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CURRENT CHALLENGES, THREATS AND RISKS TO NATIONAL SECURITY AS AN OBJECT OF NABU'S ACTIVITIES

The defining form of providing the national security of Ukraine is and should be a well-thought-out and balanced state policy in accordance with the requirements of legislation, current regulatory acts, adopted national doctrines, strategies and programs in the appropriate areas of activity. At the same time, the specification of forms and methods, means and resources for providing national security at each stage can change adequately to the level of threats to national interests. However, a comprehensive systematic approach to taking into account and analysing factors that affect the violation of national interests and, accordingly, the level of national security should remain an invariable requirement under all conditions. This directly concerns the practice of special competence bodies. Exceptional attention should be paid to the formation of preventive measures that should be focused on existing and potential challenges, threats and risks. The leading role here is played by the National Anti-Corruption Bureau of Ukraine (NABU).

Based on the results of the research, a number of scientific results were obtained, including attention was drawn to the problems of challenges, threats and risks to national security and national interests of Ukraine in the modern conditions of a globalized world. Based on the study of the theoretical and methodological foundations of the administrative and legal mechanism for providing national security of Ukraine, there are formulated the features of the approach to the correct orientation of authorized state structures and institutions in the development and implementation of specific measures and actions to prevent, avoid or minimize negative results from certain challenges, threats and risks to national security. The classification of threats, challenges and risks to national security, the prevention of which may relate to the objects of activity of the National Anti-Corruption Bureau of Ukraine (NABU), is systematized. There are formulated conclusions in terms of responding to current challenges, threats and risks with an effective administrative and legal mechanism, appropriate information support, analytical forecast estimates for the development of proposals to reduce the level of risks and threats to national security.

Keywords: national security, national interests, challenges, threats, risks, classification, National Anti-Corruption Bureau of Ukraine.

Суховецький С.*Актуальні виклики, загрози та ризики для національної безпеки як об'єкт діяльності НАБУ*

Визначальною формою забезпечення національної безпеки України є і повинна бути продумана та виважена державна політика у відповідності з вимогами законодавства, чинними нормативними актами, прийнятими загальнодержавними доктринами, стратегіями та програмами у відповідних сферах діяльності. При цьому конкретизація форм і методів, засобів і ресурсів забезпечення національної безпеки на кожному етапі може змінюватись адекватно до рівня загроз національним інтересам. Однак незмінною вимогою при будь-яких умовах повинен залишатись комплексний системний підхід щодо врахування та аналізу чинників, які впливають на порушення національних інтересів і, відповідно, на рівень національної безпеки. Зазначене напряму стосується практики діяльності органів спеціальної компетенції. Особлива увага повинна приділятися питанням формування превентивних заходів, які повинні бути зорієнтовані на існуючі та потенційні виклики, загрози та ризики. Провідну роль тут відіграє Національне антикорупційне бюро України (НАБУ).

За підсумками проведеного дослідження отримано ряд наукових результатів, в тому числі привернуто увагу до проблематики наявності викликів, загроз та ризиків для національної безпеки і національних інтересів України в сучасних умовах глобалізованого світу. На основі дослідження теоретико-методологічні основ адміністративно-правового механізму забезпечення національної безпеки України сформульовано особливості підходу щодо правильної орієнтації уповноважених державних структур та інституцій у виробленні та реалізації конкретних заходів і дій щодо попередження, недопущення чи мінімізації негативних результатів від певних викликів, загроз і ризиків для національної безпеки. Систематизовано класифікацію загроз, викликів і ризиків для національної безпеки, попередження яких може відноситись до об'єктів діяльності Національного антикорупційного бюро України (НАБУ). Сформульовано висновки в частині реагування на актуальні виклики, загрози та ризики ефективним адміністративно-правовим механізмом, відповідним інформаційним забезпечен-

ням, аналітичними прогностичними оцінками щодо вироблення пропозицій по зменшенню рівня ризиків і загроз для національної безпеки.

Ключові слова: національна безпека, національні інтереси, виклики, загрози, ризики, класифікація, Національне антикорупційне бюро України.

Formulation of the problem. The defining form of providing the national security of Ukraine is and should be a well-thought-out and balanced state policy in accordance with the requirements of legislation, current regulatory acts, adopted national doctrines, strategies and programs in the appropriate areas of activity, in particular, in political, defence, economic, energy, food, social, environmental, technological, information, cybernetic and others. At the same time, the specification of forms and methods, means and resources for providing national security at each stage can change adequately to the level of threats to national interests. However, a comprehensive systematic approach to taking into account and analysing factors that affect the violation of national interests and, accordingly, the level of national security should remain an invariable requirement under all conditions. This directly concerns the practice of special competence bodies. Exceptional attention should be paid to the formation of preventive measures that should be focused on existing and potential challenges, threats and risks. The leading role here is played by the National Anti-Corruption Bureau of Ukraine (NABU).

The analysis of recent research and publications on providing of national security issues in the context of preventing the negative impact of emerging challenges, potential threats of internal and external origin confirm its relevance. It should be noted that a lot of attention is paid to this topic in scientific publications of domestic authors. Among the Ukrainian authors who study this problem are V.I. Abramov [1], O.S. Bodruk [2], V.P. Gorbulin [3], A.B. Kaczynskiy [4], V.A. Lipkan [5], V.I. Muntiyan [6], M.G. Orel [7], M.L. Pogrebitsky [8], A.I. Semenchenko [9], G.P. Sytnyk [7], V.F. Smolyanyuk [1], M.P. Strelbitsky [8] and a number of others. In the researches of these authors, we find an analysis of the details of threats and challenges to national security, justification of the need for their specification and classification, consideration of the features of the mechanisms' formation for detecting internal and external threats. At the same time, the issues of current challenges, threats and risks to the country's national security in the context of possible corruption manifestations are still remaining not overloaded with attention of researchers.

Presentation of the main research material. Before focusing on current threats, challenges and risks to national security, it should be noted that when organizing administrative and legal regulation of the functioning of state structures responsible for the appropriate level of national security, its types should be taken into account [10, p. 579-586]. In the special professional literature, there are distinguished two types of national security: 1) internal; 2) external. Classification of national security by type is of extremely important practical importance, since it makes it possible to group existing and potential challenges, threats and risks by their place of origin or emergence, roughly speaking, indicates the targeting of where the danger comes from. This approach is a prerequisite for the correct orientation of authorized state structures and institutions to develop and direct specific measures and actions to prevent, avoid or minimize negative results from certain challenges, threats and risks to national security.

At the same time, the current legislation of Ukraine does not mention these types of national security. In some scientific publications, the authors draw attention to them, although very limited. For example, comprehensively investigating and considering in the system of sciences about ensuring national security of Ukraine, V.A. Lipkan mentions the internal and external aspects of the latter only in the context of solving problems related to national security providing. In particular, it highlights the following criterion for grouping these tasks «by areas of solution: *internal* – a set of tasks that are solved from within the system; *external* – a set of tasks that are solved outside the system» [5, p. 57]. Moreover, it is not clear about the external part, what does the author mean: tasks that are solved *outside the national security system* regarding threats and challenges of external (foreign) origin, *but within the country*, or tasks to neutralize challenges and threats to national security that are solved outside the state limits, at the international level. The author's definition of the national security system does not give an answer to this question, according to which it is interpreted as «a system of theoretical and methodological, legal and regulatory, information and analytical, organizational and managerial, intelligence, counter-intelligence, operational-search, personnel, scientific and technical, resource and other measures aimed at ensuring the process of managing threats and dangers, in which state and non-state institutions guarantee the progressive development of Ukrainian national interests, sources of spiritual and internal well-being of the people of Ukraine, effective functioning of the national security system of Ukraine» [5, p. 53].

P. Strelbitskyi, L. M. Strelbitska and M. L. Pogrebysky express their position on the partition of threats into internal and external. They are convinced that «in a broad sense, security is the level of protection from inter-

nal and external threats» [8, p. 36], and «providing of national security as a status of protection of state sovereignty, constitutional order, territorial integrity, economic, scientific, technical and defence potential from external and internal threats is to create the necessary circumstances for protecting these objects, maintaining them in proper condition and restoring them in case of violation. The appropriate state of national security is achieved by implementing a unified state policy coordinated by a system of measures adequate to threats to the most important interests of Ukraine» [8, p. 29]. The authors rightly note that the components of national security are not and cannot be the same for all countries. It is difficult to talk about the unification of standards here, although common approaches to national security have a lot in common. In the context of countries, everything depends on the condition and level of their economic and social development. For example, the main reference point of the US National Security Council is to ensure the protection of their national interests at the global level within the world economic system. For Ukraine in a state of war and a difficult situation in the economy, completely different areas are relevant, that require concentration of efforts on solving a significant number of internal problems, first of all.

Considering the mechanisms for identifying internal and external threats and risks in the management of national security of Ukraine in the context of information and hybrid wars, M. P. Strelbytskyi, L. M. Strelbytska and M. L. Pogrebytskyi conclude that «according to the criteria of purposefulness, there are four main issues: internal security, external security, solving transnational problems, information security» [8, p.36]. Regarding the given above classification, we believe that there is a certain mixing of concepts, since, in our opinion, internal security and external security are types of national security, and the solving of transnational problems and information security are components of national security. Moreover, information security can have both an internal origin and an external one (foreign). Similarly to the solution of transnational problems – if there are contradictions between the government of Ukraine and transnational corporations on the territory of our state, then the solution of problems for national security here is purely internal, but if they arise in foreign markets – respectively, the external origin and settlement of the problem.

Among the few references to the division of national security into internal and external, in our opinion, they are most fully and reasonably classified by G.P. Sytnyk, who states that «internal security is a measure (level, degree) of protection of national interests from threats, the sources of which are processes, phenomena, events, etc., as well as actions (inaction) of legal entities and individuals that are located within the territory of the state and are under its jurisdiction. In other words, the scale, nature, direction, intensity, duration, etc. of these threats are determined by internal factors, and their neutralization (reducing the level of influence on national security) is mainly determined by the capabilities of state power» [1, p. 94]. At the same time, «external security is also a measure (level, degree) of protection of national interests from threats, but their sources are processes, phenomena, events, etc., actions (inaction) of legal entities and individuals located outside the territory of the state and do not fall under its jurisdiction. In other words, the scale, character, and focus, the intensity, duration, etc. of these threats are caused by external factors, and their neutralization (reducing the level of influence on national security) is determined not only by the capabilities of state power, but also by the architecture and capabilities of international security structures, the state of the international relations system, the place and role that the state plays in them» [1, p. 94-95].

Threats to internal security may arise in such areas of state and society activity as political, defence, economic, energy, food, financial, information, man-made, cyber, humanitarian, social, etc. Threats to external security arise primarily in the political and military spheres, in foreign economic and credit and financial activities, in international migration processes, in the energy, technological, humanitarian, and environmental segments.

According to the analysis, at the present stage, «threats to the national security of the young state have shifted mainly from internal to external. If (almost until the end of 2013) the destiny of Ukraine depended on itself, its internal factors, which could be managed without external interference, then from the beginning of 2014 its fate is already largely decided outside the state, sometimes with the participation of the UN, other international and European institutions. A significant role in the internal threats that have arisen is played by the miscalculations of individual branches of government that are subjects of providing national security» [8, p. 34].

In the process of studying national security and the factors that affect it, we can see the use of such terms as national security challenges, threats and risks by both scientists and practitioners. In order to ensure clarity and avoid double interpretation of the content of the analysed phenomena and factors influencing the state of national security, we see it appropriate in our further consideration of the investigated problems to specify the concepts of «threats», «challenges» and «risks».

Ukrainian authors interpret the content of the concept of «threats» in different ways. For example, A.S. Bodruk considers a threat as a real sign of danger, presenting it as a construction that combines other safety

components into one whole [2, 300 p.]. According to A.B. Kaczynskyi, the concept of «threat» demonstrates the possibility of the emergence of certain conditions of a technical, natural, economic or social nature, under which unfavourable events and processes become possible [4].

Currently, the interpretation of threats to national security is fixed at the legislative level in Ukraine. In particular, the law of Ukraine № 2469-VIII of June 21, 2018 «About national security of Ukraine» states that «threats to the national security of Ukraine are phenomena, trends and factors that make it impossible or difficult or may make it impossible or difficult to realize national interests and preservation national values of Ukraine» (Article 1, Paragraph 6) [11].

Regarding the term «threat to national security» in professional publications, we find details of threats by their respective types, thus G.P. Sytnyk and M.G. Orel distinguish «the following types of threat: *objective* – arises or exists independently from purposeful human activity – for example, a natural catastrophe; *subjective* – arises as a result of purposeful activity of people; *imaginary* – is the result of an incorrect assessment of information, as a result of which the threat is interpreted as an objective reality in its absence; *potential* – can be realized under certain circumstances; *real* – already realised or can be realised at any time» [7, p. 109-110].

This position is also held by other authors, in particular V.I. Abramov and V.F. Smolyanyuk [1], V. P. Gorbunin and A. B. Kaczynskyi [3], A. I. Semenchenko [9].

Along with the concept of «threats to national security», scientists, politicians, and practitioners use the term «challenges to national security». By their nature, «challenges» are also peculiar threats, but they differ in their internal content and features of manifestation from the essence of the threats concepts discussed above. National security challenges are manifested mainly in the country's international relations [12]. Some authors interpret «challenges» as an attempt by a particular state or group of states (supranational associations) to counteract the observance and protection of national interests by another state. Such actions are considered as the initial stage of the development of escalation and confrontation between the countries participating in international relations. This position is held by V.I. Muntian, who believes that «a challenge is the desire of one state (group of states) to counteract another state (group of states) in the implementation of national interests» [6, p.8].

In terms of characterizing the concept of «challenges to national security» and interpreting their content, we share the position stated by G.P. Sytnyk and M.G. Orel, «that the concept of «challenge» can be identified as a problem that, for certain reasons and for a certain period of time, has been updated and sharply perceived by the political elite, which, in its opinion, is of important, priority importance for national security, that is, that challenges are problems that constantly arise before a social object» [7, p. 109].

Along with threats and challenges in the system of providing of national security of Ukraine are risks. In a broad sense, it is also a type of threat to national security and national interests. However, detailing the characteristics and differences distinguishes the concept of «risks» in a separate position with the corresponding content load.

In the assessment of the concept of «risk», attention should be paid to the statement of A.B. Kaczynskyi, who suggests using this concept «as a measure (degree) of «danger», as a calculated quantitative assessment of the probable amount of damage (harm) to national security in the case of an undesirable event (occurrence of an undesirable situation). Such events, in particular, can be: wars, catastrophes, political, financial and economic or other crises, and so on. Thus, «risk» in this case acts as a quantitative assessment of the realizing of danger for the national interest (national security), which is a consequence of the occurrence (or possible occurrence) of the specified event (situation)» [4, p. 472].

We consider it important in analytical work for purposes of assessing possible and potential risks and forming conclusions on this basis for making an appropriate management decision at the state level to ensure national interests to take into account the recommendations in this context. They are given by G.P. Sytnik and M.G. Orel, that «it is necessary to subject detailed analysis, in particular, the following elements of risk: the probability of the desired result; the possibility of deviation from the set goal; lack of confidence in achieving the set goal; the possibility of undesirable consequences of performing (or not performing) certain actions in conditions of uncertainty; material, moral and other costs associated with the implementation of the alternative chosen in conditions of uncertainty» [6, p. 114].

At the official legal level, the list of the main threats to national security is grouped in the Law of Ukraine «On national security of Ukraine» of June 21, 2018 [11], as well as in Presidential Decree No. 392/2020 of September 14, 2020 «on the decision of the National Security and Defence Council of Ukraine of September 14, 2020 «On the national security Strategy of Ukraine» [13] and in Presidential Decree No. 56/2022 of February 16, 2022 «On the decision of the National Security and Defence Council of Ukraine from December 30, 2021 «On the Strategy of ensuring state security» [14]. Among the current and predicted threats to national security and national

interests of Ukraine mentioned by these regulatory documents, we will highlight the following in the context of anti-corruption activities within the framework of our research topic:

- in the context of the modern model of globalization, it has become possible to spread international terrorism and international crime, in particular in cyberspace, drug trafficking, human trafficking, religious and ideological fundamentalism and extremism, fuelled from abroad separatism, illegal migration, legalization (laundering) of proceeds from crime;
- strengthening international competition with the use of all instruments of national power – political, diplomatic, military, economic, information and psychological, cyber tools [15];
- the source of threats to Ukraine's independence, sovereignty and democracy remains insufficient efficiency of state bodies, which makes it difficult to develop and implement effective policies;
- inconsistency and incompleteness of reforms and corruption prevent the Ukrainian economy from being brought out of a depressive condition, make it impossible for its sustainable and dynamic growth, increase its vulnerability to threats, and fuel the criminal environment;
- insufficient protection of property rights, slow development of market relations in key areas, including the use of land and mineral resources, a significant role of the public sector in the economy, imperfect and fragmented legislation hinder economic growth, attracting domestic and external investment;
- insufficient level of competition and the dominance of monopolies, in particular in the energy sector and infrastructure, low energy efficiency reduce the competitiveness of Ukraine, threaten the well-being of its citizens;
- increased threats to critical infrastructure related to the deterioration of its technical condition, lack of investment in its renewal and development, unauthorized interference in its functioning, in particular physical and cyber character, ongoing military operations, as well as the temporary occupation of part of the territory of Ukraine [13].

Regarding existing and potential threats to national and state security at the official level, it is noted that «a significant change in the nature of modern threats at all levels, blurring the boundaries between them, conducting subversive activities below the established thresholds for their detection significantly complicates not only ensuring proper response to such threats, but also predicting the further development of the security situation in general, the main given threats to state security will remain relevant in the medium term» [14].

The above list of threats to national security and national interests of Ukraine is somewhat generalized. At the same time, there is a fairly wide range of such threats in the relevant components of national security, with regard to the prevention of which and minimizing their negative consequences, which should be constantly in the field of view in order to effectively respond to law enforcement and other specialized state bodies. The above-mentioned threats, such as insufficient efficiency of state bodies and corruption, require special attention. Their impact is manifested on the state and indicators of economic security, including in such main segments as macro-economic, industrial, financial, foreign economic, investment and innovation security. Certain threats also arise in matters of social and food security.

Analysing the formation and dynamics of threats, it is necessary, in our opinion, to pay special attention to the subjective factor, which can lead to a lack of response to threats and, as a result, to negative consequences in the relevant areas. So, for example, according to the National Institute for Strategic Studies of Ukraine, the real threats of internal origin of this nature in the energy sector are: failure to respond to the crisis; lack of a system of strategic planning and coordination of economic and energy development; lack of qualified personnel; lack of organizational and institutional capacity to objectively assess the situation, predict, model and strategic planning; loss of coordination and relationship with national security tasks; loss of the system of personnel training and re-training; loss of qualification by personnel; orientation to private interest [16, p.160]. The above demonstrates that a number of threats to energy security of internal origin in this case indicate a certain self-removal of the relevant state institutions from energy security management. However, there is an indisputable need for full-fledged state influence on strategically important industries, including energy. This approach fully meets the national interests of Ukraine.

Conclusions. The study of the theoretical and methodological foundations of the administrative and legal mechanism for providing national security of Ukraine gives grounds to draw the following conclusions.

1. Responding to current challenges, threats and risks to the national security of Ukraine should be provided primarily by an effective administrative and legal mechanism. It is necessary to comprehensively analyse current challenges, threats and risks, including from the point of view of respecting national interests under the influence or interdependence with international interests.

2. The fundamental importance in determining a particular threat to national security is primarily its perception, since only on this basis can a decision be made regarding the choice of means, powers, forms and methods of counteraction and response to the threat. The decisive factors at the initial stage of formalizing the threat are the reliability, completeness and timeliness of information collection with the specification of phenomena, processes, events, i.e. factors that form specific threats.

3. In the process of analysing risks, when they are identified, it is necessary to make predictive assessments, on the basis of which proposals are prepared to reduce the level of risks, and the expected amount of damage (harm) to national security in the case of an undesirable event or the occurrence of an undesirable situation is determined. When developing specific measures or drawing up an action plan to minimize the manifestation of risks and their negative impact, it is advisable to order them in accordance with the classification of components of national security.

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