EVOLUTION OF THE CONCEPTS OF ECONOMIC SECURITY

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Abstract

World experience of legal maintenance of economic security has been studied. The formation of national economic interests and awareness of society are investigated. Evolutions of concepts of economic security in different countries have been considered. Features of the formation of the institutional and organizational basis for the economic security have been studied. The chronological incorporation of key legislative acts in the sphere of economic security has been developed. Monitoring international economic law, foreign and domestic legal acts have been conducted. In turn, this allowed tracing the sequence of signing and organizing documents to use them easily in practice.

Introduction

The security issue resonates in a new era of geo-strategic reality. The reason for its occurrence is very transparent. It is the exponential growth of threats to humanity and they are multidirectional. Among the threats are the following: destabilization of the system of international economic relations, the high degree of uncertainty of actions of participants of the economic space, disintegrative tendencies, the escalation of international tension, permanent emergence of global and local crises, the limitations of the world’s resources and their high cost. Recently, the security of state, the security of enterprise and the security of individual is not treated separately. They are interconnected and interdependent. If any objective or subjective reasons (such as war) constitutes a threat to national security, it is a threat also to an enterprise and to an individual. The study of the world experience in solving complex problems of economic security of enterprise and institutionalization are relevant. Thus, the international institutions manage global economic security and generate international economic law, which is an important means of supporting it. The state institutions manage national economic security. They are the main repeater rules and laws that provide it.

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The subjects of research are the theoretical bases of formation of the science of security as an independent direction of economic research. The objects of the research are the key legislative acts in the sphere of economic security.

The purpose of this research is to study the international experience of becoming the science of security, historical and legal analysis of concepts of national economic security.

Scientific problems have been solved to achieve this purpose:
1. Monitoring of international economic law, foreign and domestic legal acts in the sphere of economic security.
2. Systematization of the existing law in the sphere of economic security by combining the legal acts in chronological order.

The methods of scientific research are classification and the particular historical, comparative legal and formal juridical methods.

**Historical retrospective of economic security**

New challenges are increasingly promoting scientific thinking in the search for answers in the area of economic security. It is therefore necessary to understand how and when the term „economic security“ emerged and how it acquires economic overtones.

In times of Kievan Rus (11 century) Yaroslav Wise published „The Russian Truth“, which was the first code of laws. The cornerstone of this document is personal and property security, namely the preservation of internal order in the country and the protection of property of wealthy people. The main value was this freedom.

In 1648 the Peace of Westphalia was signed. It was the first modern diplomatic congress. It became the basis for a new international order in Europe. The philosophy of achieving a steady state of the state was based on the concept of national security (MacFarlane, FoongKhong, 2006).

The author studied the texts of important basic laws of foreign states during the Renaissance and the Enlightenment, which are the basis of the legal security framework. Thus, „The Bill of Rights“ was indicated that the security of the people depends on the definition of rights to Crown, namely from succession. In „The Declaration of Independence“ there was confirmed the thesis of the impossibility of safe development of the nation, without guarantees of security of each individual citizen. This document declared free choice of a new government that would ensure the safety and well-being. In „The Declaration of the Rights of Man and of the Citizen“ (1885) it was said: „The aim of every political association is the provision of natural and inalienable human rights. This is liberty, property, security and resistance to oppres-
sion“ (Article 2). Later the French Commercial Code was adopted in 1808, which contributed to the unification of commercial law of European countries. It emphasized the important principle – freedom (National Center for Constitutional Studies, 2016).

The international organization the League of Nations was created in 1919-1920, which was formed as a result of signing of Treaty of Versailles. Already from 28 September 1934 to 23 February 1935 the League of Nations included 58 participating countries. In World War I the objectives of the League of Nations included: disarmament, the prevention of war, collective security, settlement of conflicts between the two countries through diplomatic negotiations and improving the quality of life on the planet. The organization ceased to exist in 1946 as a result of failing to prevent World War II.

The Great Depression (1929-1933) swept the entire system of international financial relations, during which many states declared financial bankruptcy. The 32nd President of the USA Franklin Roosevelt was forced to develop a rapid response measures to eliminate the negative impact of world economy on the national one. The First Federal Committee on Economic Security was established.

In 1934 „The National Security Strategy of Engagement and Enlargement“ was approved. The concept was introduced in this document: „national security is a set of conditions that reliably provide national sovereignty, protection of strategic interests and full development of the society, the life and health of all its citizens“.

In 1934 the term „state security“ was introduced in the era of the Soviet Union. The Main Administration of State Security as part of the NKVD was created. So, in 1936, the term was been officially included in the text of the Constitution of the USSR and was used in the documents and acts of organs of the Soviet state, the Soviet legal literature. The Soviet ideology and legislation of the totalitarian society was based on the dominance of state interests over the interests of the nation (state security over national) (Agadullin, 2007).

During World War II the power was the main means of ensuring the interests of the states. Thus, policy and strategy of national security focused on the hard military action. The „soft“ political, economic and other measures were not applied. K. Marx noted aptly, if two equal rights found, decides to force. That is, if the state reaches a level of economic potential and military power, which is equivalent to the capacity and power of the leading countries in the world, it demands for itself a new status and starts the distribution of spheres of global influence.

In the postwar period the economy had to be restored. Security was linked to the prevention of war. After all governments had to ensure its sovereignty and independence,
then they reoriented forces to internal processes. Particular attention was paid to the economic processes that reflect the situation of the country in the international division of labor and a threat to the welfare of the country.

Again there was the need to establish an international institution that would provide support and strengthening of international peace and security, the development of cooperation between the countries. On October 24 1945 this institution was the United Nations (UN), the predecessor of which was the League of Nations. Its creation caused a lot of disputes between States concerning the competence of the United Nations. The USA proposed a structure that would solve not only political, but also socio-economic problems. USSR insisted on the creation of a structure that would only deal with the political aspects. It is support of the peace and security. Representatives of the USSR considered that the international economic decision would be contrary to the principles of the internal issues of sovereignty and non-interference in the internal affairs of the country. The United Kingdom also insisted on a limited intervention of an intergovernmental organization, referring to the incompatibility with the principles of market liberalism and the inviolability of private property. Therefore, in the UN Charter a compromising position was made. Yet, its purpose is still a co-operation in solving international problems of an economic, social, cultural or humanitarian character (p. 3, Article 1 of the UN Charter). Also the Economic and Social Council (ECOSOC) was set up. It is one of the main organs of the United Nations that coordinates cooperation in the economic and social fields and its specialized agencies.

The UN promotes: higher standards of living, full employment, and conditions of economic and social progress and development; solving international problems in economic, social, health and related problems; international cooperation in the field of culture and education (Article 55 of the UN Charter). Thus, the United Nations provides the institutional process of legalizing collective economic security for solutions.

Rooting of the modern meaning of the term „national security“ occurred after the end of World War II. In August 1945, the US naval minister John Forrestal said: „Our national security can be achieved in a very broad and comprehensive sense. I’m using the word „security“ constantly and consistently, but not „defense““. J. Forrestal offered non-standard interpretation of this concept, since he had to clarify his point: „The issue of national security is not just a question of the army and navy. We must consider all our potential for war, our mines, industry, human resources, science and other areas that make up the normal civilian life“ (Post, 1985).

In 1947 the US National Security Council was created and „The National Security Act of 1947“ was approved (The National Archives Catalog, 2015). In document it was noted that security is a condition for the functioning of the state and is the result of
the defense (safety) measures that improve the invulnerability of the state against threats from the outside or from the inside in an open and subversive form. The concept of „economic security“ was not used in the document, but particular attention was paid to the economic aspect of the problem. One of the key provisions of the law, which defines the principal directions of regulation of social relations, is the following standard: „We proceeded from the fact that the line between domestic and foreign policy disappears. We need to revive the economy, to support the armed forces, initiatives abroad and global influence. We must take an active part in international affairs, to open foreign markets and create jobs for Americans“. This statement has been defined by the US national interest. Economic objectives of US national security were: 1) „economic recovery“. Ensuring security of the US should contribute to economic growth; 2) „international engagement“ was a necessary condition for improving the economic well-being of the state. The increase in resource potential was achieved through the use of the resource potential of the world economy. The means to achieve these objectives were „opening of foreign markets to US goods and services“. The terms „target“, „interests“ and „threat“ were used in The National Security Act (Strelnikov, 2009).

In October 1947 the General Agreement on Tariffs and Trade (GATT) was concluded for the first time in human history. The purpose of this revival of international trade was reduction of customs tariffs and the removal of restrictions on the import of goods that will contribute to the economic security of the country.

The Japanese Prime Minister Yoshida Shigeru developed the doctrine. The main directions of the post-war Japan’s national security policy were the rapid economic development, rapid cut in military spending and a close alliance with the United States.

It was the doctrine of economic nationalism (practical nationalism) whose main aim was the development of the Japanese economy under the US nuclear umbrella. A state policy to ensure economic security began with „On Emergency Measures in the sphere of Finance and Economy Law“. For its implementation two special state organs were created – The Bureau of Economic Stabilization and a Committee to Regulate Prices. They were engaged in drawing up national plans in the area of production and distribution, controlled enterprises provided with raw materials, labor, finance, and others. The state helps private companies to improve the quality of their products and to increase its competitiveness in the global market. This has led to an increase in the flow of foreign currency that enters the country. As a result of government measures the Japanese „economic miracle“ took place (Kaschenko, 2006).

In 1957 in France the General Secretariat of National Defense was created, which was in charge of the economy, along with the issues of military defense, diplomacy, scientific and technical research.
In the same year the Treaty of Rome establishing the European Economic Community and Euratom was signed between countries such as Germany, France, Italy, Belgium, Netherlands and Luxembourg. It made stipulations about the elimination of all obstacles to the free movement of people, goods, services and capital.

In 1964 „The Principles governing international trade relations and trade policies to promote development“ were declared at the first United Nations Conference on trade and development (UNCTAD). They should contribute to the solution of problems of trade, finance, debt, investment, technology transfer. This should contribute to accelerate economic development, especially in developing countries.

In 1967 in Brazil the idea of „collective economic security“ was proposed. Instead of signing the Treaty on the Non-Proliferation of Nuclear Weapons, the Treaty of Tlatelolco was signed. The first parts of the world prohibiting nuclear weapons were Latin America and the Caribbean. This contributed to peace and international security (Lima, 2015, p.105). In fact, the idea was very beneficial to developing countries. The term „collective economic security“ is not declared in official documents.

The UN consultant J. Nye notes that the issue of „collective economic security“ was discussed in July 1974 at the 57th session of UN Economic and Social Council in Geneva. This issue was offered by the developing countries to put pressure. They relied on the International Strategy of Development for the Second Decade (Nye, 1974). Of course, the most developed countries took note of this concept with caution and skepticism. Therefore, based on this concept is an undeveloped legal norm.

In 1973 the Organization for Security and Cooperation in Europe (OSCE) was created. The formal organization has become an important element of modern architecture of European security. Its activity is related to the reduction of military confrontation and to enhancing security, including economic one. OSCE includes 56 member states, which are located in Europe, Central Asia and North America.

From 1973 to 1975 „The Conference on Security and Cooperation in Europe“ was carried out. The Conference was called the „Helsinki Accord“ (it was based on the initiative of the USSR and the socialist countries in Europe). The measures to strengthen economic security in Europe were adopted in the course of the forum. Among the participants were 33 European countries, USA and Canada. The Conference was held in three phases. A „Final Act of Conference on security and cooperation in Europe“ was signed. It covers issues such as: cooperation in the area of economy, science and technology, the environment, business contacts and opportunities, economic and commercial information, marketing, industrial cooperation, economic and social aspects of labor migration.
Problems of economic security began to worry the world after the energy crises. They emerged after the ultimatum that was presented by countries-suppliers of developed countries in 1973. The termination of supplies of energy had led to large losses and slowed the development of the economic „strength of this world“ (the US, Europe and Japan). This had prompted rich countries to solve the problem of economic security to prevent similar actions in the future and find ways to overcome the consequences. The usual military threats did not work: the owners of fields warned that if a military intervention took place, they could set fire and undermine a field. This could lead to a worldwide environmental catastrophe. Therefore, economic and political means of influence began to dominate. World leading scientists were involved. They laid the foundations of the new science of international economic security (Pasternak-Taranuschenko, 2002, p. 7).

Industrialization and inequality of states defied the world community. Fundamental documents appeared in international economic law: in 1974 the UN General Assembly – „Declaration on the Establishment of a New International Economic Order“, „Charter of Economic Rights and Duties of States“, „Programme of Action on the Establishment of a New International Economic Order“; in 1975 the „Lima Declaration and Plan of Action on industrial development and co-operation“ was adopted at the Conference of the UN Industrial Development Organization (UNIDO); in 1979 a resolution „Progressive development of the principles and norms of international law relating to the new international economic order“ was adopted at the UN General Assembly.

The concept of a new international economic order was designed for the developing countries to achieve particular preferences in the economic sphere. Thus it created favorable conditions for raw materials, industrial exports, credit and the monetary system; sponsorship of advanced technologies and limitation of the activities of TNCs. The Declaration called upon the developed countries to make special concessions in all areas of international economic cooperation for developing countries, based on the principles of nonreciprocal unidirectional mode.

The most important international legal instruments relating to the institute of international economic security are: „Rejection of coercive economic measures“ (resolution IV session UNCTAD, 1983); „Economic measures as a means of political and economic coercion against developing countries“ (resolution of the 38th session of the UN General Assembly, 1983); „On measures to enhance confidence in international economic relations“ (resolution 39th session of the UN General Assembly, 1984) (Dahno, 2009, p. 21).

All of them led to the creation in 1985 of a resolution at the 40th session of the UN General Assembly „International Economic Security“. The concept of „international economic security“ received an official status. The document argued that common
efforts to establish fair and mutually beneficial international economic relations would contribute to the economic well-being of each country and the creation of a new international economic order. This concept is universal. It is based on the equal provision of the economic security of all States on the conditions of partnership: for developed and developing countries. In 1987 the definition of economic security was not present in the resolution of the 42nd session of the UN General Assembly again.

In 1982, representatives of the Ministry of Foreign Trade and Industry of Japan made a report. They pointed out that „international economic security is a state of the economy that is protected from the serious threats that arise under the influence of international factors by economic means“ (Economic Security of Japan, 1982).

In the early 1990s the main types of security were economic, financial, environmental, information. The main threats were increasing economic, scientific and technological competition from the developed countries, so US intelligence shifted the emphasis of its activities from the scope of the military-political sphere in global business.

In 1992 „The Treaty on European Union“ or the Maastricht Treaty was concluded. Responsibility in the area of security policy as well as the joint jurisdiction is vested in the European Union (EU). Among the basic principles can be identified: strengthening the security of the EU; the preservation of peace and international security; increasing the sole role of the EU in defining the common foreign policy.

In 1992, ECOSOC established the Commission of Sustainable Development, which developed the same name strategy. Its main focus is the sustainable economy that does not destroy the basic natural resources, developed by adapting to the environment, using the latest scientific developments and technological innovation. Eradication of poverty, especially in developing countries is also one of the areas of the sustainable development strategy. This problem is closely related to economic security, because poverty can cause social tension and undermine the economic development of the neighboring countries, and they will be forced to accept on its territory people who are fleeing from hunger and poverty (Ganushkina, 2012, p. 10-33).

**Monitoring of the modern concepts of national economic security**

In March 1992 in Russia the „Security Act“ was approved. It examines the relationship of internal and external aspects of security, without defining its economic aspect. In 1996 Russia regulated economic security in the document „The state strategy of the economic security of Russian Federation“. There are major sections: the purpose and objects of economic security strategy, its threats, criteria and parameters
for the economy, which meet the requirements of economic security, measures and mechanisms of economic policy aimed at providing it. In 1997 the „Russian Security Concept“ was issued. In 2009 the „National Security Strategy of Russia“ was approved. It is dedicated to „economic growth“ after the global financial crisis of 2008 and also „strengthening the economic security through active government anti-inflation, monetary, exchange rate, monetary, fiscal policy aimed at import substitution and supporting real economy“.

On July 1, 1992 in Ukraine the National Security Council under the President of Ukraine was created. In 1993 the first scientific papers on this topic were published. In January 1997 the resolution of the Verkhovna Rada of Ukraine „The National Security Concept of Ukraine“ was signed. This document lays the foundations of the conceptualization of the state policy of national security that allowed defining clearly the subjective and objective attitude. In 2003 the law on the bases for National Security of Ukraine was signed. The concept of „economic security“ was not used, but it is part of the national security of Ukraine. National security is a level of protection of vital interests, rights and freedoms of the person, the vital interests of society, the state and its environment from external and internal threats. In February 2007 the „The National Security Strategy of Ukraine“ was approved.

In November 2008, the Resolution „The Concept of economic security of Ukraine Consumer Cooperatives“ was accepted. For the first time „economic security“ was mentioned in the legal document. Economic security is the state of protection of business entities from the negative influence of external and internal threats, destabilizing factors, which provides a robust implementation of major economic interests and objectives of the authorized activities. In May 2014 a project law „The basis preventing and combating economic crimes and financial control“ was proposed. Economic security is the state of the economy in which sustainable economic growth effectively meets the economic needs, controls the state over the movement and use of national resources, the protection of the economic interests of the country on the national and international levels. Economic security is an integral part of national security“. In May 2015 „The National Security Strategy of Ukraine“ was adopted after conflicts and ethnic tensions. This is the first document that is designed for comprehensive protection of the national security and territorial integrity of Ukraine. The main threats to national security are: the aggressive policy of Russia; the inefficiency of the system of national security of Ukraine; corruption and inefficient system of government; economic crisis, depletion of financial resources of the state, the decline in living standards; threats to energy, information, environmental and technological safety.
In November 1992 in Poland the law based on the Polish security policy and "Security policy and defense strategy of the Republic of Poland" were approved (Mróz, 1994). In January 2000 "The Security Strategy of Poland" was developed. In 2003 "The National Security Strategy of the Republic of Poland" was approved (Kupiecki, 2015). It considers the economic threat instead of economic security.

In the spring of 1994 in FRG the document "White book on the question of security policy of Germany and the future Bundeswehr" was approved, relying on the defense doctrine. In 2006 the document was revised and it updated aspects of economic security, among which the main ones are free world trade as the basis for the country’s well-being and prevention of regional crises that could threaten the security of Germany. The strategic importance is attached to a reliable supply of energy resources of the country. In 2002, the "National Strategy for Sustainable Development" was developed. The document notes that Germany should become one of the leading countries in terms of resource efficiency of the economy. A sustainable economy is adapting to the challenges of our time, the use of economic opportunity and the responsibility of businesses for the future. Sustainable development is a significant competitive advantage.

In December 1995, the US President George W. Bush approved the memorandum with a view to taking appropriate measures to ensure economic security. The memorandum outlines the main content of the national program of economic security. The result of the program is to create a unified system of economic security across the country. It aims to maintain US leadership in technological areas and to ensure the country’s economic interests. In 1996, the US "Economic Security Act" was passed, where for the first time the problem of economic espionage was addressed. Since 1992, US business has borne an annual loss of 100 billion dollars as a result of industrial espionage on management estimates of Science and Technology of the White House. Almost 40% of the country’s resources, the intelligence community (all US intelligence services) were allocated to economic intelligence (Gorodetskiy, Manaenkov, 2004, p. 25-26).

In 2001 "The Economic Security and Recovery Act" was adopted which identified the priorities of economic development, protection and optimization of taxation issues. In 2002 the "First National Strategy for Homeland Security" was adopted (Official website of the Department of Homeland Security). In February 2015 the "National Security Strategy" was approved. Threats to national security include: an attack on US territory and critical infrastructure, on American citizens and representatives of the countries-allies outside the country; the global economic crisis; application and dissemination of weapons of mass destruction; epidemics of infectious diseases; the negative effects of climate change; disruption of the functioning of the global energy market; the spread of violence and crime with unstable countries in the territory.
of USA were willing to participate in the education of „future political and economic elite in the world“. The United States expressed willingness to participate in the education of „the future political and economic elite in the entire world“.

In 1997 the Law of China „On Civil Defense“, the White Paper of China „Civil Defense“ (2000, 2002, 2004, 2006) were adopted. In 2008 the Chinese scientist Jiang Yong gave a definition of economic security: „Economic security is best defined as the ability to provide a gradual increase of living standard of the entire population through the national economic development while preserving the economic independence. In other words, there are two sides of the „medal“ in the economic security: competitive and independent economic sovereignty“. Today it is necessary to recognize the world economic and political power of China, which claims to be the new „center of influence“ through the use of scientific, technical and industrial potential. In fact, its success is based on two components – economic security, namely „economic integration with its neighbors in the region“ and political security, namely „the creation of a peaceful environment“ (Jiang Yong, 2008, p. 66-85).

In 1998 in Bulgaria „The Concept of National Security of the Republic of Bulgaria“ was adopted. It addresses threats to security: economic and social differentiation of countries in Europe, the unfinished process of constructing European security, the availability of economic crime, the use of financial and economic sanctions on other countries, an unstable state of the economy in the country and others. The concept has ceased to operate on the basis of the adoption of the new „National Security Strategy of the Republic of Bulgaria“, where the economic, financial and social stability and economic prosperity stand out among other interests.

In 1998 in the Czech Republic „The Constitutional law on Security of the Czech Republic“ was adopted. Later „The Security Strategy of the Czech Republic“ was approved, which outlines the economic situation of the formation of long-term policies to promote the economic development of the country. Among them, the development of international cooperation, the reduction of inflation, the fight against economic crime.

Today, the system of economic security is developed in the framework of the European Economic Commission of the Council and the OSCE. Since 2003, the documents that make up the „economic and environmental dimension of security“ have been adopted jointly. Information about the economic and environmental challenges and threats to security and stability in the OSCE region are systematized and monitored with the help of the Office Coordinator of OSCE Economic and Environmental (Ganushkina, 2012).
Legislative framework of economic security

Chronological incorporation of key legislative acts in the sphere of economic security is presented in Table 1.

Table 1

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<th>Date of signing</th>
<th>Action area</th>
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<td>Code of laws „The Russian Truth“</td>
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<td>Tsarist Russia</td>
<td>„Regulation on control for public order and public security“</td>
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<td>5 participating countries</td>
<td>The Treaty of Versailles and creating the League of Nations</td>
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<td>Japan</td>
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<td>30 October 1947</td>
<td>32 participating countries</td>
<td>„The General Agreement on Tariffs and Trade (GATT)“</td>
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<td>25 March 1957</td>
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<td>The Treaty of Rome establishing the European Economic Community and Euratom</td>
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| 17 December 1985| Countries – UN | „International Economic Security“ (resolution 40th
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Evolution Of The Concepts Of Economic Security

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<td>6 May 2015</td>
<td>Ukraine</td>
<td>„The National Security Strategy of Ukraine“</td>
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</tbody>
</table>

One can note the difference in the titles of documents in various countries. For example, in Canada and Turkey – „National Security Policy“; in the United States, Poland, Hungary, Romania, Bulgaria, Lithuania, Ukraine, Russia – „National Security Strategy“; Italy – „The strategic concept of national defense“; in the UK, Germany, Norway, Ireland, China, Japan the documents are called „White Book“. Of course, it is impossible to explore all legal documents related to economic security for all countries. The aim was to monitor historically the first documents that regulate economic security and provide a detailed study of foreign concepts, which broadcast leaders’ views on economic security.

**Conclusion and recommendations**

The chronological incorporation of key legislative acts in the sphere of economic security has been developed for the first time. Monitoring of international economic law, foreign and domestic legal acts has been conducted. In turn, this allowed tracing the sequence of signing and organizing the documents for using them easily in practice.

Comparative evaluation of the effectiveness of existing systems of national security of different countries showed that the United States is a leader in the history of mankind as to the completeness and effectiveness of doctrinal documents relating to economic security. The best proof is the sustainable development of the US economy and the increased competitiveness of goods and services. For example, in 2014 the United States ranked third in global competitiveness, Bulgaria – 54th place and Ukraine – 76th place (The Global Competitiveness Report 2014-2015, p. 13). The position of Ukraine in 2014 improved with 8 positions compared to 2013. However, it should be noted that recent events have not been taken into account, namely the Russian-Ukrainian conflict and the disruption of trade relations. Also in 2015 among the 100 largest companies in the world by level of capitalization: 53 – US, 9 – English and 8 – Chinese. Unfortunately, there is not a single Ukrainian or Bulgarian company (FT Global 500).

The study of foreign experience in the development of the legal framework of economic security will be valuable when enriched, and at the same time will take into account the positive and negative consequences. Efforts should be directed at achiev-
ing stability and equitable political and economic cooperation in terms of international security and trust.

Thus systematization of general economic and civilization processes as well as the synthesis of planetary and concentrated knowledge gives us hope that humanity is aware of the irreversible consequences of socio-economic and environmental disasters, war and conflict, recognizing the imperative of following progressive safety objectives and uniting efforts in solving global problems.

References


