

CURRENT SECURITY TRENDS IN THE SOUTH CHINA SEA REGION: CONCLUSIONS AND RECOMMENDATIONS FOR UKRAINE

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Origins and Nature of the Conflict

Today, as a multipolar system of international relations is forming and the epicenter of world politics is shifting to the Indo-Pacific region (IPR), contradictions between various states are intensifying. One of the main centers of instability in the IPR is the South China Sea (SCS), where the interests of many countries, both at regional and global levels, collide.

The conflict is complex and multidimensional. One dimension concerns the issue of sovereignty over the islands, while the second relates to the boundaries of exclusive economic zones and the continental shelf. Currently, six states (China, Vietnam, Malaysia, the Philippines, Brunei, Indonesia), as well as Taiwan, are making nominal claims to the islands and maritime space of the SCS. Within the waters, there are four groups of islands: Pratas, Paracel Islands, Spratly, and Zhongsha (also known as Macclesfield Bank). In Chinese, the names are Dongsha, Xisha, Nansha, and Zhongsha ("4 Sha" respectively), over which regional states dispute sovereignty. Primarily, several states claim the Paracel Islands: China, Taiwan, and Vietnam assert claims to the entire archipelago; the Philippines, Malaysia, and Brunei claim separate parts. Except for Brunei, the rest of the countries maintain a small military presence on the islands. Additionally, China, Taiwan, and Vietnam dispute sovereignty over the Spratly Islands. Taiwan and China contest the Pratas Island and Macclesfield Bank. China, Taiwan, and the Philippines claim Scarborough Shoal. Furthermore, there are disagreements between China and Vietnam regarding the delineation of the maritime border in the Gulf of Tonkin (Beibu Gulf). Other disputes, especially concerning the boundaries of exclusive economic zones, stem from different interpretations of the 1982 UN Convention on the Law of the Sea (UNCLOS) and the fact that the borders claimed by regional countries often intersect.

The origins of this legal dispute date back to the mid-20th century when the Japanese Empire was defeated in World War II and, under the San Francisco Peace Treaty, was obliged to renounce "all right, title and claim to the Spratly Islands and the Paracel Islands" without specifying to whose benefit Japan was relinquishing these territories. This gave each of the region's states separate grounds to claim the islands of the South China Sea.

China and Taiwan, for example, justify their claims to the archipelagos in the SCS by emphasizing supposed historical facts. Beijing attempts to prove that the Chinese were allegedly the first to begin exploring the islands during the Han dynasty, under Emperor Wu Di (156-87 BCE). From the PRC's perspective, this is sufficient grounds to defend claims to the islands, even in violation of international law norms. In 1974, the PRC annexed part of the Spratly Islands from Vietnam, in 1988 — several islands belonging to Vietnam in the Paracel archipelago, and in 1995 — Mischief Reef, which the Philippines claims.

It's worth noting that previously Singapore and Malaysia disputed the right to several small islands near the eastern entrance to the Singapore Strait, which have a geostrategic location, namely Pedra Branca (now Batu Puteh), Middle Rocks, and South Ledge. The dispute began in 1979 and was effectively settled by the UN International Court of Justice in 2008. The court ruled that sovereignty over Pedra Branca remains with Singapore, over Middle Rocks with Malaysia, while sovereignty over South Ledge remains with the state in whose territorial waters the island is directly located. Malaysia and Singapore established a so-called Joint Technical Committee to delimit the maritime border in the area of Pedra Branca and Middle Rocks, as well as to determine the ownership of South Ledge. This case demonstrates that with proper efforts, international law norms and international institutions can be effective tools for resolving territorial disputes.

Territorial disputes in the SCS have particularly intensified since Xi Jinping came to power in 2012 and the beginning of the "Chinese dream of rejuvenating the Chinese nation". In recent years, China has taken a series of provocative steps to establish control over the islands in the waters. For example, there is active construction of artificial embankments, artificial islands on the site of occupied reefs, on which runways, warehouses, radars, missile launchers, modern armaments are placed, and regular bomber flights with landings on the islands are carried out. However, China claims that these measures are taken solely for defensive purposes. Although, in essence, China is engaged in building military bases, militarizing the SCS, and turning the waters into a *mare internum* (internal sea).

Furthermore, Chinese "fishermen" have been conducting a hybrid "people's war" in the SCS for several years now. In essence, China has created an armed armada of fishing vessels or "maritime militia" — the largest maritime militia in the world. The PRC describes it as "auxiliary and reserve forces" that help the People's Liberation Army of China (PLA) "implement security and logistical functions". Through massive presence in the SCS waters, China not only creates the appearance of presence on remote uninhabited islands but also impedes free navigation. For example, violating international maritime law norms, fishing

trawlers obstruct the work of other countries' ships, exacerbating the risk of collision and often forcing ships to leave disputed waters, sometimes using water cannons.

PRC's Interests in the South China Sea

The South China Sea is a semi-enclosed sea of the Pacific Ocean near the shores of Southeast Asia, stretching from Singapore to the Taiwan Strait, covering an area of approximately 3,447,000 square kilometers. It is the fourth largest sea in the world after the Philippine, Coral, and Arabian Seas. The SCS is important, firstly, as a source of hydrocarbons on the continental shelf. It has been established that in this region, oil reserves amount to approximately 1.2 cubic kilometers (7.7 billion barrels) with an estimated total volume of 4.5 cubic kilometers (28 billion barrels). Gas reserves are estimated at 7,500 cubic kilometers. Secondly, the SCS is an important transit route connecting East and Southeast Asia with the oil and gas-rich Middle East. It is the second busiest sea route in the world, with over 50% of the total annual volume of world trade passing through the Malacca, Sunda, and Lombok Straits. On average, about 80% of imported goods come to East Asia through the South China Sea, accounting for a third of all world trade. Approximately half of the volume of maritime transport is oil and oil products. Over 1.6 million cubic meters (10 million barrels) of crude oil pass daily through the Strait of Malacca, where piracy is widespread.

China claims 80% of the SCS waters — the so-called "9-dash line" or "nine-dotted line" zone, also called the "Cow's Tongue" because its contours resemble this shape. The SCS is the most important sea route for China in the process of delivering goods by sea to Europe, Africa, and the Middle East. China receives oil, liquefied natural gas, and other resources from the Middle East and Africa through this route. Blocking access to these waters threatens to collapse the Chinese economy, as the quality of foreign trade operations depends on the growth rate of the national economy, which directly determines the internal political climate in the PRC. Therefore, the SCS is a matter of China's national security.

The desire to secure and diversify energy sources is one of China's many interests in the SCS. According to research, geological structures under the seabed of the Spratly archipelago may contain oil and gas reserves worth a total of one trillion dollars. In 1988, Beijing announced that the continental shelf in the Spratly Islands area alone conceals 105 billion barrels of oil, and the total oil reserves in the South China Sea are estimated at 213 billion barrels. In September 1992, Beijing declared its intention to turn the South China Sea shelf into a "main base for energy resource extraction". To this end, China, contrary to international law norms, is conducting active geological exploration activities through the China National Oil and Gas Corporation and China Offshore Oil Engineering Company. Thus, if China can secure a large source of oil, it will be less dependent on Arab importers and will multiply its power.

Establishing Beijing's control over the South China Sea waters would mean further expansion of political and economic influence, as well as strengthening energy independence by minimizing risks from the so-called "Malacca dilemma", which refers to China's extremely high degree of dependence on imports of goods and energy resources through the Strait of Malacca. Located between the Malay Peninsula and the Indonesian island of Sumatra, this waterway connects the basins of the Andaman Sea in the Indian Ocean and the South China Sea. The strait is the shortest sea route for transporting oil and liquefied natural gas from the Persian Gulf and the Horn of Africa to Asian markets.

For China, the Strait of Malacca is extremely important, as approximately 60% of Chinese trade turnover and 80% of oil imported by China passes through it. Thus, all foreign trade, economic development, and energy security of the PRC depend directly on the safety of navigation in the Strait of Malacca, as in the SCS in general. This situation was termed the "Malacca dilemma" by then-PRC Chairman Hu Jintao in 2003, and Beijing is still looking for ways to mitigate this vulnerability. In the event of a conflict, the US could block the Strait of Malacca, as the Changi naval base in Singapore is used by ships of the US Seventh Fleet. For example, in the Phillips Channel area near the coast of Singapore, the strait's width is only slightly more than 2 kilometers. Thus, in perspective, the US has levers of direct influence on the entire oil and gas transportation system in the region, and primarily on the PRC.

China's second interest is military. The Paracel and Spratly archipelagos are playing an increasingly important role as they lie on the routes connecting the Pacific and Indian Oceans, and thus are a critically important eastern flank for the rest of Asia, as well as for Europe and Africa.

Controlling these archipelagos means controlling the sea and air routes of the South China Sea. The islands can be used as observation points for submarine activities, for building bases to protect maritime communications, and as starting points for landing troops and ground attacks. If a war occurs on the Asian continent, military presence on the Spratly Islands could be effectively used to stop all sea passages in the SCS.

Therefore, in the context of territorial disputes, China adheres to *realpolitik* and refuses to develop a compromise solution that would satisfy other countries in the region that make justified claims against Beijing. In its SCS strategy, Beijing relies on a policy of "fait accompli", or accomplished fact, which involves creating a situation where China's sovereignty over the SCS, at least within the "nine-dash line", will be perceived by the world community as an accomplished fact after some time, without the possibility of returning to the original status quo.

Claiming 80% of the waters, developing a network of artificial islands and military bases, China aims to create an outpost to block the US from providing assistance to Taiwan in case of PRC intervention against the island. Beijing does not rule out the use of force for "reunification", although today this threat is not highly probable. Monitoring of air and sea

space in the Taiwan Strait and regular intrusions of Chinese combat aircraft into Taiwan's airspace are more like intimidation than actual preparation for invasion, although nothing can be ruled out. If Zhongnanhai decides on forcible annexation of the island, the PRC might limit itself to a blockade, as a real invasion would represent a complex amphibious operation with air support, and there's no guarantee of its successful execution. Moreover, initiating such an initiative seems unlikely given the losses and risk of retaliatory sanctions pressure from the US and EU. Against the backdrop of growing internal economic problems and confrontation with the US, threats to the economy are categorically unacceptable for China. However, it's not excluded that in the strategic perspective, China will be ready to take the risk.

Furthermore, by improving the potential of the PLA Navy, Beijing is betting on an asymmetric strategy of restricting access to certain territories (anti-access/area denial)¹. China is developing multipurpose submarines, anti-ship ballistic missiles, creating multifunctional combat control systems based on the C4ISR principle (Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance), as well as air-, sea-, and shore-based cruise missiles and ship-based air and missile defense systems.

First and foremost, China seeks to achieve naval dominance in the "near zone", which includes the Yellow, East China, and South China Seas (a submarine base is being built on Hainan Island). Further plans involve expanding the field of maneuver in the so-called "middle zone", that is, in the Sea of Okhotsk, Sea of Japan, as well as in the spaces of the Caroline and Mariana Islands. In the future, China aspires to confront the US fleet in the "far zone" — in the South Pacific, up to the Hawaiian Islands. Thus, the militarization of the SCS waters is a tool that China uses to strengthen its strategic positions and more effectively confront the US, which continues to increase its presence in the region.

Therefore, the significance of territorial contradictions that have flared up in the SCS goes far beyond the dispute over sovereignty over mostly uninhabited islets, coral reefs, and rocks. The SCS is turning into a field of confrontation between the PRC and the US — a hotbed of a new "cold war".

Conflict between PRC and the Philippines

While the claims of the PRC, Taiwan, and Vietnam in the South China Sea are based on historical grounds, the Philippines' claims are based on the results of professional studies conducted in 1956, which concluded that 8 islands located near the Philippine shores are not part of the Spratly archipelago, but geographically belong to the territory of this island nation.

¹ **A2AD** (anti-access and area denial) — restriction and prohibition of access and maneuver — a concept of deterring an adversary (usually with a weapons complex) by creating an increased danger for the deployment or movement of enemy forces in the protected area.

On January 22, 2013, the Philippines officially opposed China by appealing to the International Court in The Hague, trying to protect its sovereignty and resolve the conflict peacefully. China stated that the Philippines' actions were illegal and violated the terms of the 2002 Declaration, according to which any disputes between the two countries should be resolved through bilateral negotiations. China also announced that it does not plan to recognize the court's decision, as it will adhere to the principle of *pacta sunt servanda* (voluntary fulfillment of international obligations).

On July 12, 2016, the Hague Tribunal issued a ruling recognizing that "China violated the sovereign rights of the Philippines in their exclusive economic zone by interfering with Philippine fishing and oil exploration, building artificial islands, and not preventing Chinese fishermen from fishing in this zone, and in the Scarborough Shoal area, China created a serious danger of collision when its patrol boats physically blocked Philippine fishing vessels". Moreover, the arbitration concluded that "China has no legal basis to claim historical rights to resources in maritime areas within the 'nine-dash line,' because although Chinese navigators and fishermen used the islands in the South China Sea, there is no evidence that China historically exercised exclusive control over the waters or their resources". However, Beijing continues to ignore the court's decision, and clashes between Chinese and Philippine patrol/fishing vessels occur regularly, only increasing the risk of escalation in the waters.

As a counterbalance to Chinese pressure, the Philippines is strengthening cooperation with the US. The current rapprochement between Manila and Washington can be seen as a collateral counterproductive result of China's strategy in the SCS. Manila is seeking military support from the US, taking advantage of the fact that the parties signed the Enhanced Defense Cooperation Agreement (EDCA) in the winter of 2014, under which the US received the right to deploy military units on five Philippine bases. The US owns Antonio Bautista Air Base on Palawan, Basa in Pampanga, Benito Ebuena in Cebu, Lumbia on Mindanao, and Fort Magsaysay in Nueva Ecija. 500 US military personnel are stationed at these bases.

Currently, the US is the main supplier of armaments and substantial financial aid to the Philippines. On March 22, 2023, the country's president, Ferdinand Marcos Jr., announced that under the aforementioned Agreement, four new military bases will be created in different regions of the country, including in the province adjacent to the South China Sea. It is expected that new bases will be located in Palawan, Zambales, Cagayan, and Isabela.

These steps significantly increase the US military presence in the region and lead to a situation where China finds itself in a virtual encirclement: the US forward-based military contingent in Japan and South Korea, close cooperation with Thailand and Singapore create an impression of a trap for Beijing.

To minimize risks, China sometimes employs a deceptive strategy, intensifying communication with various countries without making concrete concessions or commitments. For instance, in July 2024, China and the Philippines once again agreed to improve their

bilateral communication mechanism to de-escalate tensions in the South China Sea (SCS). However, by August, tensions rose again: Manila reported that two coast guard ships "encountered illegal and aggressive maneuvers" by Chinese vessels near Sabina Shoal while en route to resupply Philippine personnel stationed on the islands. The Chinese Coast Guard claimed that the Philippine vessel ignored their warnings and "deliberately collided" with a Chinese ship. The Philippines denied this information and accused Beijing of "imposing its own version of events". This situation clearly demonstrates China's strategy regarding disputes in the SCS.

On one hand, Beijing seeks to create the appearance of readiness for communication. This is done to prevent the internationalization of disputes and avoid intervention by non-regional powers, primarily the United States. China aims to conduct bilateral communication with individual states to weaken unity within ASEAN and prevent the regionalization of the conflict, i.e., creating a situation where the 10 ASEAN member states would present a united front against China. With U.S. support, such a situation would be extremely threatening to China. Moreover, China categorically refuses to discuss territorial claims on any legal basis, despite being a party to the 1982 UN Convention on the Law of the Sea (UNCLOS). China actively promoted the idea of developing the Convention in the 1970s and ratified it in 1994, but systematically violates its norms. Thus, Beijing officially advocates for adherence to international law, but only when it aligns with its own interests.

Simultaneously, China continues to maintain a certain level of tension in the region to preserve its status as a regional hegemon and strategic advantage. This is achieved through various provocations, such as when Manila accused China in August of launching signal flares from a fighter jet that flew within meters of a Philippine aircraft during a patrol in the SCS. Additionally, Chinese aircraft periodically practice takeoff and landing on islands in the area, as well as simulate strikes on maritime targets.

The Philippines, in contrast to China, attempts to internationalize the conflict and seeks partners who will support Manila both in multilateral forums like the UN and offer concrete military and military-technical assistance. For example, U.S. President Joe Biden, Japanese Prime Minister Fumio Kishida, and Philippine President Ferdinand Marcos Jr. met in Washington in April to strengthen defense and economic ties between the three countries. They agreed to promote inclusive economic growth and economic resilience, and most importantly, partnership for peace. This partnership underscores the three countries' commitment to freedom of navigation and overflight, and the importance of respecting sovereign rights of states within their exclusive economic zones in accordance with international law, as reflected in UNCLOS. Japan and the U.S. supported the 2016 international court ruling and called on China to comply with this decision.

Recently, the Philippines has been trying not to rely solely on U.S. support to avoid complete dependence in the security sphere. For example, in June 2024, the U.S. Navy, Royal Canadian Navy, Japan Maritime Self-Defense Force, and the Armed Forces of the Philippines conducted joint air and naval exercises in the Philippine exclusive economic zone.

The two-day exercises were conducted to support unimpeded passage in the Indo-Pacific region. Later, in August, the Philippines participated in joint exercises with the United States, Canada, and Australia. Admiral Samuel Paparo, head of the U.S. Indo-Pacific Command, along with the heads of armed forces and defense departments of Australia, Canada, and the Philippines, issued a joint statement noting that they "collectively address common maritime challenges" and emphasized their "shared commitment to upholding international law and a rules-based order". Although Philippine Navy spokesperson Rear Admiral Roy Trinidad stated that the exercises were not directed against any country, it appears that Manila considers a possible escalation in the South China Sea, initiated by China, as a highly probable scenario and is actively preparing to defend itself.

Japan seems to be one of the most reliable partners for the Philippines. Their bilateral security cooperation faces a common challenge in the form of China and territorial conflicts: while the Philippines disputes islands in the South China Sea, Japan claims ownership of the Senkaku Islands in the East China Sea. In July 2024, a bilateral security cooperation agreement was signed. This defense pact will allow the countries to deploy troops on each other's territory, conduct joint military exercises, and humanitarian operations. Japan has similar acts only with the United Kingdom and Australia; the Philippines — with the United States and Australia.

Vietnam is becoming another closer partner for the Philippines. In August, the two countries conducted joint naval exercises, which is symptomatic of the gradual process of ASEAN countries uniting against China on the issue of disputes in the South China Sea waters. This situation is extremely unfavorable for China. However, a change in Beijing's strategy regarding the problem is unlikely.

Moreover, the Philippines is diversifying its foreign policy ties and seeking partners in other regions of the world. In particular, in August 2024, information emerged that Manila plans to conclude a defense pact with Germany. The agreement will enable joint military exercises, the sale of German weapons to the Philippines, and information exchange. Additionally, the cooperation will likely involve the transfer of military technologies urgently needed by the Philippines to modernize its air force and navy. Earlier in August, Philippine Defense Minister Gilberto Teodoro hosted German Defense Minister Boris Pistorius in Manila, marking the first visit of a German defense chief to this Southeast Asian country. Teodoro announced that the proposed defense cooperation agreement is planned to be signed by the end of the current year.

Prospects for the Situation's Development

Despite growing tensions in the South China Sea, the probability of a major military conflict remains low.

Regional states are significantly inferior to China in military power, and therefore seek to use legal mechanisms rather than direct confrontation. Employing the most aggressive steps to defend their interests in the waters is an unfavorable prospect for China, which always calculates its next moves based on an assessment of benefits and risks. Moreover, Beijing is interested in ASEAN as an economic ally rather than a military adversary, especially given broad U.S. support. Washington, in turn, has repeatedly stated its unwillingness to intervene militarily in the situation.

In 2016, ASEAN countries received a promise from China to complete negotiations on the framework project of the Code of Conduct for Parties in the South China Sea. The final document is preliminarily expected to be prepared by 2025. The document is intended to "minimize the risk of conflict in the South China Sea".

The idea of developing binding rules of conduct for all coastal countries emerged in the 1990s. In 1995, China occupied Mischief Reef in the Spratly archipelago, which was (and still is) claimed by the Philippines, as the territory is within this state's exclusive economic zone. At that time, the Philippines proposed that ASEAN countries adopt such a Code, which would restrain China from further encroachments on their sovereignty.

China theoretically should be interested in developing such a document, as for Beijing, the Code of Conduct in the South China Sea is a tool to prevent the U.S. and its allies (Japan, Australia) from intervening in SCS issues to protect freedom of navigation and maintain regional stability. It's also an opportunity to control the development of territorial disputes, seeking to resolve them through bilateral negotiations, which China consistently insists on. ASEAN and China have long agreed that the Code can only be adopted by consensus. This means that any country participating in the negotiations can reject the draft if it does not align with their interests. For China, therefore, prolonging the development of the project would be advantageous. A sufficiently lengthy process will allow China to firmly establish itself on the bases being built in the Paracel Islands and on artificial islands in the Spratly archipelago. It is doubtful, however, that China will agree to adopt any binding rules while holding the strategic initiative. However, by supporting the Code, China would open the way for close cooperation with coastal countries in implementing the maritime Silk Road, significantly improve the PRC's image in the region, reduce neighbors' desire to involve the U.S. in the dispute, and minimize chances of conflict intensification.

However, prolonging the conflict while maintaining a certain level of tension and preserving the existing status quo, in which the conflict remains unresolved, is the most likely scenario for the development of events.

Conclusions for Ukraine

The situation in the South China Sea serves as an illustrative case for Ukraine in the context of planning and implementing maritime security policy. To some extent, the situation in the South China Sea can be compared to the security situation in the Black Sea region. In both regions, a dominant country (China in the South China Sea and Russia in the Black Sea) disregards existing norms of international law and uses military aggression to expand influence in the waters. This creates numerous threats to neighboring states, regional security, and global security.

The current situation demonstrates the need for Ukraine to take certain steps after the end of the Russian-Ukrainian war to stabilize the security situation in the Black Sea. Primarily, China's behavior in the SCS and Russia's analogous actions in the Black Sea underscore the importance for regional countries, including Ukraine, of modernized naval forces to create an effective deterrence and defense system to protect their own interests. In this context, cooperation with NATO and individual international partners will be important. This is precisely what is discussed in the Maritime Security Strategy of Ukraine, approved and put into effect by President of Ukraine Volodymyr Zelenskyy on July 17, 2024. One of the key tasks of the Strategy is to develop balanced Naval Forces with all branches of troops (forces) that will be able to ensure guaranteed fulfillment of tasks both during the repulsion of armed aggression from the maritime direction and in peacetime, in particular, to provide anti-aircraft and anti-missile cover for seaports and commercial shipping on maritime communications.

Secondly, establishing closer diplomatic interaction and coordination with other countries in the Black Sea will help prevent and minimize future military threats, the source of which will remain the Russian Federation. The end of the Russian-Ukrainian war will be a defining moment for shaping a new security architecture in the Black Sea. After the conflict ends, there will be a need to review and modernize existing structures and mechanisms to adequately respond to new realities of regional politics and security.

After the war, Ukraine needs to initiate a review of the functionality of the BSEC (Black Sea Economic Cooperation) or create a new organization specializing in ensuring security in the Black Sea, with the aim of stabilizing the situation in the region and preventing potential threats, primarily from Russia. The main task of the organization should be effective interaction between the Black Sea basin states for monitoring, prompt response to possible threats, and maintaining stability in the region. Moreover, an important task will also be resolving disputes and conflicts related to security in the Black Sea through diplomatic and legal mechanisms.

In this context, it is important to consider the possibility of developing a Code of Conduct in the Black Sea. The Code of Conduct should define the norms and principles that states should follow when conducting military and civilian operations in the Black Sea, including issues of security, resource management, and conflict prevention. It is important to include provisions in the Code that provide for diplomatic and legal mechanisms for resolving disputes and conflicts. This may include the creation of special committees or arbitration bodies to consider and resolve contentious issues.

The situation in the South China Sea demonstrates the importance of advance preparation for various crisis situations. Ukraine should develop an effective system for forecasting future crises, which will allow for anticipating possible scenarios and developing response options for such situations in advance. This system should include a comprehensive analysis of potential threats, assessment of their impact on national security, as well as the development of strategies and action plans for prompt response in crisis situations. The implementation of such a forecasting system will contribute not only to increasing readiness for possible challenges but also to strengthening the overall resilience of the state to external threats.

However, the stability of regional integration will directly depend on the power of Ukraine's Naval Forces.

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