

## **Regulation of Resource Management for Territorial Defense in the Context of Domestic and International Crime: International Legal Experience**

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### **Abstract**

The aim of this research is to determine the role and effectiveness of legal regulations used by countries to ensure the legal regulation of territorial defense resources. The models for analysis were based on the historical and legal experiences of Lithuania, Latvia, Estonia, Poland, and Ukraine in the field of legal regulation of territorial defense. The research utilised comparative legal analysis and modeling. The results indicate that the presence of effective legal regulation is critically important for ensuring national security and stability in the face of growing threats from domestic and international crime. The academic novelty lies in the analysis of the structure, mechanisms, advantages, and disadvantages of territorial defense resources using specific countries as examples, considering recent challenges in international and domestic crime. Further research prospects include the development of recommendations and practical measures to improve legislation and the practice of managing territorial defense resources to ensure national security and international stability.

**Keywords:** territorial defense, armed forces, management methods, international crime, national security

### **Introduction**

In the modern world, when the threats of domestic and international crime are becoming increasingly relevant, the legal regulation of managing territorial defense resources is gaining importance and potential. Considering the complexity

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of contemporary security challenges, this topic is becoming the subject of serious research and the development of appropriate legal mechanisms (Romanskyi, 2023).

The relevance of the topic is exceptionally high in the context of current geopolitical and security challenges (Biczuk, 2022). The growing threat of crime, including terrorism and hybrid threats, combined with the aggressive behavior of the Russian Federation, makes effective management of territorial defense resources critically important for ensuring national security. Studying the experiences of Lithuania, Latvia, Estonia, Poland, and Ukraine, along with analysing NATO's position, enables the identification of best practices and the development of strategies for effective countering of modern threats and challenges.

A review of the current literature on the topic of this study demonstrated a lack of analysis of specific cases and practical experiences of countries that successfully implement legal mechanisms for managing territorial defense resources with due account for crime (Viceré & Giulia, 2022). Due to their unstable geopolitical situation in recent years, the Baltic states and Poland are implementing legal mechanisms for managing territorial defense resources. This suggests they may have valuable experience in creating effective coordination systems between law enforcement agencies, military units, and other security forces (Bartosz, 2020). However, due to the lack of analysis of this experience, such examples may remain unnoticed, complicating the development and implementation of similar strategies in other countries.

A thorough analysis of the practical experiences of NATO member states and other countries can identify the most effective approaches to managing territorial defense resources. This analysis, considering both domestic and international crime, has the potential to significantly enhance national security and protection. Future research should particularly focus on examining the territorial defense resource management practices of the USA and China for several reasons. Firstly, both countries are major players in global military and security policy, providing valuable insights for other nations. Secondly, the USA and China employ different strategies for managing territorial defense and combating crime, offering a comparative study of diverse methods. Lastly, their experiences are especially relevant for countries facing similar security and crime challenges.

### **Literature Review**

Each country has its own understanding of the concept of "territorial defense," which leads to various associations and imbues the concept with diverse political, organisational, and strategic dimensions (Kośmider et al., 2023). The

lack of trust between countries makes the entire region vulnerable to external interference. This situation forces each country to develop long-term strategies for deterring both regional and extra-regional threats. Territorial defense is one of the key components of the military structure, aimed at cooperation with operational forces, civil defense bodies, and the public to ensure comprehensive national defense (Chomicki, 2021).

Kyslenko (2023) emphasises that the training system for territorial defense forces should encompass not only physical conditioning but also the development of a robust value-based and subjective core within individuals. This core serves as a critical foundation for effectively managing territorial defense resources in the face of both domestic and international crime. In a context characterised by instability and potential aggression, having well-trained and effective territorial defense forces is a crucial component of national security (Kyslenko, 2023).

According to Shchokin et al. (2023), it is essential to focus not only on military capabilities but also on fostering a shared sense of solidarity and mutual support among the Baltic region countries and their NATO allies. This collective approach is necessary to ensure a resilient and coordinated response to any emerging threats (Shchokin et al., 2023).

Fornůšek and Bartoszewicz (2023) believe that the concept of territorial defense forces has a long history, playing an important role in the defense of various states that relied on a broad spectrum of social groups and were associated with general national defense concepts or volunteer groups aimed at resisting aggression and occupying forces. These units, regardless of their official status, often defended their local communities and families, which supported their motivation and dedication.

Tymoshenko (2023) supports Fornůšek and Bartoszewicz's view and notes that the concept has demonstrated effectiveness in some historical contexts and highlighted the importance of active civic participation in ensuring national security.

NATO's approach to territorial defense is oriented towards ensuring the collective security of its members by addressing threats and utilising various defense strategies (Motin, 2020). The main principles of this approach are defined in NATO's strategic documents and declarations, which outline the responsibilities, procedures, and mechanisms to ensure effective territorial defense (Druck, 2023). Both Borrell and his predecessor Federica Mogherini have called for the EU to have its own capability for independent planning and conducting military operations in various conflict situations, including expeditionary wars and territorial defense missions, independent of the USA (Meijer & Brooks, 2021).

According to Milevski (2023), after the aggression in Crimea and Donbas in 2014, Russia became the primary threat to NATO, particularly to the Baltic countries. The alliance's response to this new threat began with providing support to Eastern Europe and then evolved into a policy of deterrence to prevent war.

Poland, as a NATO and European Union member, has its own legal regulations in the field of territorial defense. Pytel and Cieśla (2021) outlined the main tasks facing Poland's territorial defense. The Territorial Defense Forces have three main tasks: 1) enhancing the combat readiness of the Armed Forces by increasing the effectiveness of operational units; 2) acquiring operational capabilities to conduct irregular operations independently; 3) strengthening patriotic values among the Polish Armed Forces.

As Koshmider (2023) points out, even though the potential threats from Russia to the Baltic countries – Estonia, Latvia, and Lithuania – are similar, each has chosen its own model of national defense. Estonia has focused its efforts on total defense, with a particular emphasis on territorial defense, compulsory military service, and a reservist army. Latvia preferred a professional army with fewer auxiliary forces, while Lithuania adopted a mixed system.

The traditions of volunteer formations in Estonia, Latvia, and Lithuania, which date back to the interwar period and the early 1990s, aim to compensate for their limited military potential due to their small size and population, as well as the lack of air and naval components in their armed forces (Andžāns, 2023). Therefore, the mobilisation of the entire society to develop capabilities to resist any aggression is considered crucial (Ratti, 2023).

According to Shchokin et al. (2023), given the Russo-Ukrainian war and geopolitical instability, there is a need to improve the state governance system under a new model. This concerns the principles, tools, and methods of governance, as well as strengthening the protection of national interests from risks and threats to sovereignty and territorial integrity, both now and in the future.

### **Objectives**

The aim of the research was to determine the current state of legal regulation in managing territorial defense resources, considering domestic and international crime:

1. To analyse the legislation of countries regarding the management of territorial defense resources.
2. To study international norms and standards that regulate the management of territorial defense resources considering both domestic and international security issues.

3. To analyse the experiences of partner countries and best practices in managing territorial defense resources, particularly their approaches to countering domestic and international crime.

4. To identify the main problems and shortcomings in the existing legal regulation of managing territorial defense resources and propose solutions.

5. To develop recommendations for improving legislation to ensure effective management of territorial defense resources.

## **Methodology**

### **Research procedure**

The first stage of the scientific research involved the systematisation and analysis of existing scientific sources related to the chosen research topic. Special attention was given to the analysis of legal acts of individual participant countries as well as NATO policies on territorial defense. The next stage included an analysis of the practical application of legislation regarding the management of territorial defense resources in Latvia, Lithuania, Estonia, Poland, and Ukraine. The opinions of the Polish population were analysed to determine their attitudes and prejudices concerning the state's territorial defense. Existing problems, shortcomings, and successes in this area were investigated.

### **Sample**

The study of the legal regulation of territorial defense using the examples of Lithuania, Latvia, Poland, Estonia, and Ukraine is motivated by the fact that these countries are located in the direct zone of influence of the Russian Federation and other geopolitical actors. This makes their legal regulation of territorial defense particularly relevant and important. The selected countries are NATO members that actively participate in collective defense (North Atlantic Treaty Organization, 1949). Studying their legal regulation of territorial defense allows for consideration of the common strategies and approaches developed within the alliance (Joint Declaration on EU-NATO Cooperation, 2023)

### **Methods**

The research employs a combination of general scientific and special legal methods to analyse models of territorial defense and their interconnection with international organisations and political processes:

1. The dialectical method was used to analyse the contradictions between the needs for effective use of territorial defense resources and the limitations imposed by legislation and budgetary constraints. The method also helped identify progressive and conservative trends in legal regulation and their relationship with changes in political, economic, and sociocultural conditions.

2. The study is based on the method of analysing NATO standards and procedures, which define an integrated approach to territorial defense and promote interaction between different military and civilian structures in this area.

3. The method of analysing the collection of primary data on the perception of territorial defense forces among the population in Poland. This method allowed for an objective assessment of the level of support and changes in the perception of territorial defense forces, taking into account the impact of international events on this perception.

4. The comparative method was used to analyse the organisational structures of territorial defense with structures of similar military units in other countries. Modeling methods were used to assess the effectiveness of various organisational scenarios for the functioning of territorial defense in conflict or crisis situations.

The method of analysing normative-legal documents was used to analyse laws, provisions, decrees, and other legal acts regulating territorial defense in each country: the Law on National Defense of the Republic of Lithuania, the Law on the Lithuanian Armed Forces (Law on the Organisation of the National Defence..., 1999), the Law on National Defense and Armed Forces in Case of War or Threat of War (Mulinen, 2023), and others.

## Results

### Analysis of international norms and legislation of states regarding the management of territorial defense resources.

Theoretical-legislative models for regulating territorial defense resources can be divided into three categories, as shown in the table below (Table 1).

**Table 1**

Models of regulating territorial defense resources

<b>Model</b>	<b>Examples of Countries</b>
<b>Models of armed forces capable of combat operations or deployment beyond the country's borders</b>	USA, Germany, United Kingdom
<b>Countries in the Baltic region, Norway, Denmark, and Belgium, focused on protecting critical objects, which facilitates mobilisation and operational deployment of regular troops.</b>	Lithuania, Latvia, Estonia, Denmark, Norway, Finland
<b>Neutral countries with various tasks, including the possibility of guerrilla warfare in case of occupation</b>	Switzerland

This distribution reflects the diversity of strategic needs and capabilities of countries in the field of territorial defense and underscores the need for an individualised approach to addressing relevant tasks in each specific situation. NATO considers not only military aspects of territorial defense but also civil, economic, and others. NATO is regulated by a series of standards and procedures that ensure the harmonisation of actions by participants and cooperation between them. This allows for the interaction of various military and civilian structures in the field of territorial defense (NATO Standardization Office, 2023).

Russian aggression in Ukraine has undermined the foundations of security in Europe, calling into question the post-Cold War security system. This has led to significant changes in European and transatlantic security. In the aftermath of the 2008 economic crisis, shortcomings in the division of responsibility between the US and its European allies strained the transatlantic partnership. This has amplified the threat of the US distancing itself from Europe and has raised fears in Europe of a breakup, as well as calls for strategic autonomy from the US.

Poland, Lithuania, Latvia, and Estonia are countries located in the zone of the greatest potential conflict with Russia, which demonstrates aggressive actions on the international stage. Therefore, their territorial defense forces play a key role in ensuring national security and responding to potential threats. Historical experiences of aggression and occupation by Russia in the past (e.g., the annexation of Crimea, the large-scale invasion of Ukraine in 2022) pose a serious threat to these countries. Therefore, effective territorial defense forces are a priority measure to prevent similar incidents.

The Constitution of the Republic of Poland (1997) defines the basic principles and tasks of national defense, including territorial defense. It provides a legal basis for the creation and functioning of the Polish Armed Forces and other components of the defense system. The tasks of the Territorial Defense Forces include:

- Fighting natural disasters and eliminating their consequences;
- Protecting property;
- Conducting emergency and rescue operations and protecting the health and lives of people;
- Participating in tasks related to crisis management.

The Ministry of National Defense has clarified the tasks of the Territorial Defense Forces in accordance with legislative provisions. The tasks of the Territorial Defense Forces include aspects such as conducting combat operations in conjunction with operational formations in case of conflict, protecting the population from natural disasters and their consequences, cooperating with local

authorities, and protecting local communities from destabilisation, as well as cyber-attacks.

Members of the EDL have the right to possess weapons in their homes after undergoing a medical examination and successfully completing training, including passing an exam. They are required to participate in military training, including exercises with regular units of the Armed Forces. In February 2019, the Ministry of Defense approved a development plan for 2020-2023, which shows ongoing investments in the EDL by "increasing to 43 million euros per year, in addition to investments in the equipment of territorial defense units based on *Kaitseliit*"; this is to be achieved by 2023. The Volunteer Forces of the National Defense of Lithuania (VFNDL) are an important component of Lithuania's national defense. These forces are voluntary and contribute to maintaining the country's security and defense.

Part of the duties of the VFNDL is aimed at expanding cooperation with local communities and utilising the diverse abilities of their members representing various groups of Lithuanian society. The VFNDL and the Riflemen's Union do not compete with each other but complement each other in promoting national security through effective cooperation and relationships. For example, the "Active Resistance Handbook," developed in 2016 jointly with the Armed Forces and the Riflemen's Union, provides society with guidelines for resistance and maintaining resilience in the event of occupation.

The Latvian National Guard (LNG), also known as *Zemessardze*, was formed on August 23, 1991, and its legal status was established on April 6, 1993, by the adoption of the Law "On the National Guard of the Republic of Latvia." (1991). This law is one of the first legislative acts of the newly independent state. Until 2014, the focus of Latvia's national security and defense policy was on NATO collective defense and the development of deployment capabilities for operations outside the alliance, while the issue of self-defense remained secondary.

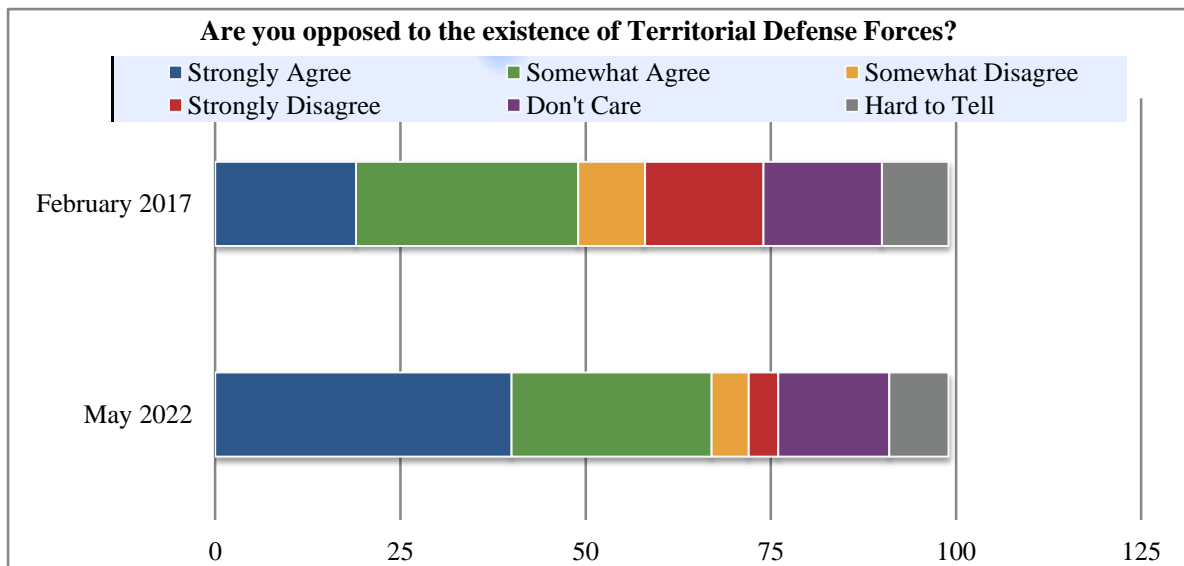
The President of Ukraine announced the mobilisation of reservists for territorial defense and the conduct of training gatherings on February 22, 2022. By Decree No. 70/2022 of February 24, 2022, the Defense Plan and the Consolidated Territorial Defense Plan of Ukraine were put into effect in accordance with Article 107 of the Constitution (Verkhovna Rada of Ukraine, 2022). According to the new law "On the Foundations of National Resistance," territorial defense has become an important component of national resistance aimed at enhancing the state's defense capability through the mobilisation of citizens and their preparation for defense.



**Experience of partner countries and best practices in managing territorial defense resources**

Since the restoration of territorial defense forces in 2016, their image among the population has significantly improved, from 19% deep support in February 2017 to 40% five years later, indicating significant progress. Events on the eastern border, including the armed attack of the Russian Federation on Ukraine, significantly influence the society's perception of threats and the utility of formations such as territorial defense forces, as reflected in the diagram below.

An analysis of the feasibility of the existence of territorial defense forces in Poland was conducted in 2017 and 2023. The research results are presented in a diagram showing changes in the perception of these forces during the specified periods. The analysis allows conclusions to be drawn regarding the effectiveness and necessity of further development of territorial defense forces in the context of contemporary challenges and threats (Figure 1).



**Figure 1.** Survey results regarding support for the existence of territorial defense forces in Poland

The diagram above indicates that the restoration of territorial defense forces and events on the eastern border significantly influence society's perception of threats and the utility of such formations. The improvement in the image of territorial defense from 19% to 40% deep support over five years indicates significant progress in understanding and evaluating its role in ensuring the country's security. While the Baltic countries face a common potential threat of

aggression from Russia and rely on support from the EU and NATO, they have chosen different approaches to national defense. Despite similar threats, Estonia, Latvia, and Lithuania are developing their own defense models, not necessarily in line with typical professional or conscript armies (Table 2).

**Table 2**

Data on armed forces resources in the Baltic states region

	Lithuania	Latvia	Estonia
<b>Military Budget</b>	\$2 billion	\$1.19 billion	\$1.43 billion
<b>Armed Forces</b>	37000	9000	7000
<b>Territorial Defense Forces Resources</b>	4500	8300	16000

**Identify the main problems and shortcomings in the existing legal regulation of territorial defense resources management and suggest ways to address them.**

The existing legal regulations for territorial defense resources management in Latvia, Lithuania, Estonia, Poland, and Ukraine have several problems and shortcomings.

Many of the surveyed countries have fragmented legislation, leading to ambiguity and imperfection in the mechanisms of territorial defense resource management. Low coordination levels between different agencies and structures also complicate the effective functioning of the resource management system. Lack of adequate funding and insufficient development of modern technologies and equipment threaten the countries' ability to respond to modern threats and challenges.

Furthermore, there is a lack of preparedness in society for actions in case of threat, and it is necessary to develop and implement strategies for adaptation to new conditions to ensure national security and stability. It is also important to consider NATO's current strategy, which aims to ensure the collective security of alliance members and develop effective defense strategies.

**Recommendations for improving legislation to ensure effective management of territorial defense resources**

Considering the geopolitical crisis, international and domestic crime, and the aggression of the Russian Federation, the main recommendations for improving legislation on the management of territorial defense resources are as follows:

1. Develop a comprehensive territorial defense strategy that takes into account the specific needs and threats of each country. This strategy should include plans to protect critical infrastructure, mobilisation plans, and mechanisms for coordinating actions between different agencies and departments.
2. Ensure stable and sufficient funding for territorial defense programs and projects. Funding should be properly allocated for the purchase of modern weapons and equipment, training of military and civilian personnel, and infrastructure development.
3. Increase the efficiency of the defense system by enhancing cooperation with NATO in the field of military technology, intelligence, and information exchange.
4. To ensure the success of territorial defense strategies, it is important to engage the public by creating information and education programs on threats and methods of self-protection.

### **Discussion**

The diversity in understanding the concept of territorial defense can complicate cooperation between countries and create ambiguity in defining common goals and strategies. Lack of trust between countries can lead to fragmentation and inability to coordinate territorial defense strategies, which reduces the effectiveness of response to threats. While we agree with Kyslenko (2023), it should be noted that the preparation of territorial defense forces should not only include physical training but also focus on forming a strong core of values and subjectivity in individuals.

The experience of countries such as Latvia, Lithuania, Estonia, and Poland confirms that successful territorial defense requires not only military training but also dedication, motivation, and inner strength in each serviceman. The arguments presented by Mayer and Brooks (2021), which indicate the need for the European Union to independently plan and conduct military operations, have their logical justification (Schuette, 2022). The countries mentioned in the argumentation are mainly NATO members. It is this alliance, not the European Union, that is the main guarantor of their collective security. Thus, Milevski's (2023) proposal for a containment strategy carried out by NATO in response to Russian aggression may be considered more rational.

First and foremost, it is important to recognise that each country has the right to choose its model of national defense according to its unique needs, threats, and capabilities. However, Ratti's (2023) assertion that the traditions of volunteer formations in Estonia, Latvia, and Lithuania are compensation for their limited

military potential due to their small size and population requires clarification (Hunko, 2023).

Therefore, it cannot be argued that the traditions of volunteer formations in these countries are only a means of compensating for limited military potential. They represent an important element of national defense, which is driven not only by historical circumstances but also by patriotic spirit and citizens' desire to be active in defending their country.

### **Conclusions**

The chosen research topic is relevant due to the increase in geopolitical conflicts and tensions between countries. Regions near aggressive states, such as the Russian Federation, require effective management of territorial defense resources to ensure the security and protection of their territories. Analysing the legal regulation of territorial defense in countries also facing Russian aggression, such as Latvia, Lithuania, Estonia, and Ukraine, can provide valuable insights and recommendations for improving their own legislation.

During the research on the legal regulation of territorial defense resources, it was found that the researched countries (Latvia, Lithuania, Estonia, Poland, Ukraine) have different models and approaches to managing territorial defense resources. This includes different forms of military organisation, compulsory military service, reserve armies, and other aspects. Although there is a legal framework, certain shortcomings and discrepancies in legislation between different countries were identified. This could create difficulties in cooperation and coordination of territorial defense measures between countries.

The importance of the conducted research is determined by the necessity to understand and analyse the legal regulation of territorial defense to ensure effective management of resources for protecting territories and national security. Improving legislation in the field of territorial defense contributes to stability and development of the country, creating transparent and effective mechanisms for resource management and response to potential threats.

Further research by other scholars on the topic of legal regulation of territorial defense resources could include an analysis of the legal mechanisms of territorial defense in the United States of America and China. This could help understand effective approaches and strategies in this area used by countries with significant geopolitical weight.

### **Recommendations**

1. Develop detailed mobilisation plans, include clear emergency procedures and algorithms, and ensure close cooperation with local councils and administrations to coordinate actions and use resources efficiently.
2. Create a unified database of available material and technical resources, weapons and other equipment and regularly update technical equipment to meet current standards and requirements.
3. Introduce a system of transparent distribution of financial resources to avoid corruption and consider public-private partnerships to provide additional financial resources.
4. Introduce social support, medical and psychological assistance programmes for the military and their families and create conditions for successful reintegration of veterans into civilian life.

### **Foreign policy**

1. Ensure active participation in military alliances, such as NATO, to share experience and receive support, and organise participation in international military exercises to improve professionalism and interaction with other countries.
2. Strengthen diplomatic relations and use diplomatic channels to build international support and lobby for the country's interests.
3. Conduct international information campaigns to improve the image and understanding of the importance of territorial defence.

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