdovychyn, 2024).

The growing research interest in the determinants of resilience is noteworthy (Barnea et al., 2020). Resilience is studied at different levels – individual, state, territorial community, etc. (Southwick et al., 2014). Researchers emphasize that at each of these levels, the nature of resilience has different characteristics, however, at any scale, resilience invariably involves the ability to adapt to different situations, to cope with the consequences of various negative events (Kimhi, 2016). We agree with the statements that national resilience is a dynamic structure that changes in response to changes in context (Canetti, et al., 2014; Fletcher, & Sarkar, 2013).

Hence, the historiography of this study includes works on: (1) the nature and content of resilience, national resilience (Barnea et al., 2020; Fletcher & Sarkar, 2013; Friedland, 2005; Kimhi, 2016; Kimhi & Eshel, 2018; Masten, Best & Garmezy, 1990; Myers-Smith, Trefry & Swarbrick, 2012; Norris, Stevens, Pfefferbaum et al., 2008; Southwick, Bonanno, Masten et al., 2014); (2) features of resilience and its strengthening under conditions of significant security challenges (Ben-Dor et al., 2002; Canetti et al., 2014; De Coning, 2016; Eshel & Kimhi, 2016; Greene, Ribakova & Rzegocki, 2024; Joseph & Juncos, 2020; Kimhi & Eshel, 2009); (3) the national resilience of Ukraine since the beginning of Russian aggression in 2014 (Gatskov & Gatskova 2020; Gil, 2015; German Marshall Fund..., 2024; Reznikova, 2022; Romanova, 2022; Gerasymchuk, 2022; Nazarov, 2020, 2022; Pyrozhkov, 2022; Pyrozhkov, et al., 2022); (4) strengthening the national resilience of Ukraine in the face of full-scale Russian aggression (Brovko, 2024; Goodwin et al., 2023; Grävingholt et al., 2023; Kistersky & Zadoia, 2024; Kurnyshova, 2022; Landesmann, 2024; Natorski, 2022; Sociological Group Rating, 2023; Nazarov, 2023; Tkach et al., 2024; Jakupiec, 2024); (5) regulatory acts on strengthening resilience to current challenges (Cabinet Office, 2021; European Commission, 2012, 2024; President of Ukraine, 2020; Verkhovna Rada of Ukraine, 2021; Cabinet of Ministers of Ukraine, 2023).

Materials and Methods

The concept of "resilience" is part of the concept of adaptation, adjustment. Resilience in the broadest interpretation is "the process of, capacity for, or outcome of successful adaptation despite challenging or threatening circumstances" (Masten et al., 1990, p. 426). The term "resilience" is used by researchers in various fields of knowledge (ecology, physics, health care, social sciences, etc.) (Norris et al., 2008) but terminological connotations differ. The term "resilience" is primarily used in the sense of vitality, the ability to function under challenging conditions and to recover from various aggressive influences (armed aggression, natural disasters, cyberattacks, acts of terrorism, etc.), to prevent or effectively respond to threats in a timely manner, to forecast them for timely prevention or mitigation of consequences. Resilience is rightly defined as "a key conceptual point of reference in the research and practice of international politics" (Natorski, 2022, p. 1088). We share the approach to the analysis of resilience precisely as a "quality of a complex system" (Natorski, 2022, p. 1087).

The concept of "national resilience" initially referred predominantly to the military potential of states (Kimhi & Eshel, 2009), but the scope of its application has expanded over time. Nowadays, national resilience is understood, first of all, as a society's ability "to withstand adversities and crises in diverse realms by implementing changes and adaptations without harming the society's core values and institutions" (Friedland, 2005). Resilience is associated with the process of adapting to challenges or changes caused by external threats (Canetti et al., 2014, p. 505).

In studies of armed conflict, war, and peacebuilding, resilience is viewed as "the ability of individuals or a community to cope with or adapt to violent conflicts in order to foster a more sustainable peace" (Joseph & Juncos, 2020, p. 289). In a broader sense, resilience is interpreted as "the ability of social institutions to absorb and adapt to the shocks and setbacks they are likely to face" (De Coning, 2016, p. 29).

Not only states but also international organizations and integration associations develop their approaches to understanding resilience. For example, the EU initially interpreted resilience as "the ability of an individual, a household, a community, a country or a region to withstand, to adapt, and to quickly recover from stresses and shocks" (European Commission, 2012). In 2016, this definition was revised in the Global strategy for the foreign and security policy of the European Union: "the ability of states and societies to reform, thus withstanding and recovering from internal and external crises" (European Union, 2016, p. 23).

In the era of rising global instability, rapid changes of various types (geopolitical, climatic, technological, etc.), the deterioration of the quality of democracy on a global scale, the rise of neo-authoritarianism, the strengthening of cooperation between autocratic leaders, the growing threat of the use of nuclear weapons and other destructive trends, it is important to develop effective mechanisms for preventing and countering such influences, mitigating their consequences. Nowadays, the national resilience of states is constantly being tested by a wide range of new challenges: threats to peace and security, rising terrorism; increasing competition between superpowers; climatic cataclysms; migration crises; spread of diseases; undermining of energy security (weaponization of energy); challenges caused by digitization, artificial intelligence and cyberterrorism; scarcity of various resources and struggle for them; growing influence of nationalist, populist political forces; resolution of hybrid wars, etc.

The effectiveness of national resilience systems is evidenced by their ability to identify, prioritize, prevent, and effectively respond to threats and risks of one or another nature. Measures to ensure national resilience in modern states are aimed at fulfilling at least two tasks: (1) to develop the necessary ability of the state, society and individual to predict and prevent threats and risks of any nature; (2) in the event of specific threats, to be able to respond promptly and recover quickly.

A high level of resilience of the state, society and citizens is characterised by their ability to counteract threats of almost any origin and nature, to adapt to sudden and unpredictable changes in the environment, to maintain stable functioning before, during and after a crisis, to quickly recover to the desired balance. Therefore, the main indicators of resilience can be considered the scale of losses, recovery times, etc. The qualitative characteristics of national resilience are the lowest possible losses and the fastest possible normalization of the situation.

We agree with researchers (Kimhi & Eshel, 2018) that national resilience can be undermined in situations of acute, long-lasting threats if adequate work has not been done to prevent them. At the same time, various crises and turning points in history become a reliable test of the existing level of resilience at all levels, from the national to the individual. In this context, it is appropriate to analyse resilience precisely as a quality of a complex system (Natorski, 2022, p. 1087).

Resilience, from being a trending word in public and political discourse over the last decade, began to be consolidated in concrete mechanisms and tools. Given the scale of the challenges we face on a global scale, strengthening resilience becomes a political approach, not only a piece of public rhetoric. In recent years, more and more countries have adopted comprehensive national resilience strategies. They cover the issues of countering sabotage, cyberattacks, influence operations by neo-authoritarian states, preventing external interference in election campaigns, etc. These strategies take on a new configuration every year, for example, the focus of attention already includes artificial intelligence with its threats and opportunities. The dominant idea in the current resilience strategies of democratic states is the need to strengthen preparedness for threats and dangers both in the physical and digital worlds, within and outside the borders of the state. An example of this is UK's National Resilience Strategy (Cabinet Office, 2021). Resilience strategies are also being adopted in certain areas, for example, to strengthen the resilience of critical infrastructure due to changes in the geopolitical landscape, climate change, etc.

Strengthening national resilience requires, first of all, domestic consolidation, coordinated work at all levels of the state and society. It is important to be ready to respond to various dangers, to be able to identify vulnerabilities in a timely manner, to establish effective crisis management, to create the necessary reserves, to consider alternatives and action plans, to implement universal coordination protocols, etc. This is the basis of the system of ensuring national resilience. The modern state, as a mechanism that strives for viability, must have a comprehensive mechanism of interaction between state and non-state actors to guarantee the security, continuity of functioning of the main spheres of life in society and the state, regardless of whether there are crises or not. Equally important is the well-established cooperation between the partner states and the implementation of the principle of solidarity by them¹. The availability of appropriate resilience strategies and anticipatory actions allows better preparation for potential threats and emergencies. As a result, losses can be reduced, and recovery from crises can be faster and less painful. However, often efforts only at the level of a single state are not enough, and resilience depends on external support, assistance from partners, and interstate interactions.

Peculiarities of Ukraine's National Resilience Under the Conditions of Resistance to Russian Aggression

The case of Ukraine illustrates the thesis "that the experience of war may change the relative importance of components of national resilience" (Eshel & Kimhi, 2016, p. 834). During the years of Ukraine's resistance to Russian aggression, the concept of "resilience" has become a marker word for Ukraine and Ukrainians, and their perception in democratic communities. It refers to the resilience of Ukraine under the conditions of Russian military aggression, the resilience of Ukrainian state institutions, communities, the volunteer movement, etc., the resilience of citizens, the resilience of people of certain professions (rescuers, railway workers, doctors, energy workers, farmers, etc.). At the same time, a wide range of problems with the fragility of resilience in its many dimensions has become evident, expanding with each day of the war, with each new massive shelling.

¹ As an example, we can cite the common energy policy of the EU, which is implemented on the basis of the principle of solidarity. This policy contributed to the reduction of the energy resource deficit in 2021-2024 in the context of Russia's weaponization of energy and the use of fossil fuels as one of the weapons in the hybrid war against the West.

The role of resilience was emphasized in the National Security Strategy of Ukraine. Resilience in this document is defined as "the ability of society and the state to quickly adapt to changes in the security environment and maintain sustainable functioning, in particular by minimizing external and internal vulnerabilities" (President of Ukraine, 2020b). The institutionalization of the National Resilience System in Ukraine started in 2021 (Verkhovna Rada of Ukraine, 2021). Challenges of the full-scale war required specific mechanisms and tools. In particular, the Action Plan for the Implementation of the Concept of the National Resilience System by 2025 (Verkhovna Rada of Ukraine, 2023) was approved. Although the priority areas of ensuring the national resilience system of Ukraine are determined, their number is increasing under the conditions of wartime challenges, and priorities are also shifting. Currently, these priorities include, for example, the protection of critical infrastructure; cybersecurity; sustainable functioning of electronic communication networks; information protection in the cloud environment; restoration of de-occupied territories; countering disinformation of the population; training of specialists responsible for ensuring the protection of critical infrastructure facilities; expanding access to mental health support services, etc. Important tasks for strengthening the resilience of Ukraine include: strengthening the ability of state bodies to identify threats, identify vulnerabilities and assess risks to national security; increasing the readiness of state bodies, local self-government bodies, and business entities to crisis situations, preventing risks and minimising their negative consequences; ensuring the development of the capacities of state bodies to ensure sustainable functioning before, during and after the onset of a crisis situation, etc.

The Russian full-scale invasion brought into focus the issue of "the robustness of Ukrainian society, the scale of the volunteer movement and the functionality of Ukrainian public institutions" (Kurnyshova, 2022, p. 81), local self-government bodies (Brovko, 2024). Ukraine's ability to function under the conditions of such a scale of external armed aggression was the result of resilience at all levels – state, non-state, international. This ability was the result of the local self-organization of Ukrainian society and the organization of territorial defence.

Local leadership of mayors and bottom-up civil society entities reinforced the general resilience of Ukraine to combat the Russian army and provided additional means for central authorities to preserve the continuity of state functions (Romanova, 2022). The struggle of Ukraine and Ukrainians against Russia's full-scale aggression opened up a new perception of Ukraine's resilience to the world. Researchers note that until now, there was no such perception (Kurnyshova, 2022, p. 80), and the resilience of Ukraine after the annexation of Crimea and the beginning of armed aggression against Ukraine in 2014 was evaluated quite critically (Gil, 2015). However, when it comes to resilience at the individual level in times of war, the results of sociological research (Sociological Group Rating, 2023) show that what helps Ukrainians remain resilient is, first of all, faith in the Ukrainian military, as well as family and loved ones, and to a much lesser extent – faith in government institutions or international assistance.

The Internal Dimension of Strengthening the Resilience of Ukraine Under the Conditions of War and At the Stage of Post-War Recovery

The functioning of Ukraine under the conditions of armed aggression actualizes a much wider range of tasks to ensure national resilience than those faced by states that are not arenas of armed conflicts. The difficulty of ensuring the necessary level of resilience is caused by numerous problems in wartime: evacuation of the population from the zone of combat clashes; recording and investigation of war crimes; response to malfunctioning or destruction of transport infrastructure; restoration of critical infrastructure; organization of the educational process under the conditions of shelling and energy shortage; response to demographic changes and changes in the labour market; ecocide; rehabilitation of war injuries; implementation of social payments under the conditions of very limited budgetary resources, etc. Therefore, the strategy for strengthening the national resilience of Ukraine attempts to balance diverse tasks, even though it is extremely difficult.

The resilience that Ukraine has demonstrated since the start of the full-scale Russian invasion in 2022 is subject to many minute-by-minute challenges. Any aspect of the life of society and the state can at any moment be put to a test of resilience by a missile or other attack. The reality also reveals not always effective management decisions and coordinated work of authorities, the growth of poverty and inequality among Ukrainians, huge losses of human capital, a significant number of territories temporarily occupied by Russia, etc. The number of those in need of humanitarian assistance is constantly growing; the scale of destruction of critical and civil infrastructure objects, the private sector, etc. is expanding. With the rising number of challenges, responding to them (and in a short period of time) is becoming an increasingly difficult task for state and non-state institutions.

The strength of Ukraine's resilience depends on the extent to which it can combine a large range of military and civilian tasks, as well as on the extent to which this resilience will be supported by the international community. Under the conditions of the state's armed struggle against the external enemy, strengthening resilience requires a systemic approach, political will at the state level, consolidation at the level of society, zero tolerance for corruption, and many other components. It is necessary to take into account the interdependence of all aspects of resilience, such as climate, ecosystem, social sphere, infrastructure, demography, labour market, etc. For Ukraine, the issue of national resilience is an existential issue. National resilience is not only about the state, but also about business, the non-governmental sector, the veteran community, internally displaced persons, forced migrants, the abundance of people who have lost their homes, etc., and every citizen, taking into account the complexity and simultaneous number of tasks, as well as the nature of security challenges.

The war in Ukraine demonstrated the need for new approaches to strengthening resilience. For example, the steps to respond to the energy terror of the aggressor state include a wide scope of measures, such as the logistical ability to eliminate the consequences of attacks by various types of weapons, the availability of backup schemes for restoring energy supply to consumers, the import of electricity from other states, the rapid development of green generation, the installation of backup generators, etc. The level of resilience is then indicated by the ability to mitigate or solve the problem in the shortest possible time so that it has the least destructive consequences. Such extraordinary situations each time become a stress test for the qualitative aspect of resilience.

Despite the existing successes in preventing and countering corruption, ongoing largescale corrupt practices have already caused reputational losses for Ukraine in the international arena. In particular, when discussing the topic of strengthening Ukraine's resilience through external assistance, concerns are voiced that "massive external cash flows could feed old networks of corruption and patronage and create new ones" (Grävingholt et al., 2023). The problem of corruption, which is not completely solved, can become a strong destructive factor that will weaken the resilience of Ukraine. Ukrainian partners therefore offer their own tools to prevent fraud, corruption, conflicts of interest and other violations. For example, the EU created a new body (Ukraine Facility Audit Board) to monitor financing within the Ukraine Facility (budget – 50 billion euros) to prevent various forms of dishonesty (European Commission, 2024).

The International Dimension of Strengthening the Resilience of Ukraine Under the Conditions of War and At the Stage of Post-War Recovery

Currently, the resilience of Ukraine as a state fighting for its sovereignty and territorial integrity is highly dependent on foreign donors. Of great importance are timely decisions regarding the provision of weapons, financing of the social and humanitarian sphere of Ukraine, investment in the Ukrainian economy and recovery, political will to strengthen anti-Russian sanctions and confiscation of Russian assets, etc.

The issue of strengthening Ukraine's resilience is the central topic of international recovery conferences. Issues of transparency and digitization of recovery efforts, continuation of anti-corruption reforms in Ukraine, etc. were on the agenda of such events. The complexity of the case of Ukraine lies in the fact that dozens of issues are simultaneously acute: macroeconomic resilience, security, infrastructure, housing sector, energy security, green restoration, health care, education, support of small and medium-sized businesses, etc. The fact that such international conferences attract numerous participants testifies to the indifference of democratic actors to the issue of Ukraine's resilience. More than 2,000 participants from over 60 countries who are studying the investment landscape of Ukraine were present at URC2024 in Berlin alone. At the same time, on a global scale, support is not so extensive due to the position of most states of the Global South.

It should be noted that the question of the start of Ukraine's recovery is still being discussed among the partner states. At issue is whether to begin recovery immediately or after the cessation of hostilities (Greene et al., 2024). From Ukraine's point of view, a significant part of the projects can and should be implemented even before the end of the war, in particular, recovery after shelling, recovery of de-occupied territories, support of the energy sector, development of a system of physical and psychological rehabilitation, etc. These are mainly rapid recovery projects, the social sphere, and projects that will contribute to sustainable economic growth.

Strengthening national resistance to threats and dangers is important not only within the borders but also outside the borders of the state. That is, it is not only about the internal but also about the external dimensions

of national resilience. An example is the problems faced by Ukraine and the partner states in the preparation of global peace-building measures, given the resources involved by Russia to disrupt or weaken them. Thus, during the organization of the first Summit on Peace in Ukraine (June 15-16, 2024), the number of participants decreased under external influence. Russia made efforts to disrupt or at least weaken the Summit on Peace in Ukraine; for this purpose, influence was exerted on the states of the Global South. As a result, there were significantly fewer subjects present (92 states, 8 organizations), although 160 invitations were sent during the preparation phase of the forum. Switzerland, as the host country of the summit, faced an increase in cyberattacks and disinformation campaigns on the eve of this summit. Restrictions on the use of airspace were forcibly introduced, and a large number of military personnel were involved to ensure security. Such events are tests of the resilience of both the diplomatic corps of Ukraine and other states and international organizations in countering various destructive non-democratic forms of pressure.

Ukraine's resilience will be strengthened if it manages to unite as many states as possible around such key principles as the inviolability of peace, respect for sovereignty and existing borders, the primacy of international law over the law of force, and the importance of a global order based on rules. Initiatives such as the first Summit on Peace in Ukraine are aimed at rallying as numerous states as possible around those principles that are important today for achieving peace and enhancing security. Paradoxically, uniting states around the idea of peace is such a difficult task today. The reason for this is that states today interpret the fundamental concepts of democracy, human rights, security, etc. very differently.

Such events as the Summit on Peace in Ukraine highlight the split between the values, goals, and priorities of the Global North and the Global South. However, the resilience of Ukraine is strongly dependent on the extent to which the restoration of a just peace in Ukraine will be supported not only by the West but indeed on a global scale. In this context, Ukraine's success depends not least on the quality of communication with the states of the Global South, on removing them from the orbit of Russian and Chinese propaganda and various forms of economic and other pressure. The Global Peace Summit proved how complicated these processes are, because there were states that rejected the invitation to participate, did not sign the Joint Communiqué on a Peace Framework, and withdrew their signature after signing. Thanks to the intensification of communication with the states of Asia, Africa, and Latin America, Ukraine conveys the philosophy of the peace formula. This has the potential to strengthen national resilience through increased support from the international community.

Throughout the full-scale war with Russia, the Ukrainian authorities have been actively lobbying their partner states for air defence equipment (Patriot systems) and other weapons to protect the airspace. Ukraine places the greatest emphasis on the timely adoption of effective decisions, enhancing the determination of Ukraine's partners, and the political will of the leadership of democratic states. For example, this applies to lifting restrictions on the use of certain types of weapons. Therefore, most of the decisions on strengthening the resilience of Ukraine required and will continue to require the political will, consistency and courage of Ukraine's partners, as well as the active position of Ukrainian diplomacy.

The resilience of Ukraine can be extremely negatively affected by the scenario of freezing the conflict with Russia. Still, Ukraine makes maximum efforts to prevent it and responds decisively to alternative "peace formulas" to the Ukrainian one (Chinese and Brazilian). Instead, Ukraine's resilience is strengthened thanks to the signing of bilateral agreements on cooperation in the field of security with several states. These agreements are guarantees of providing Ukraine with extensive military, economic and humanitarian assistance, and therefore strengthen resilience both at the present stage and in the long-term perspective.

It should be mentioned that the issue of Ukraine's resilience is a challenge not only for Ukraine but also for the partner states. To strengthen Ukraine's resilience in the face of existing challenges, substantial external support from foreign governments, donor organizations, civil society, etc. is needed. Although "political commitment among Ukraine's Western allies to recovery is robust, material commitment, on the other hand, lags" (Greene et al., 2024, p. 6). Obtaining international support is highly dependent on reforms in Ukraine, which are related to financial integrity, transparency efforts, digitalization, strong governance, effective fight against corruption, etc. Ukraine's partners believe that "Ukraine's wartime resilience can be bolstered by reforms and awareness in the areas of public administration, anticorruption, and financial control" (German Marshall Fund..., 2024). Therefore, strengthening the resilience of Ukraine also depends on the success of internal reforms, which must be carried out despite the war.

When it comes to strengthening the resilience of Ukraine, under the conditions of continued Russian aggression, we are primarily talking about weapons, air defence equipment, the functioning of the energy sector, etc. However, there are many areas that have a supposedly lower priority under the conditions

of countering external aggression, but under the conditions of post-war recovery, they cannot be underestimated in any way. It is referred to the spheres of education, culture, science, sports, etc. For example, this is the sphere of Ukrainian culture that Russia is purposefully ruining in order to destroy Ukrainian heritage and identity. Given that post-war recovery will be carried out simultaneously in a large number of areas, strengthening the resilience of the cultural sphere is highly dependent on partner states and international donors. Many states and organizations are already working in this direction.

Conclusion

An indicator of the national resilience of modern states is their ability to effectively prevent potential threats, respond promptly to them, and recover quickly. However, the conditions under which Ukraine operates actualize a much wider range of tasks to ensure national resilience. These are completely different conditions from those under which states function, which, although facing a number of challenges, are not arenas of war. In wartime, the list of areas that become priorities for ensuring the national system of resilience grows dramatically. Of decisive importance is the strengthening of the state's ability to identify threats, detect vulnerabilities, and assess risks, the source of which is the aggressor state and its partners. It is crucial to strengthen the preparedness for crisis situations and the ability to prevent risks and minimize their impact. Under the conditions of war, any aspect of the life of society and the state can, at any moment, be subjected to a test of resilience.

Given the scale of challenges in wartime, strengthening resilience requires political will at the level of the government, consolidation at the level of society, and solidarity at the level of the international community. For Ukraine, the issue of national resilience is an existential issue in view of external aggression, the struggle to restore the territorial integrity of the state, the need for post-war recovery, etc.

The resilience of Ukraine in its long-term perspective depends on a system of factors: how resilient the state and society will be in wartime; how devastating the consequences of Russian aggression will be; what the speed and quality of post-war recovery of the country and the scale of international aid will be; to what extent the state and society will be able to support further sustainable development. The importance of the development of long-term resilience of Ukraine, and not only a temporary strengthening of resilience to counter Russian aggression, is obvious. The process of strengthening Ukraine's resilience includes many components: availability of reliable guarantees of Ukraine's security; enhancing of defence capabilities, strengthening of infrastructure to deter potential Russian aggression in the future; ensuring nuclear safety; preservation and increase of human potential; recovery of Ukraine based on new technologies and standards; implementation of reforms necessary for EU integration; achieving zero tolerance for corruption, etc.

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ELIMINATION OF POLITICAL DUALISM TO ESTABLISH PARLIAMENTARY DEMOCRACY IN UKRAINE

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Abstract

Ukraine's political system, operating under a semi-presidential model, is marked by pronounced political dualism: the blurred division of powers between the president and the prime minister leads to persistent conflicts, fosters corruption, and contributes to political instability, the excessive concentration of power, and the lack of effective oversight and impeachment mechanisms, while the imbalance of constitutional provisions lead to frequent institutional crises and divisions among branches of government. A parliamentary democracy may represent the optimal form of governance for Ukraine, offering greater accountability, stability, and a reduction in corruption. A constitutional reform that limits presidential powers and designates the prime minister as the head of government accountable to parliament is essential for eliminating political dualism. Such changes will contribute to effective governance and the democratic development of Ukraine in the face of contemporary challenges. This article examines the issue of political dualism under the semi-presidential system in Ukraine and argues for the necessity of transitioning to a rationalized parliamentary system. It analyzes the historical stages of the development of Ukraine's constitutional model, identifying its weaknesses, particularly the excessive concentration of executive powers in the hands of the President. The author conducts a comparative legal analysis of governance models in France, Germany, Slovenia, and Austria, and presents empirical data from the Worldwide Governance Indicators (WGI), which demonstrate the advantages of parliamentary republics in ensuring checks and balances, accountability, and institutional capacity. The article proposes three scenarios for the development of the form of government in Ukraine, identifying rationalized parliamentarism as the optimal model capable of ensuring both democratic oversight and effective public administration in the post-war period.

Keywords: parliamentary democracy, political dualism, constitutional reform, semi-presidential system, government accountability, parliamentary oversight, democratization, rationalized parliamentarism.

Introduction

The theoretical foundations of parliamentary democracy are based on the works of leading political scientists who have examined the impact of different forms of government on democratic stability. Lijphart (1999), in his prominent work *Patterns of Democracy*, argues that parliamentary systems offer stronger government accountability to the legislative branch, which is critically important for democratic development. Shugart and Carey (1992), in their book *Presidents and Assemblies*, note that parliamentary systems are less prone to conflicts between the executive and legislative branches, thereby promoting political

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stability. Wilson (2005), in his study Ukraine's Orange Revolution, emphasizes that the semi-presidential system in Ukraine fosters instability and corruption due to the ambiguous division of powers between the president and the prime minister.

In a parliamentary system, the government is accountable to the parliament, which provides a clear mechanism of oversight and allows for the swift replacement of the government through a vote of no confidence. This is particularly important for Ukraine, where corruption remains a serious issue. According to the Transparency International Corruption Perceptions Index (2024), Ukraine ranks 105th out of 180 countries, indicating a high level of corruption. Research by Cheibub (2007) demonstrates that parliamentary systems tend to exhibit lower levels of corruption due to greater transparency and government accountability.

Therefore, the study of the constitutional foundations of the genesis of parliamentarism in Ukraine, in the context of implementing political reform, represents a relevant and timely direction in contemporary political and constitutional-legal scholarship. As Stavnichuk notes, parliament and parliamentarism are today regarded as essential attributes of a democratic state, which underscores the necessity of analyzing the development of representative institutions (Stavnichuk, 2001, p. 7). Following the end of the full-scale war, Ukraine will inevitably face the challenge of not only physical reconstruction but also institutional recovery. One of the key components of this transformation will be the revision of the constitutional order, particularly the model of governance. The current semi-presidential system, which has revealed its flaws under crisis conditions through the dominance of one branch of power, requires critical reconsideration to prevent authoritarian tendencies in the future.

The aim of this study is to conduct a theoretical and empirical analysis of eliminating political dualism in Ukraine through a transition to parliamentary democracy, to justify the necessity of constitutional reform in order to ensure government accountability, political stability, and a reduction in corruption, as well as to develop proposals for the redistribution of powers among branches of government based on the comparative experience of European states.

Methodology

To achieve the objective of this study – justifying the feasibility of Ukraine's transition to a parliamentary model of governance through the elimination of political dualism – a comprehensive methodological framework has been applied. Comparative legal analysis enabled a detailed examination of power distribution models in EU countries (Germany, Austria, Slovenia, France). The analysis covers constitutional provisions, special legislation, and constitutional practice regarding votes of confidence, emergency powers, and procedures for government formation.

A structural-functional approach was employed to identify the specific features of executive dualism in Ukraine by analyzing conflicts of authority between the President and the Prime Minister, including cases of cohabitation and political dependence of the Cabinet on the Presidential Office. The dynamics of inter-institutional relations were interpreted based on analytical reports. Scenario forecasting was used to model potential governance trajectories for post-war Ukraine: rationalized parliamentarism; technocratic (formal) parliamentarism; and authoritarian backslide (a "presidential vertical").

Political Dualism as a Challenge to the Development of Parliamentarism: Evolution, Reform Attempts, and Deficiencies

The evolution of Ukrainian parliamentarism has been accompanied by a gradual redistribution of powers between the executive and legislative branches. Historically, constitutional drafts and reforms – particularly the 1992 draft Constitution and the 2004 amendments – envisioned an enhanced role for the parliament to mitigate inter-branch conflicts and ensure effective representation of the people's interests. In this context, comparative legal analysis is of particular significance, as the experience of European states demonstrates a positive trajectory in the distribution of powers, which fosters democratization and strengthens government accountability.

Despite the progress achieved, the current structure of state power in Ukraine reveals significant systemic issues, creating an urgent need for political system reform, particularly the elimination of political dualism. The mixed form of government is conflict-prone not only in constitutional-legal terms but also institutionally, as it critically depends on the continuous interaction of various institutions, which manifests in complex mechanisms of joint decision-making (Koliukh, 2019, p. 177). It is evident that political dualism, characteristic of semi-presidential systems, frequently results in tensions between the president and the prime

minister. Ukraine, governed by a mixed parliamentary-presidential model, faces a fundamental conflict of legitimacies and executive duality.

Both institutions – the president and the parliament – derive their mandates through general elections, creating ongoing competition for influence over the executive branch. This structure results in a fragmentation of powers, wherein the prime minister, who *de facto* heads the government, is forced to operate under constant pressure from the president. This pressure manifests in policy disagreements and administrative conflicts. The phenomenon has deep institutional roots, reflecting not only constitutional divisions but also the influence of Ukraine's political and legal culture.

At the same time, as practice demonstrates, both institutions tend to shift toward political synthesis, thereby increasing the risk of corruption. The study by Sedelius and Mashtaler (2013) documents 76 cases of intra-executive conflicts in eight Central and Eastern European countries between 1991 and 2011, which have had a detrimental impact on government stability. A transition to a parliamentary system would eliminate this dualism by making the prime minister the head of government accountable to the parliament (Sedelis & Mashtaler, 2013).

The experience of leading European states, particularly Germany and Estonia, demonstrates that a properly organized parliamentary form of governance provides significantly greater efficiency compared to presidential systems in which power is concentrated in a single office (Maslov, 2015). The proposed reform envisions that the President will assume purely ceremonial functions, be stripped of the right to initiate legislation, exercise veto power, and enjoy legal immunity. Real executive authority would be transferred to a directly elected chancellor or prime minister, who would lead the party list and form the government with the support of a parliamentary majority.

This approach would bring Ukraine closer to European democratic standards by promoting a more transparent and accountable model of state governance. Since the adoption of the 1996 Constitution, the formation of a new socio-political system began; however, the reform process lacked adequate scholarly justification and a coherent strategic framework. The constitutional and legal status of the President of Ukraine, as established by the 1996 Constitution, introduced a mixed (semi-presidential) system of governance in which the President, despite a formally neutral position regarding the branches of power, in practice primarily interacts with the executive branch.

The experience of the Venice Commission (1997, 2010) indicates that the initially envisaged strong executive authority under the President was accompanied by mechanisms of checks and balances. Nevertheless, over time, the actual concentration of power in the President's hands and ongoing confrontation with the parliament became increasingly evident. The 2004 constitutional reform was partially aimed at redistributing excessive powers, yet the current constitutional design remains flawed and continues to generate numerous institutional contradictions.

Among the key shortcomings of the 2004 reforms are the imbalance of powers, the inadequacy of oversight mechanisms, and the absence of an effective impeachment procedure for removing the Head of State. Furthermore, critical issues such as administrative-territorial division, local self-government, citizen access to the Constitutional Court, judicial reform, and the scope of parliamentary immunity were left unaddressed. These deficiencies hinder the realization of the current Constitution's potential and create conditions for manipulation during political conflicts.

On September 30, 2010, the Constitutional Court of Ukraine issued Ruling No. 20-rp/2010 (Constitutional Court of Ukraine, 2010). This decision reinstated the 1996 version of the Constitution, restoring extensive powers to the President, including the authority to appoint the Prime Minister and ministers without parliamentary approval, and completely annulled the 2004 reform. This return to a presidential-parliamentary system was widely perceived as a step backward in the country's democratic development and provoked criticism from international organizations, particularly the Venice Commission (Venice Commission, 2010).

The 2014 parliamentary reform was primarily associated with electoral changes and the political events of that period, particularly the adoption of the Law "On Elections of People's Deputies of Ukraine." It also concerned adjustments in the structure and powers of the parliament. The parliamentary reform launched in 2016 remains incomplete to this day. The main challenge lies in the lack of a systematic approach to reform (Laboratory of Legislative Initiatives, 2022). As a result, the reforms of 2004, 2010, 2014, and 2016 failed to eliminate the problem of political dualism, merely redistributing powers without addressing the core issue – the conflict that fuels political instability, institutional contradictions, and a decline in public trust in political institutions.

Presidential Powers and Institutional Barriers to Parliamentary Democracy

The issue concerning the status of the Head of State begins with the ambiguity of the constitutional definition of presidential powers. Article 102 designates the President as the guarantor of state sovereignty, territorial integrity, adherence to the Constitution, and human rights – formulations that are largely declarative and fail to clearly regulate the President's role within the system of state authority. The excessive level of immunity, as prescribed by Article 105, results in a lack of accountability for both action and inaction, while the provisions concerning elections and the duration of presidential powers (Article 103) create a discrepancy between the *de facto* and *de jure* status of the presidency, thereby contributing to institutional conflict.

The ambiguous list of presidential powers outlined in Part One of Article 106 of the Constitution is characterized as normatively declarative, undermining the logical coherence of the constitutional system. The doctrine of “implied powers”¹ enables the President to act beyond the constitutionally defined scope of authority, a practice that has been affirmed by rulings of the Constitutional Court of Ukraine. This issue is further exacerbated by unconstitutional provisions in the current legislation concerning the regulation of presidential powers, the absence of a clear legislative mechanism (e.g., a Law of Ukraine “On the President of Ukraine”), and inconsistencies in the procedures of counter-signature of presidential acts. Together, these factors create opportunities for opaque political processes and inter-institutional conflicts.

The procedures for terminating the powers of the President also require reconsideration. Impeachment, as outlined in Article 111, is an almost impractical mechanism due to an excessively high voting threshold, while other grounds for early termination of presidential authority are characterized by vague legal formulations. The substitution of the President in cases of early termination through the temporary assumption of duties by the Chairperson of the Verkhovna Rada poses additional risks to the balance of power among branches of government. Overall, these deficiencies in the current constitutional framework highlight the need for fundamental reforms aimed at eliminating political dualism and establishing effective mechanisms of checks and balances within the system of public governance.

The strategic reform of the Constitution of Ukraine must be based on a clear methodological framework that incorporates the experience of leading democratic countries and envisions the formation of a national idea reflecting the principles of the rule of law, human rights, and the autonomy of state policy. The reform should be organized in a way that ensures effective interaction between the actors of the constitutional process and the broader public, and must be accompanied by an active information campaign aimed at increasing citizens' awareness of their role in public governance. In this way, the modernization of the fundamental law will serve as a unifying mechanism for addressing nationwide challenges of statehood and advancing Ukraine's democratic development.

In Ukraine, the debates over changing the form of government continue, particularly with regard to transforming it into a presidential-parliamentary republic. Zabolotna (2023), an analyst at the Centre of Joint Action, argues that such terminology is artificial, as in global practice only mixed or parliamentary models are recognized. The experience of post-Soviet countries demonstrates that the strengthening of presidential power often leads to authoritarianism. Ukraine is already exhibiting signs of power concentration in the hands of the president, which undermines parliamentarism. At the same time, the practice of developed democracies proves that a strong parliament enhances transparency, reduces corruption, and contributes to effective governance.

A transition to a parliamentary republic would ensure the stable development of the country, as decision-making would become a collective process rather than being concentrated in the hands of a single individual. It is essential to engage in a broad public discussion on the future political system of Ukraine. A strong parliament would make it possible to form a coalition government that takes into account the interests of various political forces and regions. This would reduce the influence of oligarchs, promote government accountability, and protect the country from the risks of authoritarianism.

The core concept is rationalized parliamentarism², which entails enhancing oversight procedures over the government, particularly through the introduction of a constructive vote of no confidence and

¹ The doctrine of “implied powers” originates from the United States, and it refers to presidential powers “that are not explicitly provided for in the Constitution but derive from its content and pertain to the specific nature of presidential activity in extraordinary situations, particularly in cases of military aggression” (Constitutional Court of Ukraine, 2020).

² Rationalized parliamentarism is a model that emerged after World War II as a response to governmental instability and parliamentary fragmentation during the interwar period (e.g., in France and Germany).

the expansion of parliamentary powers in regulating the legislative process. This approach aims to establish a more transparent, accountable, and stable political system aligned with contemporary European democratic standards. A reorientation of the system of governance toward a parliamentary republic is viewed as a potentially optimal solution for overcoming administrative dualism.

However, in contemporary Ukraine, there are numerous factors that hinder the implementation of any form of purely parliamentary governance. Koliukh notes that “in modern Ukraine, there are many factors that impede the introduction of purely parliamentary forms of governance.” (Koliukh, 2019, p. 179). Parliamentary rule functions effectively in countries with authoritative and competitive political parties that, based on broad public support and mutual compromise, are capable of forming effective coalitions in parliament and subsequently a government that is not limited to representatives of a single political force.

Since gaining independence in 1991, Ukraine has experienced a low level of public trust in political parties as institutions. This complicates the formation of stable coalitions and effective governance, both of which are critical for the successful operation of a parliamentary system (Koliukh, 2019, p. 179). Moreover, political parties in Ukraine often remain dependent on external funding, particularly from oligarchs, business structures, and financial-industrial groups. This dependence leads to the lobbying of these actors’ interests in parliament, which may result in the adoption of laws that contradict the Constitution and other legal norms, thereby violating the principle of the rule of law (Sachko, 2022, p. 78).

Additionally, the absence of clear legislative regulation of the status of the parliamentary opposition results in its perception primarily as an “anti-government” force – an institution opposing the ruling coalition. In democratic systems, however, the opposition plays a constructive role by monitoring the majority’s actions, adjusting its initiatives, representing minority interests, and supporting socially significant projects. The lack of legal recognition of the opposition’s status in Ukraine limits its ability to effectively perform these functions (Sachko, 2022, p. 78). Furthermore, low political culture and tolerance, along with corruption and lack of professionalism among a significant portion of the parliamentary corps, remain persistent issues (Sachko, 2022, p. 79).

Expansion of Presidential Powers in Wartime: The Ukrainian Experience and Alternatives (The Cases of Austria and Germany)

Following Russia’s full-scale invasion of Ukraine in February 2022, there has been a notable concentration of executive power in the hands of President Volodymyr Zelenskyy. This reflects a broader trend wherein presidential powers tend to expand during wartime due to the need for centralized command and resource mobilization (Devine et al., 2020).

In Ukraine, according to Article 106 of the Constitution, the president serves not only as the Head of State but also as the Supreme Commander-in-Chief of the Armed Forces, a status that grants broad authority under martial law. Since the onset of the war, the Presidential Administration has significantly increased its influence, leading to a relative weakening of the role of the parliament and other state institutions. For instance, from the beginning of the war until July 2023, the Verkhovna Rada passed over 90% of bills submitted by the president, in contrast to only 35% of government-initiated proposals (Lebediuk, 2023, p. 97). While such measures may be justified in times of emergency, it is essential to ensure that they do not result in the prolonged weakening of democratic institutions and the principle of the rule of law. In our view, this situation illustrates the inherent risks associated with the concentration of power during crises: rather than safeguarding the balance of power, such arrangements tend to legitimize its centralization. Therefore, eliminating dualism through a transition to a parliamentary system represents a preventive measure against authoritarian tendencies both during wartime and in the post-war period.

Although the experience of full-scale war in Ukraine may create the illusion of effectiveness of the semi-presidential model with a dominant president, this is not a sufficient basis for preserving or legitimizing the continued concentration of power. The semi-presidential system, following the logic of a “leader-executor,” in which the president assumes a leading role while the prime minister functions as an administrative implementer of the presidential agenda, has proven to be effective primarily due to President Zelenskyy’s parliamentary majority. This majority ensured control over key appointments and facilitated the implementation of the president’s political agenda during the crisis (Sedelius et al., 2024).

However, it is precisely this institutional convenience that served as a precondition for the de facto expansion of presidential powers not envisaged by the Constitution. Government dependence on the president increased, parliamentary autonomy was curtailed, and presidential influence over the information sphere, law enforcement bodies, and the judicial system was significantly strengthened.

Such a transformation contradicts the principle of checks and balances and creates a dangerous precedent – the use of martial law as a justification for dismantling institutional equilibrium.

In this context, it is important to emphasize that there is no empirical evidence to support the claim that a presidential model is inherently more effective than a parliamentary one during times of crisis. On the contrary, systems with a symbolic president and a strong prime minister – as demonstrated by the experience of developed democracies – are capable not only of ensuring stability and flexibility in decision-making, but also of maintaining the democratic accountability of the executive branch.

Therefore, the transition to a parliamentary republic in Ukraine – with clearly defined powers for the prime minister and a ceremonial role for the president – is not merely a political choice but a necessary institutional step toward preserving democracy and overcoming political dualism, which continuously reproduces conflicts of legitimacy and weakens the system of governance.

Parliamentary republics also exhibit a tendency toward the strengthening of executive power during crises (Raunio & Wagner, 2017). However, such systems possess mechanisms of parliamentary oversight that can constrain excessive power concentration.

For instance, in Austria, the regulation of power distribution in times of crisis is governed by the Federal Constitutional Law of Austria (B-VG), which provides specific mechanisms to ensure democratic legitimacy even under threat. Unlike the constitutions of other countries – such as France or Germany – Austria's Constitution does not contain an explicit provision for a "state of emergency." Instead, the constitutional framework is adapted through other articles: Article 18 B-VG affirms the principle of legality of government actions; Article 36 B-VG defines the role of the National Council; Article 50 B-VG governs the ratification of international treaties; and Article 82 B-VG regulates the entry into force of legislation (Bundes-Verfassungsgesetz (B-VG)). These provisions allow for a limited adaptation of governance in cases where the parliament is unable to convene.

Parliament does not cease its operations during war or crisis, provided it remains physically capable of convening. In cases where the National Council is unable to meet, its powers are temporarily delegated to the Standing Subcommittee of the Main Committee (Ständiger Unterausschuss des Hauptausschusses). This body is authorized to: review and approve international treaties; authorize the deployment of armed forces; and adopt legislative measures in the field of national security (§ 55 Abs. 3 B-VG).

Thus, Austria's constitutional model ensures the continuity of parliamentary oversight during wartime through special procedures, particularly via the Standing Subcommittees of the Main Committee. The government cannot usurp power even under extraordinary circumstances, as parliament retains essential competencies: control over military deployments, ratification of international agreements, and the protection of human rights. This underscores the resilience of the parliamentary model even in periods of crisis – a lesson that may prove valuable for Ukraine as it seeks to reform its system of governance.

In Germany, the parliamentary system demonstrates its ability to preserve the balance of powers and democratic oversight even under wartime conditions, preventing the usurpation of authority by the executive branch. The Basic Law of the Federal Republic of Germany (Deutscher Bundestag, 1949) contains a comprehensive set of provisions regulating the functioning of state institutions during periods of threat or war, while ensuring both effective state response and institutional stability.

According to Article 115a GG (Deutscher Bundestag, 1949), the Bundestag, together with the Bundesrat, is empowered to declare a state of defense (Verteidigungsfall) in the event of an armed attack or its imminent threat. Following such a declaration, under Article 115b GG, command of the armed forces is transferred to the Federal Chancellor. However, this shift does not dismantle parliamentary control: the Bundestag retains key competencies, including legislative authority, government oversight, and budgetary supervision.

If the Bundestag is unable to convene due to extraordinary circumstances, its functions are temporarily delegated to the Joint Committee (Gemeinsamer Ausschuss), as provided in Article 115e GG (Deutscher Bundestag, 1949). It is important to note that the Bundestag retains the exclusive right to authorize any military operations, including international missions under NATO, the UN, or the EU. This authority is enshrined in the Basic Law (Article 87a(2) GG) and further elaborated in a separate statute – the Parliamentary Participation Act (Deutscher Bundestag, 2004). Thus, even in crisis situations, the armed forces cannot be deployed without prior parliamentary approval. In the fiscal domain, the Bundestag also has the authority to adopt emergency defense budgets, as stipulated in Article 115c GG. These decisions are made through a special procedure and remain subject to parliamentary oversight, thereby precluding any unilateral financial actions by the executive branch.

Another notable feature of the Basic Law is the preservation of fundamental rights even during wartime. Article 115f GG (Deutscher Bundestag, 1949) stipulates that any restriction of rights must be proportional, justified, and remain within constitutional bounds, while the operation of the Federal Constitutional Court (Bundesverfassungsgericht) continues uninterrupted. This ensures legal oversight even under crisis legislation, in contrast to the practice of so-called “sovereign executive” power.

Thus, the German parliamentary system operates during wartime in accordance with the logic of checks and balances, which remain intact even in the face of military aggression. Instead of full centralization of power in a single institution or individual, the Grundgesetz provides for the distribution of emergency powers, preserving the legitimacy of the political system. This makes Germany’s experience a valuable reference point for countries seeking constitutional reform, such as Ukraine. Given the challenges posed by war and political dualism within Ukraine’s semi-presidential system, the German model of rationalized parliamentarism may serve as a guiding framework in shaping a new governance model.

The experience of countries such as Austria and Germany demonstrate that parliamentarism not only withstands the challenges of war and emergency but also ensures the continuity of legitimate decision-making without concentrating power in a single office. In contrast to the Ukrainian model, which in times of crisis tends to concentrate excessive authority in the hands of the head of state, often justified by the need for swift decision-making, parliamentary systems exhibit a high degree of adaptability under crisis conditions without compromising democratic balance. These systems do not preclude rapid response but establish a flexible and accountable decision-making framework in which even the enhancement of executive power remains temporary, proportional, and constitutionally constrained.

Thus, the German and Austrian models reaffirm the rationale for Ukraine’s transition to rationalized parliamentarism, which ensures not only political stability but also serves as a systemic safeguard against the usurpation of power under the pretext of a state of emergency. In this context, parliamentary democracy does not fall short of presidential or semi-presidential systems in terms of functional effectiveness, but it significantly surpasses them in its capacity to protect rights, freedoms, and the democratic order of the state in the long term.

Discussion

Possible Scenarios for the Development of Parliamentary Democracy in Post-War Ukraine

Scenario 1. Rationalized Parliamentarism

Following the end of the full-scale war, Ukraine will face the necessity of a structural revision of its governance model. The development of parliamentary institutions and their capacity to ensure a balance of power, democratic accountability, and institutional resilience within a new security and geopolitical context – will become particularly relevant. One of the most compelling arguments for introducing rationalized parliamentarism in Ukraine is the experience of the French Fifth Republic, which emerged as a response to the deep institutional crisis of the Fourth Republic, characterized by parliamentary fragmentation, frequent government resignations, and political instability. Against this historical backdrop, the 1958 Constitution was adopted, establishing a system with strong executive leadership and, at the same time, a “rationalized” parliament – i.e., a legislative body with limited capacity to block government action without proposing a responsible alternative (Ertaş, 2023).

A key mechanism of this institutional design is Article 49.3 of the French Constitution, which allows the government to tie the adoption of a bill to a vote of confidence: if the parliament does not express a vote of no confidence within 24 hours, the bill is considered automatically adopted. This provision became particularly relevant in March 2023, when the government of Prime Minister Élisabeth Borne (from President Macron’s party Renaissance) initiated the adoption of pension reform without a vote in the National Assembly (Ertaş, 2023). Despite widespread public opposition and the absence of a parliamentary majority, the government was able to advance the reform by invoking this mechanism, thereby preserving governance stability and political continuity.

Although the use of this “nuclear option” has drawn criticism for potentially undermining parliamentary pluralism, the underlying logic of rationalized parliamentarism is not to suppress the legislature, but rather to prevent governmental collapse, as seen during the Fourth Republic. Similar mechanisms exist in other countries. For example, Article 67 of the German Basic Law provides for a constructive vote of no confidence, whereby the parliament can remove the sitting chancellor

only if it simultaneously elects a successor by majority vote. This approach not only ensures continuity of governance but also requires political responsibility from the parliamentary opposition.

For post-war Ukraine, which will require not only a democratic but also an effective and stable system of governance, the concept of rationalized parliamentarism offers the potential to combine the principle of popular representation with the efficiency of the executive branch. Under crisis or transitional conditions, parliamentary fragmentation already a traditional feature of Ukrainian politics may lead to recurring government crises.

Rationalized parliamentarism, through the introduction of a constructive vote of no confidence, mechanisms of budgetary accountability, limitations on procedural abuse, and the strengthening of the prime ministerial institution and committee system, could help avoid cyclical destabilization without reverting to presidential dominance.

The experience of modern France demonstrates that the rationalization of parliament does not entail its devaluation; on the contrary, it strengthens governmental accountability, while maintaining clearly defined and limited competencies for exceptional institutional cases. In the context of Ukraine's post-war reconstruction, when it will be necessary to implement unpopular yet strategic reforms – both social and economic – the presence of rationalized decision-making procedures within the executive branch will serve as a tool for effective governance, while preserving the democratic mechanism of oversight.

The experience of the Republic of Slovenia as a parliamentary republic serves as a compelling example of how the instruments of rationalized parliamentarism can ensure political stability, effective governance, and the protection of democratic order, even under crisis conditions. The 1991 Constitution of Slovenia (as amended), drafted during the country's transition to independence, established not only a classical parliamentary form of government, but also introduced a number of safeguards designed to protect the balance of powers without excessive concentration of authority in the executive branch.

One of the central elements of rationalized parliamentarism in Slovenia is the constructive vote of no confidence, enshrined in Article 116 of the Constitution (Skupščina RS, 1991). According to this provision, the National Assembly (Državni zbor) may express no confidence in the sitting Prime Minister only if it simultaneously elects a new head of government by a majority vote. This approach, which mirrors the German model, helps prevent governmental deadlock and political sabotage by the parliamentary opposition, as any initiative to change the executive must be accompanied by a constructive alternative.

In times of crisis – such as a state of emergency, armed conflict, or pandemic – the Slovenian model allows for the temporary delegation of powers to the executive only under clearly defined conditions. According to Article 92 of the Constitution of Slovenia (Skupščina RS, 1991), a state of emergency may be declared only by the parliament, and solely in cases where the existence of the state is threatened. If the parliament is unable to convene, the President of the Republic may take provisional measures, which must be immediately confirmed by the National Assembly at the earliest opportunity.

During the COVID-19 pandemic, Slovenia did not declare a formal state of emergency, but instead acted under the Infectious Diseases Act (Državni zbor RS, 1995). The government adopted epidemiological restrictions through delegated acts, which were subject to parliamentary oversight and judicial review. The Constitutional Court of Slovenia repeatedly emphasized the necessity of ensuring that all measures were proportional, lawful, and temporary, thereby maintaining legal restraint even under crisis conditions (Bardutzky & Zagorc, 2020).

Moreover, Slovenia has established a clear division of powers among the parliament, the government, and the presidency, with the latter performing primarily ceremonial functions, such as representing the state abroad and formally appointing the government based on parliamentary vote outcomes (Article 111 of the Constitution). All appointments including those of the Prime Minister, government ministers, and Constitutional Court judges – require direct parliamentary approval, thereby precluding any practice of “presidential initiative” without democratic oversight. This experience demonstrates that even in a small yet dynamic state, the parliamentary model can ensure not only democratic legitimacy, but also efficiency and stability. The Slovenian case is particularly valuable for Ukraine's post-war transition: the combination of a constructive vote of no confidence, flexible crisis legislation, and an effective parliamentary committee system provides a resilient model without the risk of power usurpation.

Thus, the experience of Slovenia confirms that rationalized parliamentarism is capable not only of ensuring political stability, but also of establishing an effective system of governance free from the conflicts of legitimacy that are typical of semi-presidential systems in transitional democracies. Its practices deserve close examination in the context of reforming Ukraine's constitutional architecture.

Data from the Government Effectiveness Index (2020-2023) (Fig. 1) indicate that high government effectiveness is not an automatic outcome of a particular form of government. As shown in the analysis of 23 countries, parliamentary systems include both high-performing states (e.g., Germany, Austria, Finland, Slovenia) and those with medium or low effectiveness scores (e.g., Slovakia, Latvia, Lithuania, Croatia). This suggests that parliamentary governance alone does not guarantee executive performance without a robust party system, efficient coalition management, and a functional procedural framework for government operations.

For instance, Slovakia and Croatia, both parliamentary republics, consistently exhibit lower levels of government effectiveness compared to other parliamentary countries such as Germany or Finland. Contributing factors may include unstable or ad hoc coalitions, frequent government turnover, intra-party conflicts, and populist political agendas.



Fig. 1. Government Effectiveness (according to WGI 2020–2023)
(compiled by the author based on data from the World Bank's Worldwide Governance Indicators)
(World Bank Group, 2024)

This confirms that the advantages of rationalized parliamentarism can be realized only when institutions are supported by the quality of political culture, institutional continuity, and a mature party system. Otherwise, a parliamentary system risks becoming fragmented or even destabilized. For Ukraine, this implies that the shift toward rationalized parliamentarism must entail not only a restructuring of the system of governance, but also the development of the parliament's actual capacity to form an effective government, exercise oversight, and ensure stable administration. It is the combination of a parliamentary form with institutional depth – not its mere declarative adoption – that ensures the effectiveness and resilience of a democratic system in times of crisis and reconstruction.

Scenario 2. Technocratic Parliamentarism

In contrast, technocratic parliamentarism describes a situation where, although a parliamentary system formally operates, there is no genuine political backing for the executive. Governments are formed as temporary technical compromises, lacking clear political accountability. This usually results from the collapse of a parliamentary majority, fragmentation of the party system, high levels of political conflict, and the absence of mechanisms that enforce coalition stability.

An illustrative example is Italy in the 2010s, where technocratic governments such as the cabinets of Mario Monti (2011-2013), Giuseppe Conte (2019-2021), and Mario Draghi (2021-2022) emerged not because parliament endorsed a coherent political agenda, but as enforced responses to governmental crises. These administrations often relied on broad but situational alliances, significantly reducing the efficiency of the political process and reinforcing an apolitical style of governance (Huntington & Pasquino, 2013).

Technocratic parliamentarism is not a standalone form of governance, but rather a symptom of a weak political system incapable of forming stable coalitions. It temporarily fills a functional deficit but does not resolve it and, in some cases, even deepens the crisis of representation.

In the context of Ukraine, it is critically important to avoid the temptation of formal parliamentarism without accompanying internal party reform and the establishment of rationalized mechanisms. Otherwise, there is a risk of ending up with precisely a technocratic model – fragile, personalized, and one that continually depends on external “stabilizers” such as the president, foreign donors, or security institutions.

Scenario 3. Threat of Backsliding to Authoritarianism

One of the potential yet high-risk scenarios for Ukraine in the post-war period is the establishment of a strictly centralized model of executive power, conventionally referred to as a “presidential vertical.”¹ In such a case, the dominant political trend is the consolidation of authority in the hands of the head of state, with the effective marginalization of the role of parliament, the government, and independent institutions. This scenario represents a backslide from the semi-presidential model toward personalized governance, which entails a high risk of undermining the democratic balance.

This type of system is frequently justified by the rationale of “effective leadership in crisis,” particularly under prolonged martial law, national security threats, and the necessity of quick decision-making. However, the core characteristics of authoritarian backslide include: concentration of executive power in the presidency (exercised through control over the government, parliament, and judiciary); delegitimization of parliament as a perceived “institution of political weakness”; substitution of the government by presidential appointees; weakening or dismantling of mechanisms of checks and balances; and the instrumentalization of security forces and the media apparatus for political consolidation. Even within the European Union, comparable tendencies have occurred at early stages of democratization – for instance, in Hungary after 2010.

In the Ukrainian context, the legal framework of martial law presents a particular risk factor, having already led to a diminished role for the parliament (for example, in 2022-2023 the Verkhovna Rada adopted more than 90% of bills submitted by the President (Lebediuk, 2023); to a decline in the institutional autonomy of the government, as key decisions are increasingly channelled through the Office of the President; and to an institutional ambiguity in the distribution of political responsibility. The president currently determines foreign policy, personnel policy, and exercises control over the Security Service of Ukraine (SBU), the National Anti-Corruption Bureau (NABU), military doctrine, and information policy, and in certain cases, also directs strategic reforms.

Conclusion

The study has demonstrated that political dualism, inherent in the mixed model of governance, reproduces a conflict of legitimacies, dual executive authority, and institutional instability, particularly under martial law conditions. Such a system hinders the harmonious interaction between branches of power and the establishment of principles of effective institutional “co-existence” (Chudnovskyi, et al., 2020), where cooperation is based on clearly defined roles, mutual respect, and a shared objective, rather than competition for authority. Drawing on the experiences of advanced European democracies – most notably Germany, Slovenia, Austria, and France – a transition toward a model of rationalized parliamentarism appears to be

¹ The term “presidential vertical” is an informal designation describing a centralized system of governance in which the president exerts significant influence over the executive branch at all levels. This structure can yield both positive and negative consequences for the democratic development of a country.

a prudent course of action. This form of parliamentary republic assigns the central role in government formation to the parliament, while simultaneously incorporating institutional safeguards to prevent political fragmentation and irresponsible cabinet turnover.

Constitutional reform in Ukraine must entail a clear delineation of powers among the president, parliament, and government, thereby laying the groundwork for more deliberate and strategic decision-making at the state level. This, in turn, should foster the development of a "new mindset" within the political process – one oriented toward long-term planning, national interests, and the pursuit of consensus, rather than reactive measures or narrow partisan gains. The president should primarily perform representative functions, relinquishing legislative initiative, the right of veto, and unlimited immunity. The key figure of executive authority should be the prime minister, who is formed by a parliamentary majority and bears full responsibility for public policy before the highest representative body of the people. To achieve this, a revision of the current constitutional provisions is required, particularly Articles 102, 103, 105, and 106, which currently permit an excessive concentration of power in the hands of the head of state and blur the lines of accountability, thereby undermining the foundation for constructive institutional "co-existence."

At the same time, empirical data indicate that a parliamentary form of governance does not automatically guarantee effective administration. An analysis of the Government Effectiveness Index (WGI) across European countries from 2020 to 2023 reveals significant variability in the performance of parliamentary republics. For instance, Germany, Austria, Finland, and Slovenia exhibit high levels of governmental effectiveness, whereas Croatia, Slovakia, and Lithuania show medium or even low performance. This suggests that the effectiveness of parliamentarism depends on numerous factors, including the maturity of political culture, the capacity to form stable coalitions, and the willingness of political actors to adhere to the principles of a "consensual polity," where societal consensus forms the foundation for governance. Given these considerations, the upcoming reform must go beyond a mere alteration of the formal architecture of power to establish institutional foundations for a stable, accountable, and effective parliamentary system that enhances government responsibility to the national community. Therefore, constitutional reform – particularly in the post-war period – is not only a legal reconstruction but also a strategic rethinking of the political system aimed at ensuring its resilience and capacity for self-development through the cultivation of "new political thinking" and the promotion of constructive "coexistence" among all branches of power. Only through a transition to a clear, balanced, and rationalized parliamentary system can Ukraine build a viable model of governance that aligns with public expectations and contemporary challenges. Thus, eliminating political dualism and establishing a parliamentary democracy must become not just a response to the current institutional crisis, but a strategic direction for Ukraine's post-war state-building, one that prevents authoritarian tendencies and supports the consolidation of a just and democratic social order.

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PROBLEMS OF NATIONAL LAW

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DEFINING THE FACTS BEFORE STARTING THE PREPARATION OF AN EXPERT OPINION IN CIVIL PROCEEDINGS

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Abstract

Expert evidence in the form of expert opinions is often referred to—particularly in civil proceedings – as the "corona probatorum" as it frequently plays a decisive role in shaping both the factual and legal conclusions of the court. This article addresses a relatively narrow, yet practically significant issue: namely, the delineation of the initial factual framework prior to the commencement of expert evidence in civil proceedings, as well as the scope and limits of an expert's own evidentiary initiative. Civil proceedings are specific in this regard due to their dependence on the observance of other procedural institutions, particularly the proper allocation of the burden of proof among the parties, and on the consistent adherence to the principle of adversariality. The aim of the article is first to explain the general nature of the issue to the reader within the context of civil procedure and then, through a comparative method, to analyse the approaches of three selected legal systems—Slovak, Czech, and German. These three jurisdictions have been chosen not only because of their geographical and historical proximity, but also due to their differing approaches to the regulation of expert activity in civil procedure, including different understandings of the expert's role as a means of proof. The central question is whether these legal frameworks address the matter with a sufficient degree of legal certainty and responsibility, or whether they leave its resolution to judicial discretion or the actions of the parties within the specific context of individual proceedings, without firm legislative anchoring. The results of this comparison aim to contribute not only to a deeper theoretical understanding of the problem, but also to propose potential systemic improvements with a meaningful impact on legal practice and the day-to-day functioning of the courts.

Keywords: expert opinion, expert, Civil Procedure Code, taking of evidence, civil procedure, civil law.

Introduction

In civil proceedings, expert opinion frequently assumes a pivotal role in the evidence presented. As early as the turn of the 19th and 20th centuries, the American judge Learned Hand articulated the notion that the law ought to utilise expertise when it can electively assist in resolving disputes (Hand, 1901 quoted from Fryšták, 2021). However, such evidence is characterised by a high degree of specificity within the context of civil proceedings, arising from the inherent nature of these proceedings, which are predicated

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on the principles of dispositive and adversarial proceedings. A notable distinction between these two procedural frameworks emerges with regard to the taking of evidence by an expert opinion. In civil proceedings, the parties involved and the court itself must accord more significant attention to delineating the initial facts on which the expert's opinion is to be founded.

In many civil proceedings, it may be assumed that the preparation of an expert report is utilised solely as the final piece of evidence, i.e., the so-called *corona probatorium*. Nonetheless, even this approach has its own set of potential challenges. Previous case-law of the Supreme Court of the Czechoslovak Republic, for example, in Cpj 41/79, stated, *inter alia*, that “*Article 14 of the Directive of the Ministry of Justice of the Czechoslovak Republic No. 10/73 of 15 February 1973 on the organisation, management, and control of expert and interpreting activities states that, in the interests of the continuity and economy of court proceedings, the court shall appoint an expert only after all the factual evidence necessary for the performance of the expert's task have been collected. The courts are, therefore, to take all the evidence necessary to clarify the relevant facts in all respects and to obtain the documentary evidence necessary for the submission of the opinion.*” In contrast, Czech legislation, as outlined in Act No. 99/1963 Coll., the Code of Civil Procedure (hereinafter referred to as the “Code of Civil Procedure”), operates under a different assumption. Section 114a(2)(d) of the Code of Civil Procedure stipulates that, in instances where the conditions outlined in Section 127 of the Code of Civil Procedure are met, the court is obligated to appoint an expert at the stage of preparing the hearing. However, a mixed approach is also permitted under Czech law. For instance, Dörfl states that, in theory, an expert report can be commissioned so that it is available for the first hearing in the case. However, the necessity to commission an expert opinion may only become apparent after the preparatory hearing or at the first hearing in the case. The court shall, therefore, commission the expert report when the need for it becomes apparent in the proceedings, and the necessary supporting documentation is available (cf. Dörfl, 2020). Slovak legal practice continues to adhere to a conventional approach, as evidenced by Gešková's assertion that, in the interest of procedural continuity and efficiency, it is prudent to appoint an expert only after the facts pertinent to the expert evidence have been elucidated (cf. Gešková in Števček, et al., 2016).

It is imperative that, at the time of the appointment of the expert, the court possesses a fundamental understanding of the factual situation on which the expert is to base their opinion. The court is obliged to communicate this factual situation to the expert, and the expert is expected to adhere to such initial factual conditions while presenting expert evidence. In this respect, Dörfl concurs with the assertion that the appointment of an expert is undertaken in situations where it is evident to the court, based on the factual allegations of the parties involved, which aspects are contested as a decisive fact, i.e., which elements are the subject of the evidence. The appointment of an expert in the proceedings is, therefore, directly related to the quality of the factual allegations that the court has managed to gather from the parties (in contested proceedings) or on its initiative (in uncontested proceedings) (Dörfl, 2020; Concerning the credibility of the data source, further recommendation is extended to the following publication Dufek, 2023). Should the expert fail to respect the initial factual situation given by the court, it would, in fact, devalue the results of the proceedings to date, i.e. the evidence carried out thus far, as well as the existence of the so-called burdens of proof. Furthermore, it is imperative to exercise meticulous oversight to ensure that the expert does not, through their actions, surreptitiously introduce new facts into the proceedings that have not been alleged or proven by any of the parties involved. The role of a court-appointed expert is not that of an assistant to one of the parties but rather that of a court assistant, whose function is to assist the court in elucidating a technical issue contested in the proceedings (Similarly, e.g., Křístek, 2013).

Thus, the present article seeks to address whether the Slovak, Czech and German legal systems approach this matter through legislative means, whether they provide a satisfactory solution, or if they leave the resolution to the court or individual parties involved in the proceedings. To this end, a comprehensive examination of the relevant legal systems, along with relevant foreign literature and case law, is imperative. The Slovak and Czech civil procedural legislation has been selected for the study due to the common historical roots of the two nations and the fact that a significant proportion of the older case law that will be referenced hereafter was adopted during the period of the common state. Additionally, the article will introduce the reader to the legislation of the Federal Republic of Germany. The selection of this legislation was not arbitrary; instead, it was deliberate, as evidenced by its widespread recognition as a model of excellence in the field, a reputation shared with the Austrian legislation. However, the article also employs the perspectives of other foreign authors.

Czech and Slovak legislation

Slovak legislation

Slovak legislation on expert evidence is governed by Act No. 160/2015 Coll., the Civil Procedure Code (hereinafter referred to as the “Civil Procedure Code”). The issue of expert evidence is specifically regulated by the provisions of Sections 206 et seq., whereby the provision of Section 207 of the Civil Procedure Code is of particular importance, as it provides as follows:

- (1) The court shall, upon application, order the taking of expert evidence and appoint an expert if the decision depends on the assessment of facts requiring scientific expertise and the procedure under Section 206 is insufficient for the complexity of the issues to be considered. If the court appointed several experts, they might draw a joint opinion.
- (2) The expert shall answer the questions posed to them in the written opinion; they shall not express an opinion on the legal assessment.
- (3) A request to appoint a review body is permitted only for severe matters requiring special scientific assessment or if there is an apparent contradiction in the experts' conclusions.

From the above, it is evident that there is no explicit legislative instruction on how the court should determine the initial facts prior to the expert's report. The law stipulates in paragraph 2 that the expert must answer the questions posed in the expert's report and that legal questions must not be answered.

In addition, it is worth considering the professional regulation, i.e., Act No. 382/2004 Coll. on Experts, Interpreters and Translators and on Amendments and Supplements to Certain Acts. In this respect, the provisions of Section 16(7) are relevant, which stipulate that

“The commissioning authority, being a court or other public authority, shall, prior to the appointment of the expert, ascertain the possibilities of performing the expert activity promptly, make clear to the expert the content and scope of the expert opinion, discuss the nature of the expert activity, ascertain the expected amount of the expert's fee and discuss the application of the claim for advance payment under Section 2(8)(a). In a complex case, the expert shall be consulted before being appointed on the correctness of the tasks to be performed and shall receive the necessary explanations concerning the judicial file and the facts relevant to the assessment thereof.”

The aforementioned wording of the professional regulation makes it clear that the commissioning authority is obliged, inter alia, to disclose the content and scope of the expert opinion to the expert. In addition, if the case is complex, the expert is to be consulted on the correctness of the tasks assigned and is to be provided with the necessary explanations of the court files and facts relevant to the assessment involved in the case. It should be remembered that the professional regulation of the Expert Act is a general legal professional regulation affecting all proceedings in which an expert opinion is given (Dankovčík, et al., 2020). Nevertheless, it is doubtful whether the wording ‘content and scope of the expert's report’ or ‘to provide them with the necessary explanations from the court file and the facts relevant to the assessment thereof’ includes a realistic definition of the initial factual situation. The definition of the facts can be understood as a situation wherein the court informs the expert which facts it considers to have been proven in the proceedings so far and which have not, or indicates to the expert that specific facts may or may not be taken into account, thus requiring, for example, the preparation of a variant conclusion of the expert's report taking into account the disputed facts. The probabilistic conclusion alone shall not call into question its evidential value (Richter, & Púry, 2020; The same line of reasoning can be found in Křístek, et al., 2021). In this respect, the Slovak legislation remains vague and cannot be attributed to any real effects. Nor does it address the potential overstepping of the expert opinion. Similarly, Decree No. 543/2005 Coll. on the Administrative and Practice Rules for District, Regional, Special, and Military Courts, which in the provisions of Section 51a(2) contains virtually identical wording to that of Section 16(7) of the Expert Act cited above, does not provide any further clarification.

Section 51(2) of the above-mentioned Decree reads as follows: *“Prior to the appointment of an expert, it is essential to determine whether the expert's task can be carried out promptly, to clarify the content and scope of the expert's report and to determine the expected amount of the expert's fee. Where possible, an appropriate advance on the costs of the expert's report should always be requested. If the case is complex, the expert shall be consulted prior to the appointment concerning the appropriateness of the tasks to be carried out and shall be provided with the necessary explanations concerning the court file and the facts*

relevant to the assessment of the case. It must be borne in mind that the expert's task is not to evaluate the evidence or to resolve legal issues."

To sum up, it can be concluded that the Slovak legislation does not contain rules for the initial definition of the initial facts prior to the consideration of expert evidence in civil proceedings, nor does it define the limits of expert evidence, and is primarily based on previous Czechoslovak case-law addressing this issue (for further details, see subchapter II).

Czech legislation

The Czech legal regulation of expert opinions in civil proceedings is governed by Sections 127 et seq. of Act No. 99/1963 Coll., the Civil Procedure Code (for more details, see Ševčík, & Ullrich, 2015).

This provision reads as follows:

(1) If the decision depends on the appraisal of facts requiring expert knowledge, the court shall request an expert opinion from a public authority. If such a procedure is inadequate due to the complexity of the matter under consideration or if there is doubt about the correctness of the opinion, the court shall appoint an expert. The court shall hear the expert; it may also require the expert to write a report. If several experts are appointed, they may submit a joint report. In justified cases, the court may be satisfied with the expert's written opinion instead of hearing the expert.

(2) If there is any doubt as to the accuracy of the expert's report or if the report is unclear or incomplete, the expert must be asked for clarification. If this fails, the court shall order the opinion to be examined by another expert.

(3) In exceptional, challenging cases which require a special scientific assessment, the court may appoint a state body, a research institute, a university or an institution specialising in expert activities to give an expert opinion or to examine the expert's opinion.

(4) The President of the Chamber may order a party or, as the case may be, another person to appear before the expert, to produce the necessary objects, to give the necessary explanations, to submit to a medical examination or, as the case may be, to a blood test, or to perform or endure something, if this is necessary for the submission of the expert's opinion.

(5) An expert opinion, as referred to in paragraph 1, shall be subject to financial remuneration if a special regulation is provided.

Similarly to the Slovak legislation, it has to be concluded that the Civil Procedure Code does not explicitly instruct how the court should proceed when determining the initial facts prior to an expert's opinion or how to limit the expert's research. Furthermore, it is worth considering the professional legislation, i.e., the Act No. 254/2019 Coll. on Experts, Expert Offices and Expert Institutes (hereinafter referred to as the "ZZZ" in Czech). In this respect, the provisions of Section 25(1) addresses the topic, providing as follows:

Unless circumstances prevent it, the public authority shall appoint an expert with a domicile or contact address in the district court's jurisdiction where the public authority has its domicile or workplace. The authority shall discuss the assignment of the expert opinion with the expert in advance and the deadline for submitting the expert opinion. At the request of the expert, the deadline may exceptionally be extended in justified cases; the deadline may be extended several times for reasons deserving special consideration. At the request of the public authority, the expert is obliged to draw up a preliminary estimate of the estimated expert's fee required to execute the act.

However, the foregoing indicates that the provision in question deals only with the 'discussion' of the commissioning of the expert opinion. As in the Slovak legislation, the provision is rather vague and cannot be given any real effect. Section 40 of Decree No. 503/2020 Coll. on the Performance of Expert Activities, which specifies the requirements for commissioning an expert opinion, also partially addresses the issue. However, even the following wording does not indicate that the legislator requires the courts to define the initial state of the facts for an expert opinion. The obligation to disclose facts which could affect the expert's report's accuracy is aimed at disclosing facts which, in the opinion of the party commissioning the expert's report, are relevant to the expert's assessment but not at clarifying the initial situation (The Czech commentary bibliography is rather partial on this issue. For example, Dörfl states that "the assignment of an expert opinion shall always include a definition of the expert's task. In terms of evidence, it is essential that the questions asked provide an answer to the factual question that is the subject of the evidence. The court should, therefore, be able to determine at the time of the instruction what is to be established." Cf. Dörfl, et al. 2021. Another opinion is expressed in, for example, Ševčík, et al., 2023).

The latter provision reads as follows:

(1) *The assignment of an expert report shall include:*

(a) *The technical question posed by the commissioning authority of the expert report,*

(b) *The purpose of the opinion*

(c) *The facts brought to the attention of the commissioning authority, which, in their opinion, may affect the accuracy of the conclusions of the expert opinion.*

(2) *If the commissioning authority has not disclosed facts to the expert that may affect the correctness of the conclusion of their opinion, the expert shall indicate them in the instruction for the expert opinion.*

For instance, Hanák notes that in real estate valuation, most questions and documents are based on a clear factual situation, so there is no need to specify anything. However, there may be cases where, for example, the exact area of the property to be valued is not known (the geometric plan is to be drawn up later), the date of construction is not known, and it is not even possible to inspect the interior of the building. More facts must be specified in other areas of the expert's activities. This is particularly the case when assessing a condition that can no longer be inspected on-site but must be based on photographs, reports or testimony (Hanák, 2021).

The definition of the expert's tasks, i.e., the determination of the facts, is addressed in more detail in the opinion of the Supreme Court of 23 December 1980, case No. Cpj 161/79 [R 1/1981 civ.], which states, inter alia, that *"in defining the expert's task, the circumstances of the particular case must be taken into account. In some cases, therefore, the expert's task can be defined only in general terms, while in other cases, it is necessary to define the requirement more precisely, and in other cases, it is necessary to define the task in the form of precisely defined questions. The expert's task must always be defined in terms of the facts on which the expert is to base their task, what they are to take into account and what they are to consider. If the evidence to date does not support the existence or non-existence of a particular fact, the expert is asked to opine on, and if the final conclusion can only be reached in the decision in the case, the expert may be asked to give an alternative opinion that takes both possibilities into account. Otherwise, the expert would evaluate the evidence and draw conclusions regarding which facts are proven and which are not. However, this can only be done by the court on the grounds of the decision in the case (Article 157(2) of the Civil Procedure Code)."*

In addition, it is appropriate to refer, for example, to the judgment of the Supreme Court of the Czech Republic of 6 August 2009, case No. 30 Cdo 352/2008, which provides in its reasoning, inter alia, that *"in connection with securing the evidence for the expert opinion, it is incumbent on the court to identify those means of evidence among the given set of evidence which, in the given procedural situation, are considered relevant and usable for the preparation of an expert opinion, taking into account the principle of directness and orality, the persuasiveness of witnesses, etc."*

The idea of adopting a new code of civil procedure has been in the air in the Czech Republic for the last couple of years. A substantive draft of the Civil Procedure Code (hereinafter referred to as the "CPC") has already been completed and submitted by the Ministry of Justice of the Czech Republic for public expert discussion. The submitted draft apparently recognises the need to address this issue. According to sections 231 and 232 of the draft, *"the court shall provide the expert with the objects, files and aids required to prepare the expert's opinion. The expert may propose to the court that the parties be heard, that witnesses be heard, or that documents or objects be produced or placed at the court's disposal to draft their opinion. The expert may directly question witnesses and parties, subject to the court's approval. The court may, at the request of the expert, order the parties or third parties to attend the expert, produce the necessary items, give the necessary explanations, submit to a medical examination or, where appropriate, a blood test, or do or submit to anything that is required for the preparation of the expert's opinion. In the case of an expert's examination, the court may also order an examination without the court's presence; it may also, for serious reasons, order that the parties may not be present during the expert's examination."*

With regard to the expert's excessive evidentiary activity, the proposed amendment links any further securing of evidence to the expert's cooperation with the court, which will always have the discretion to allow or not allow the extended collection of evidence. In applying the above, the crucial question is under what circumstances the court should grant the expert's requests to extend the evidence and when it should not. In the first instance, the court should, prior to appointing the expert, gather all the information that the expert needs to carry out their task in analogous cases. If, even in such a case, the expert asks the court for additional documents, the temporal proportionality of the proposed measures can be considered as one of the additional criteria. If the collection of documents requested by the expert could substantially clarify the facts and, for example, exclude one of the alternatives to the expert's opinion, such evidence may be admitted, but only

on condition that it does not unduly prolong the proceedings. The second criterion for admissibility should include the requirement that the expert's investigation of the facts must not, under any circumstances, fall below the necessary use of expert knowledge. Unfortunately, the draft does not deal comprehensively with the court's duty to disclose the initial facts to the expert.

German Legislation

One of the most notable international models for amendments is the German civil procedure law (As Bělohávek asserts, Germany constitutes a nation with a continental legal system, a system analogous to those predominant within Eastern and Central Europe. Indeed, numerous legal systems in these countries are, in essence, derived from or have been influenced by the German legal system, with a significant number also adopting elements of the Austrian system. However, historical affiliations and other traditions often result in adopting significant components of the French legal system in several countries. Cf. Bělohávek, & Hótová, 2011) which regulates the matter in Section 404a of ZPOd (Zivilprozessordnung Deutschland), stipulating the following:

(1) The court is empowered to exercise its authority over experts' activities, including providing instructions on the manner and scope of their operations.

(2) In cases necessitating such action, the court is further obliged to question the expert prior to the preparation of evidence, assign tasks to the expert, and, upon request, provide an explanation of the task to the expert.

(3) In cases where the facts are contested, the court is responsible for determining the facts on which the expert is to base their opinion.

(4) Furthermore, if deemed necessary, the court shall determine the extent to which the expert is entitled to clarify the disputed issue, the extent to which he may associate with the parties involved, and when the expert may permit the parties to participate in the investigation.

(5) Instructions issued to the expert are to be communicated to the parties, and in instances where a specific date has been designated for the provision of instructions to the expert, the parties are to be permitted to attend.

Several experts have also interpreted the aforementioned legislation; for example, Gottwald (Rosenberg et al., 2010) asserts that when providing expert evidence, it is pertinent to consider whether the expert has personally determined the initial facts or whether their expert report is based on the facts determined by the judge. There is no difficulty when the court has communicated the facts under consideration to the expert in a manner consistent with the judge's instructions. This is because the expert does not need to consider other possible outcomes. However, if the facts are not given, the expert must render an opinion on every possible way of assessing the facts, not only the possibility that the expert deems to be correct or most probable. In evaluating the opinion, the judge must focus primarily on whether the expert has relied on facts that the judge himself considers to be true. The expert does not have the right to clarify further or supplement the facts. Instead, the onus falls on the court to do so. Consequently, in circumstances where there is a dispute regarding the facts, it is the court's responsibility to determine the facts on which the expert is to base their assessment [see Section 404a(3) of ZPOd].

In cases where clarification of the facts is deemed necessary, the court may authorise the expert to do so (Jäckel, 2014). In such instances, the court is required to specify the extent to which the expert is authorised to clarify the facts, the degree to which he may contact the parties involved for this purpose, and the circumstances under which the parties may participate in his examination, as outlined in Section 404a(4) of ZPOd. However, it is essential to note that the clarification of facts by an expert is permissible only in exceptional cases where the expert's unique expertise is required (so-called *facts necessarily considered by the expert*). The expert must explain to the court and the parties how the facts necessarily assessed by the expert were clarified and which were the basis for the expert's conclusion so that it can be reviewed. If the opinion does not meet this condition, it cannot be used in the proceedings. If the expert uncovers additional knowledge (the so-called *additional facts*) while establishing the facts necessary for their expertise, they are considered witnesses. The onus falls upon the parties to ensure that the expert has access to the facts necessary for their assessment, including but not limited to excavation, sampling, removal of building components, and discovery of wiring.

In addition, Zimmermann (in Rauscher, et al., 2012) also asserts a crucial aspect of the judicial process, namely that the facts on which an opinion is to be founded, termed 'facts for establishment', must be investigated by the court itself. The principle of immediacy underscores the necessity for the court to actively engage with these facts instead of delegating this responsibility to the expert. In instances where a case is

contested, mere reliance on the court's existing documentation is insufficient. The court must explicitly articulate the foundation underlying the expert's opinion. This communication should be made within the context of an order, wherein the court should identify the issues on which the expert report must be based. If such identification has not been undertaken, the court may issue a special order under paragraph 5. In cases where evidence has already been collected, such as witness testimony, the court is obligated to inform the expert of the facts upon which it is satisfied. The court may instruct the expert to prepare alternative reports and to communicate various facts for reference. However, if the expert deems the material on the facts insufficient for formulating an opinion and if the expert's investigation is not feasible, the court must inform the expert of the facts on which the expert's opinion is to be based, per the rules of the burden of proof.

Paragraph 4 of ZPOd stipulates that the court must specify in a particular case the extent to which the expert shall or must clarify the facts on which their opinion relies. However, it is essential to interpret this provision as not granting the court the discretion to determine the extent to which the expert is to clarify the facts. The court and the expert shall be bound by the boundaries of the expert's assessment, and such boundaries are to be clearly defined for the expert in the individual case. As a general rule, the expert may only be tasked with investigating the facts if the observed state of affairs can be discerned due to a unique factual situation.

In accordance with the aforementioned perspectives of German authors, it is the prevailing norm for the court to delineate the facts in the order from which the expert is precluded from deviating. In such circumstances, the question of any variant opinion or the expert's investigation of the facts is rendered moot. Should the court find the facts to be unclear, it is required to mandate the expert to formulate expert alternatives that comprehensively encompass all the factual possibilities. The expert should adopt a similar approach even if the court does not mandate the presentation of alternative solutions, but the ambiguity of the facts can give rise to divergent conclusions. As such, the expert should refrain from preparing a variant that appears most probable regarding factual conclusions. Furthermore, the court may authorise the expert to conduct their factual investigation, provided that it does not 'fall below' the threshold of the necessary use of expert knowledge. As Gottwald asserts, this would be 'below the facts necessarily examined by the expert'. Should the expert investigate beyond the facts ordered by the court or beyond the scope of the mandate, this could constitute illegal evidence. Such circumstances may arise, for instance, if the expert exceeds their authority by posing impermissible questions about the medical record, requesting documentation from other physicians, or using official information, etc. Consequently, in instances where the expert lacks supporting documentation to supplement the evidence (e.g., questioning of a party, examination of the case), the court should obtain these documents based on information provided by the expert. (In the Czech expert publications, for example, Dörfl states that "*an expert should not gather information that does not directly result from the usual procedure of investigation or examination. If it is an independent source of information relevant to the proceedings, it is subject to the rules of evidence before the court*". Cf Dörfl, 2009.)

While there are particular merits in the aforementioned conclusions of the German authors, it is submitted that they should be considered with a degree of reservation. Firstly, it should not automatically result in illegal evidence for an expert to go beyond the court's examination. This approach appears to be at odds with the progressive evolution of the hearsay principle, which has evolved to align more closely with the investigative principle. This shift has been marked by the introduction of obligations related to truthfulness, completeness, and material guidance. Concurrently, the investigative principle has transitioned towards the hearsay principle, which emphasises the requisite actions of the involved parties stemming from their collaborative efforts (Lavický, 2017). Consequently, the insistence on a strictly admissible and non-transcendent approach to the court's terms of reference from the expert's perspective may not be beneficial to the expert. Conversely, if an expert reasonably takes into account additional facts not yet presented in the proceedings, and this does not unduly extend the duration of their expert investigation given the economics and length of the proceedings, it would be appropriate for them to disclose these facts and leave the evaluation of these facts to the discretion of the court. The Swiss author Annette Dolge (in Spühler, et al, 2013) adopts a congruent stance on this issue, asserting that proceedings guided by the investigative principle encompass evidentiary outcomes that extend beyond the parties' submissions. In proceedings governed by the inquiry principle, Dolge contends that substantive truth should precede 'procedural carelessness' despite the absence of uniformity in practice across Swiss cantons. The deliberative principle is intended to avoid protracted legal proceedings; however, taking into account the unconfirmed facts established by the opinion does not further prolong the trial, thus clearly overriding the interest

in substantive truth over the expediency of the trial that can be achieved by the deliberative principle and the responsibility of the parties.

The second exception pertains to the admissibility of a separate expert examination conducted without the presence of the court and the parties involved. Svoboda, for instance, delineates a scenario wherein, in principle, the court should initiate a local investigation to ascertain the property condition. Instead, the court appoints an expert who is directly instructed to evaluate the value and quality of the work undertaken. The expert has no option but to conduct their investigation and establish the facts in situ, drawing upon the file contents and the factual knowledge acquired through their extra-legal examination without the court's assistance. Svoboda's position on this matter is that such a procedure can be tolerated for practical reasons (Svoboda, 2009) a point with which one can agree, as the mandatory participation of the parties and the court in the expert examination may result in the prolongation of the proceedings. This is because the court's participation, the expert and the parties, is assumed instead of a separate examination by the expert, which is significantly more flexible in terms of time.

The Czech Constitutional Court also addressed the issue of the 'admissibility of a separate expert examination' in its resolution of 29 May 2012, case No I. ÚS 2405/11. The complainant argued that the expert should have allowed her to participate in the examination of the subject matter and, where appropriate, invited her to provide her cooperation, stating that the opposite procedure was contrary to the principle of equality. In response, the Constitutional Court articulated the following: *"The examination of the subject matter by an expert does not constitute an on-the-spot examination, i.e., taking evidence, as recognised in the Civil Procedure Code (Article 130(2) of the Civil Procedure Code; the term "on-the-spot examination" is not recognised in the Code of Civil Procedure). An on-the-spot examination is a means of evidence which enables the court, not the expert, to obtain knowledge of the facts perceived by its senses. All those who are otherwise summoned to the hearing must be summoned to the examination, i.e., to the taking of evidence. However, in the case of an expert's examination, an essential component in preparing an expert opinion as a further means of proof, such a necessity does not arise. This is due to the fact that no evidence is taken (that is, only the examination of the expert or the submission of the expert report before the court, where the party has the right to comment thereon). In such a scenario, the expert's approach cannot be equated with an examination conducted under Section 130 of the Civil Procedure Code. The presence of individuals during the expert's examination of the item (or its examination) is, in principle, of no consequence. One may recall an adequate situation where the expert takes blood samples for blood analysis, e.g., in determining paternity. It is evident that the absence of either the mother or the designated conflict guardian does not constitute a breach of the fundamental principles of equality of arms or a fair trial, given that no activity on the part of the concerned parties could exert any influence on the ultimate outcome of the expert's opinion."*

Conclusion

1. In light of the aforementioned comparison of Slovak, Czech and German legislation on expert evidence in civil court proceedings, it can be concluded that neither Slovak nor Czech legislation exhaustively addresses the issue. This indicates that both sets of legislation omit the two primary domains. The initial domain encompasses the court's obligation to apprise experts of the preliminary factual state before the evidence is submitted. The subsequent domain pertains to establishing constraints that experts should not transgress without substantial interference with apportioning the burden of proof in civil proceedings. In practice, the responsibility for defending rights in a given trial often falls upon the judge or the parties themselves, who can invoke the historical case law of the Supreme Court of the Czechoslovak Republic to do so. As the references cited above clarify, the absence of clearly defined legislative obligations concerning defining the initial facts is a pressing and not marginal problem. Conversely, it constitutes a significant legislative inadequacy with the potential to influence the outcomes of individual civil proceedings.

2. The current draft of the Czech Civil Procedure Code does not comprehensively address the issue, nor does it regulate the improper expansion of expert evidence. Instead, it only regulates the latter and does not address the issue of defining the initial facts. It is, therefore, recommended that the court be under legal obligation to define in its expert assignment the facts on which the expert is to base their opinion, or alternatively, to stipulate that the expert is expected to prepare a variant expert opinion, which would cover the existence or non-existence of all the facts under consideration.

3. The German legislation outlined above has the potential to serve as a model for future legislation, as it comprehensively addresses the issue. However, it is essential to note that specific corrections are

necessary, particularly in the context of contemporary trends in civil procedure. Any instance of an expert's examination exceeding the scope defined by the court, albeit by a small margin, should not automatically exclude evidence. This approach would likely be at odds with the progressive development of the adversarial principle, where the actual application of the adversarial principle, as evidenced by the introduction of the obligation of truthfulness and completeness as well as material guidance, has evolved closer to the investigative principle. Conversely, the investigative principle has evolved towards the adversarial principle by emphasising the necessary activity of the parties resulting from their cooperation.

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Acknowledgements

The section is for expression of gratitude to individuals or organisations for all possible technical assistance, ideas, financial (material) aid, which made the research possible, etc.

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