UDC 339.9 (477)

DOI: 10.33111/iep.eng.2023.38.05

International Military-Technical Cooperation Amid Armed Aggression and the Priorities of Advancing the Defence Industry in Ukraine

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ABSTRACT. The article deals with the problem of development of military-technical cooperation (MTC) between Ukraine and foreign countries in the conditions of war and postwar reconstruction in the context of intensification of the development of the national defence industry. The role of MTC in ensuring the national security of the state in the defence and economic spheres is determined. The author analyses the devastating consequences for the modern defence industry as a result of military operations and identifies a number of problematic issues that hinder the further development of the MTC and require immediate resolution. The author emphasises the need to address the problem of improving Ukraine's state policy in the field of military-technical cooperation in the direction of finding a balance between strengthening the defence and preservation / development of Ukraine's economic potential in the conditions of war and post-war recovery, taking into account the Euro-Atlantic vector of its development. It is determined that an unresolved part of this general problem is the need to identify ways to intensify current areas of cooperation, to ensure the effective operation of domestic participants and subjects of the MTC. The main ones are related to: ensuring the consolidation of efforts of the entire domestic industry in order to restore the production potential of public and private defence enterprises as soon as possible in order to meet the needs of the Ukrainian Defence Forces in weapons and ammunition and other technologies, as well as the creation of new and expansion of existing capacities in the shortest possible time to increase the production of artillery and other ammunition. In addition, important steps include: increasing the capacity of defence enterprises to repair domestic and foreign weapons for their rapid return to the battlefield; production of various technical means critical for the technical and technological support of modern warfare; and accelerating the pace of restoration and technological modernisation of the domestic defence industry's production capacities to ensure favourable conditions for its integration into the defence industry of NATO and the EU.

The main ways to intensify MTC in the interests of restoring and developing the potential of the national defence industry are proposed. The role of MTC in the integration of the national

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defence industry into the defence industry of NATO member states is highlighted, and the role of strengthening public-private partnership in the development of MTC is defined, as well as the first steps taken by the state on this path are analysed. The special role and benefits of the Defence Technology Agency in the development of MTC are identified. New innovative approaches to the implementation of MTC in the areas of using domestic minerals are emphasised, and the role of MTC in the development of the intellectual potential of defence industry employees is revealed.

KEYWORDS: military-technical cooperation, defence industry, defence industry, Defence Technology Agency, cooperation in the field of minerals, intellectual potential of defence and military-industrial complex employees.

Introduction

Since independence, Ukraine has established a national system of military-technical cooperation (MTC) with foreign states and international organisations^{4,5}. In the domestic legal framework, military-technical cooperation is defined as the international activities of central executive authorities, other state bodies and business entities of Ukraine to develop (implement) cooperation with foreign states and international organisations in the areas of development, production, operation (maintenance, repair, modernisation), destruction or disposal and international transfers of military and dual-use goods intended for military end use. During this time, MTC has become one of the important factors in addressing issues of national security and defence of the state, which was confirmed during the repulsion of Russia's large-scale armed aggression against Ukraine, in particular in terms of:

- importing military and dual-use goods to equip the Armed Forces of Ukraine and other military formations of the security and defence sector with weapons and military equipment that are not produced in Ukraine, as well as to meet the needs of Ukrainian defence enterprises in foreign components, components, assemblies and raw materials required to restore weapons damaged during hostilities and to ensure the production of new defence products;
- promoting the restoration of production capacity and the development and technological renewal of Ukraine's defence industry by launching cooperative projects with foreign partners, as well as attracting foreign technologies and investments to its enterprises in the interests of developing and manufacturing high-tech defence products both for the domestic market of Ukraine and for supply to individual foreign customers as part of the implementation of cooperative foreign economic agreements (contracts);

⁴National Security Strategy of Ukraine. Decree of the President of Ukraine No. 287/2015 of 27 May 2015. Access mode: http://zakon4.rada.gov.ua/laws/show/287/2015.

- ensuring that Ukraine fulfils its obligations in the course of international transfers of military and dual-use goods, complies with the requirements of international export control regimes to which Ukraine is a party, and with UN and EU resolutions and other documents banning the supply of these goods to countries under international sanctions;
- creating a positive image of Ukraine on the world stage as a subject of international law that fulfils its international obligations under bilateral and multilateral treaties and agreements with foreign countries and international organisations, and is a reliable partner in the global defence technology market.

Thus, MTC is one of the important tools for implementing Ukraine's state policy in the foreign policy, military-technical, military-industrial and foreign economic spheres aimed at protecting national interests and ensuring national security and defence.

Given the current challenges to the state sovereignty and territorial integrity of Ukraine and the international security environment, as well as dynamic changes in foreign arms markets, the national MTC system is undergoing systemic transformations aimed at improving its functioning, adapting to new conditions of operation and ensuring further development. At the same time, the MTC has always been a priority component of ensuring national security and defence, innovative development and technological upgrading of the domestic defence industry, expanding its cooperation with foreign manufacturers of modern weapons, and strengthening Ukraine's international authority.

At the same time, it should be noted that Ukrainian participants and subjects of military-technical cooperation in the course of military-technical contacts with NATO and EU countries and some other partner states, as well as with leading companies producing the latest defence technologies, sometimes face certain legal and technical obstacles.

In particular, in the context of negotiations on the exchange of military-technical information, the launch of joint projects, the terms of their preparation and implementation, further development of bilateral cooperation, etc., such barriers sometimes lead to certain complications and undesirable technical delays in cooperation with foreign partners. This leads to an increase in the time required to prepare and conclude foreign economic agreements (contracts) to meet Ukraine's defence needs, supply defence products to foreign partners, and develop cooperation, and in some cases may lead to negative consequences for the international authority of the state and the loss of important projects.

These complications are usually caused by the absence in the national regulatory documents that define the basis for the organisation of MTC and regulate the functions of interested participants and subjects of cooperation in this area, the legal definition and approval of the term MTC, and the

introduction of relevant types of military-technical activities to intensify and expand cooperation with NATO and the EU. There are other regulatory and legal conflicts in this area.

In general, this has a negative impact on cooperation with foreign partners, in particular: it slows down the development of the MTC; leads to a decrease in the efficiency of imports of modern high-tech foreign weapons needed to equip the Armed Forces of Ukraine and other military formations of the security and defence sector of the state; complicates the import of components, components, assemblies, raw materials, etc. needed for the production of weapons and ammunition at domestic defence enterprises; makes it impossible to use a number of

This makes it necessary to solve the problem of improving Ukraine's state policy in the field of military-technical cooperation in the direction of finding a balance between strengthening defence and preserving/developing Ukraine's economic potential in the war and post-war recovery, taking into account the Euro-Atlantic vector of its development. An unresolved part of the overall problem is the need to identify ways to intensify current areas of cooperation and ensure the effective operation of domestic participants and subjects of the MTC.

The purpose of the article is to substantiate the main directions of development of the national military-technical cooperation with foreign countries in the context of war and post-war reconstruction in the interests of development of the defence industry of Ukraine, taking into account its Euro-Atlantic course, based on the analysis of problems and destruction in the defence industry as a result of hostilities.

Intensification of military-technical cooperation in the interests of restoring and developing the potential of the national defence industry

Due to the armed aggression of the Russian Federation, Ukraine's defence industry has lost a significant amount of production capacity. The defence industry is one of the sectors most affected by the occupiers' actions. According to official data and information from open sources, as well as statements by company representatives, at least one third of the companies in this sector, which had the best financial performance several years before the invasion, were shelled, destroyed or were in the combat zone in 2022.

The direct and indirect losses of the Ukrainian defence industry from the Russian invasion have not yet been calculated, but today we can already talk about staggering amounts⁶. Due to the extremely limited

⁶ Kasai G. How not to lose the potential of the Ukrainian military-industrial complex: https://www.epravda.com.ua/columns/2023/02/16/697129/;

resources of the state, it is unlikely that all defence industry enterprises will be able to restore full functionality quickly. The reality of the situation is that it is currently very difficult for enterprises to ensure the production of new weapons and armaments, and for some of them — even to carry out repair work.

The situation with meeting the needs of the Ukrainian Defence Forces for ammunition for multiple launch rocket systems and artillery, especially medium and large calibres, remains extremely critical. The lack of ammunition production capacities in the domestic defence industry adds to the urgency of solving this problem, despite the fact that MLRS and artillery play a key role in creating conditions for achieving a strategic advantage over the enemy on the battlefield. At the same time, given the rapid growth in critical ammunition requirements, the Ukrainian Defence Forces' stockpile of ammunition, together with that provided by foreign partners, is clearly insufficient to ensure such an advantage.

An additional systemic obstacle to restoring the production capabilities of defence companies is the incompleteness of the planned reform of the state's defence industry, launched in accordance with the Law of Ukraine "On Peculiarities of Reforming State-Owned Defence Enterprises", the decision of the National Security and Defence Council of Ukraine of 18 June 2021 "On the Strategy for the Development of the Defence Industry of Ukraine" and other adopted regulatory documents on this issue.

At the same time, intensive combat operations to repel armed aggression and protect Ukraine's sovereignty and territorial integrity, as well as the conditions of martial law, require the speedy completion of reforms of the national defence sector to meet a number of defence needs of the state on its own. The issues of operational supply of the Ukrainian Defence Forces with weapons, military equipment, ammunition and other necessary property make the following steps urgent:

- ensuring consolidation of efforts of the entire domestic industry to restore the production capacity of state and private defence enterprises as soon as possible to meet the needs of the Ukrainian Defence Forces in terms of weapons, ammunition and other technologies required on the battlefield;
- creating new and expanding existing facilities as soon as possible to increase the production of artillery and other ammunition;
- building up the capabilities of defence industry enterprises to repair domestic and foreign weapons for their rapid return to the battlefield;
- production of various technical means critical for the technical and technological support of modern warfare;

⁷ "About the Reform": URL https://ukroboronprom.com.ua/pro-reformu.

⁸ Decree of the President of Ukraine No. 372/2021 of 20 August 2021 "On the Decision of the National Security and Defence Council of Ukraine of 18 June 2021 "On the Strategy for the Development of the Defence Industry of Ukraine". **URL:** https://www.president.gov.ua/documents/3722021-39733.

- accelerating the pace of restoration and technological modernisation of the domestic defence industry's production capacities to ensure favourable conditions for integration into the defence industry of NATO and the EU, in particular by: jointly ensuring the functioning of the foreign weapons repair system; expanding cooperation with foreign arms manufacturers; and implementing critical military and technical projects to effectively meet Ukraine's urgent defence needs.

The role of MTC in the integration of the national defence industry into the defence industry of NATO member states

One of the priority conditions that will help ensure the innovative development of the Ukrainian defence industry and optimise its integration into the defence industry of Euro-Atlantic countries is the creation of legal conditions for the introduction of new types of activities in cooperation with NATO and the EU. In this situation, high-quality legal mechanisms for their implementation are important not only for the direct development of cooperation with NATO and EU companies and other partner countries, but also a prerequisite for guaranteeing legal protection of Ukraine's national interests in matters related to cooperation between domestic developers and producers of defence technologies and foreign partners.

Strengthening public-private partnerships should be a key area for maximising efforts to enhance the capacity and development of the domestic defence industry to meet the country's defence needs and economic growth. Certain steps have already been taken in this direction:

- about two hundred privately owned defence enterprises were involved in cooperation with state-owned enterprises, which, in particular, significantly increased the production and repair capabilities of the defence industry. The defence tasks have been significantly strengthened by civilian producers who have organised and mastered the production of various components for weapons, military and special equipment, as well as the necessary equipment, facilities and materials for the needs of the defence industry⁹;
- taking into account the existing legal framework for bilateral MTC and political agreements with partner countries, Ukrainian state customers and defence technology manufacturers, Ukraine intensified direct negotiations with foreign companies to organise joint work on the restoration, repair and maintenance of foreign weapons, as well as the supply of spare parts for

⁹ Briefing of the SC "UkrOboronProm" of 23.05.2022. URL: https://ukroboronprom.com.ua/news/brifing-vid-23052022.

them. To this end, the International Engineering Centre (IEC)¹⁰ was established as soon as possible to prepare optimal technical solutions to restore the combat capability of damaged foreign-made weapons and military equipment. The centre operates within the framework of a three-tiered system of repair and maintenance of a wide range of foreign weapons with the participation of Ukrainian defence enterprises;

- close interaction and cooperation within this system and the use of new types of activities in the field of *military-technical cooperation* have formed the basis for restoring production capacity, technological upgrades and development of enterprises, which will further facilitate the possibility of involving domestic developers and manufacturers of weapons and military equipment in the implementation of joint bilateral and multilateral defence and technical projects with leading foreign companies. The priorities of such cooperation should include:
- organisation of large-scale assembly (Semi Knocked Down) of hightech foreign military equipment at Ukrainian enterprises with further maximum localisation of production of components, individual units and parts for it at domestic facilities;
- introduction of modern defence technologies at Ukrainian enterprises through their transfer and distribution of licensed production of weapons and military equipment;
- development of domestic production of high-tech weapons and ammunition in accordance with NATO standards through the establishment and operation of joint defence enterprises with foreign companies;
- conducting scientific and technical research in cooperation with foreign arms developers and manufacturers to extend the technical life and modernise weapons and military equipment at the facilities of the Ukrainian defence industry, taking into account the experience of their use and operation by the Ukrainian Defence Forces during actual combat operations.

The role of the Defence Technology Agency in the development of MTC

The last of the above priorities is relevant both for representatives of national military science and for Ukraine's foreign partners. It concerns the possibility of establishing cooperation with the best foreign start-ups, research scientists and high-tech companies in a new research programme under the auspices of NATO, the Defence Innovation Accelerator for the North Atlantic (DIANA). This initiative is aimed at addressing critical

¹⁰ Ukroboronprom has established a Centre for Maintenance and Repair of Foreign Weapons and Military Equipment. URL: https://ukroboronprom.com.ua/news/ukroboronprom-stvoriv-centr-z-texobslugovuvannya-ta-remontu-inozemnogo-ozbrojennya-i-viiskovoyi-texniki.

defence and security issues, in particular by strengthening cooperation between the defence and private sectors to optimise the introduction and use of the latest technologies for the needs of the security and defence sector. Ukraine's participation in the DIANA initiative opens up new opportunities for the national industry and its defence technology sector as a significant component of the international security system¹¹.

An important role in supporting the process of integration of the Ukrainian scientific and technical community into NATO's scientific and technological space should be played by the state institution Defence Technology Agency. One of the important tasks of this Agency is to implement the state military-technical policy in terms of promoting the development and use of the latest defence technologies for the creation and production of advanced weapons at domestic enterprises¹² (following the example of the US DARPA agency, which operates as part of the US Department of Defence).

Given the urgent need to coordinate work in this area, this state institution should be established as soon as possible, and its activities should be directed by the Cabinet of Ministers of Ukraine through the Ministry of Defence of Ukraine. Such a mechanism is quite logical, since the Ministry of Defence and the Armed Forces of Ukraine ensure the formation of the principles of the state's military-technical policy and implement it, have relevant scientific, research and testing units and test centres, and perform a significant amount of tasks in the field of MTC, which indicates the advantages for the establishment and operation of the Defence Technology Agency under the leadership of the defence ministry.

Additional evidence of the need to create such a state institution is the results of the work of Ukrainian start-ups on dual-use technology projects, which are supported by grants from the Ukrainian Startup Fund (USF)¹³. Such projects can technologically strengthen the Armed Forces of Ukraine and give a new impetus to the development of innovative technologies in the defence industry.

Another important step that will help expand and accelerate the process of integrating the domestic defence industry into NATO's defence industry is the strategic programme of assistance to Ukraine on its path to membership

¹¹ Government of Canada proposes Halifax as North American location for NATO's Defence Innovation Accelerator for the North Atlantic. URL: https://www.canada.ca/en/department-national-defence/news/2022/11/government-of-canada-proposes-halifax-as-north-american-location-for-natos-defence-innovation-accelerator-for-the-north-atlantic.html.

¹² The Government Committee supported the draft decree on the establishment of the Defence Technology Agency: https://www.kmu.gov.ua/news/uryadovij-komitet-pidtrimav-proekt-rozporyadzhennya-pro-utvorennya-agenciyi-oboronnih-tehnologij

13 The Ukrainian Startup Fund celebrated its 2-d control.

¹³ The Ukrainian Startup Fund celebrated its 3rd anniversary and shared its results. URL: https://fintechinsider.com.ua/ukrayinskyj-fond-startapiv-vidznachyv-3-richchya-ta-rozpoviv-pro-rezultaty-roboty

in the Alliance, which NATO allies have agreed to start working on in the near future¹⁴.

In general, all of this will have a positive impact on the post-war reconstruction of the state, increasing its defence capability and bringing the domestic defence industry closer to the technological level of NATO and EU countries.

Thus, systemic steps to transform the military-industrial complex and its revitalisation provide an opportunity for significant modernisation and technological upgrading of domestic defence enterprises, including the introduction of foreign innovations, attraction of critical technologies and investments, which in turn provides favourable conditions for restoring the production potential of enterprises and their integration into the defence industry of NATO and the EU.

It is important to note that the progress in this area has been significantly accelerated: an agreement on the establishment of a joint defence cluster of enterprises between the State Concern "UkrOboronProm" and the Intergovernmental Agency for Defence Cooperation (AMOS) under the Ministry of Defence of the Czech Republic, which provides for the production of military equipment, an increase in the production of ammunition of various calibres (both at existing facilities and at newly created ones in safe locations), the development of service hubs for the maintenance and repair of weapons and equipment, as well as cooperation in the field of high technology, in particular, the creation of joint research centres.

Development of MTC in the field of mineral resources use

Another relevant type of military-technical cooperation for the possible launch of joint projects with foreign partners is cooperation in the use of mineral resources, the deposits of which are located on Ukrainian territory. The pragmatic development of cooperation in this area, which is currently not actually used, could bring a significant number of joint projects with significant investments and new technologies to the domestic defence industry, which would contribute to its development.

The Cabinet of Ministers of Ukraine has taken the first steps towards possible cooperation with foreign partners in this area, approving a list of 26 mineral deposits of strategic importance for the sustainable development of the economy and the state's defence capability, which will be made available

NATO countries agreed to develop a multi-year assistance programme for Ukraine. URL: https://espreso.tv/ministri-krain-nato-domovilisya-rozrobiti-strategichnu-bagatorichnu-programu-dopomogi-ukraini NATO Foreign Ministers wrap up meetings with focus on China and support to Ukraine: https://www.nato.int/cps/en/natohq/news_213454.htm

for use through tenders for production sharing agreements. It is expected that further development of cooperation will create favourable conditions for investors to implement projects, and the state will receive its share, which will be used to develop the Ukrainian economy¹⁵.

These examples of the practical implementation of joint military-technical and defence-industrial projects show that Ukrainian enterprises have real prospects for further expansion and development of MTC with foreign companies in almost all types of military-technical activities. This, in turn, allows for the transfer of the necessary technologies for the modernisation and technological renewal of domestic defence enterprises, the expansion of the range of defence products, and the further development of the raw material base, which generally helps to bring the Ukrainian defence industry closer to the standards of the NATO and EU defence industries.

Development of the intellectual potential of defence industry employees and the role of the MTC in this process

In implementing cooperation projects with foreign partners, it is critically important for the Ukrainian side to preserve not only the latest domestic technologies, but also the intellectual potential of domestic scientists, developers, manufacturers of defence technologies and other highly qualified defence specialists with the prospect of further building it up to ensure the development of the domestic defence industry.

An expert assessment of the current situation in the defence industry allows us to form an optimistic forecast of the prospects for its development, as well as to confirm the fact that the domestic defence industry is gaining leadership, which is important for the development of Ukraine's post-war economy. Some markers of this leadership are as follows:

Firstly, the Ukrainian Defence Forces gain unique experience in the use and technical operation of various types of foreign weapons in real combat operations, which is already being used for their repair and can be used during their modernisation at Ukrainian enterprises. Employees of defence enterprises repair and restore foreign weapons and military equipment, and at the same time, personnel should be trained to work at enterprises for the licensed production of the necessary types of weapons and military equipment, as well as at joint ventures;

¹⁵ Resolution of the Cabinet of Ministers of Ukraine of 14 February 2023 No. 132 "On Approval of the List of Subsoil Areas (Mineral Deposits) of Strategic Importance for the Sustainable Development of the Economy and the State's Defence Capability to be Provided for Use through Competitive Tenders for Production Sharing Agreements".
URL: https://www.kmu.gov.ua/npas/pro-zatverdzhennia-pereliku-dilianok-nadr-rodovyshch-korysnykh-kopalyn-iaki-maiut-stratehichne-t140223.

Secondly, the Ukrainian side has many different samples of interesting trophy weapons, the creation and improvement of which took a lot of time and resources. The most valuable samples of weapons and military equipment are of particular interest from the point of view of applying the method of reverse engineering to optimise the modernisation of their specific types;

Thirdly, the experience gained in conducting combat operations with a wide range of modern weapons allows us to optimally determine the needs of the Ukrainian Defence Forces in weapons and military equipment both now and in the future. In turn, this creates unique conditions for transforming the country's defence industry into one of the priority sectors of the national economy, which is becoming a driver of positive change, an example of effective cooperation with the private sector and foreign partners in the military-technical and defence-industrial spheres, an industry of significant investment attractiveness and effective implementation of modern technologies and know-how¹⁶.

Thus, the intensification of military-technical cooperation and systemic changes in this area in the context of armed aggression have become an effective tool for restoring the capabilities and innovative development of the Ukrainian defence industry, transforming it into one of the priority high-tech sectors of the national economy, whose activities are aimed at integrating into the defence industry of the North Atlantic Alliance and ensuring the modernisation of Ukraine in the post-war period.

Conclusions

Ukraine's military-technical cooperation with foreign states and international organisations in the course of repulsing armed aggression has demonstrated its important role in ensuring national security and defence. Significant expansion of systematic cooperation with foreign countries, NATO and the EU in the context of the devastating consequences of aggression for the domestic defence industry has become a critical area of implementation of the state's foreign and military-technical policy aimed at providing the Armed Forces of Ukraine and other military formations of the security and defence sector with modern high-tech foreign weapons and ammunition, which are essential for the defence of the state and restoration of its territorial integrity.

The armed aggression of the Russian Federation has led to significant destruction, disruption of cooperation and production processes in the defence industry of Ukraine, and has negatively affected its development,

production and export capabilities, the timing and effectiveness of reforms, retention of qualified personnel and implementation of public-private partnership mechanisms. Under these circumstances, the MTC significantly contributed to the implementation of the state military-industrial and foreign economic policy aimed at: restoring the capabilities of the defence industry to repair and manufacture weapons and ammunition for defence needs; creating favourable conditions for attracting investment and transferring modern technologies for innovative development and technological upgrading of domestic enterprises; continuing the process of implementing NATO standards in the defence industry and its integration into the defence industry of The use of such activities as "creation of joint ventures with foreign defence companies", "purchase (sale) of licences for the production of weapons", "transfer of defence technologies", "cooperation in the field of mineral resources", "cooperation in cyberspace" for the purpose of full development of cooperation between Ukrainian defence enterprises and leading companies of NATO and the EU countries becomes real only if the regulatory and legal definition of these activities is provided, and the existing organisational and legal form of ownership of state-owned enterprises is changed.

The global market for arms and military equipment (AME), as well as the intensification of Ukraine's military-technical cooperation with foreign partners, show that the main criterion for leading arms exporting countries when making decisions on international transfers of high-tech AME and the development of strategic partnerships in the field of AME is not purely commercial interest, but primarily the issue of ensuring their own national security and defence. At the same time, these decisions are significantly influenced by the coherence of common interests and obligations with the state importing the WME, trust in its leadership and assessment of the possibilities for the introduction and effective use of relevant technologies.

Political and military-technical dialogue with foreign countries, NATO and EU organisations and the practical implementation of projects to provide the Ukrainian Defence Forces with weapons and ammunition throughout the entire period of repelling armed aggression have demonstrated the decisive role of the Ministry of Defence of Ukraine in this process. The practical implementation of cooperation measures has demonstrated the need to strengthen coordination between domestic participants and actors in the military-technical cooperation with foreign partners in order to effectively fulfil the tasks of ensuring national security and defence, develop the Ukrainian defence industry and integrate it into the defence industry of NATO and the EU.

Taking into account the essential importance of MTC for ensuring national security and defence of Ukraine, development of the national defence

industry and its integration into the defence industry of NATO and the EU countries, strengthening the positive image of the state in the international arena and a large number of personnel of authorised state bodies, enterprises, institutions and organisations involved in the direct performance of tasks in this area, the issue of organised training of specialists in the field of MTC requires consideration by the Interagency Commission on MTC Policy and Export Control.

This article was translated from its original in Ukrainian.

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Received on: April 29, 2023. Accepted on: May 15, 2023. Released on: July 15, 2023.