



ANALYSIS

SECURITY SECTOR REFORM IN UKRAINE

FINDING THE PLACE FOR CIVIL SOCIETY

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FEBRUARY 2018

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RAHVUSVAHELINE KAITSEURINGUTE KESKUS
INTERNATIONAL CENTRE FOR DEFENCE AND SECURITY
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DEVELOPMENT COOPERATION



ICDS development cooperation project 2016-2018

“RESILIENT UKRAINE: civil society support for strengthening national resilience and security in Ukraine”

Title: Security Sector Reform in Ukraine—Finding the Place for Civil Society

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Publication date: February 2018

Category: Analysis

Cover page photo: Ukrainian National Guard members walk past a woman wearing a colourful costume as they patrol near Independence Square in Kyiv on November 22, 2016 (AFP / Sergei Supinsky).

Keywords: security sector reform, rule of law, law enforcement, governance, civil society, Ukraine

Disclaimer: Research for this paper was funded by the Estonian Ministry of Foreign Affairs through its Development Cooperation Programme. The views and opinions contained in this paper are those of its author only and do not necessarily represent the official policy or position of the International Centre for Defence and Security, Estonian Ministry of Foreign Affairs or any other organisation.

ISSN 2228-2076

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INTRODUCTION

The asymmetric and well-integrated use of various instruments of coercion and subversion by Russia to annex Crimea and create the violent conflict in eastern Ukraine demonstrated the urgent need for comprehensive security sector reform (SSR) in Ukraine. However, while the political will to reform is present, vested interests and endemic institutional corruption pose considerable challenges to the implementation of reforms.¹ Russia's aggressive campaign in Ukraine exploited institutional weaknesses in order to undermine trust in the government by a myriad of non-military means: disinformation, internal subversive operations, cyber and physical attacks on critical infrastructure and fomenting public unrest. In general, a gap of trust between government institutions and society creates a window of opportunity for destabilisation operations. In Ukraine this gap was wide open, with only weak links among civil society and government institutions in the security and defence sector. Reforms aimed at closing this gap are of utmost importance in order to strengthen Ukraine's resilience to hybrid threats posed by Russia.

1. REFORMS IN THE MIDST OF WAR

Since 1991, reforms in the security and defence sector were more imitation than reality. After the dissolution of the Soviet system, Ukraine's interior and defence ministries underwent a series of superficial transformations that did not challenge the core of the institutions: their personnel, especially at the management level. Increasing the numbers rather than the qualifications of personnel was a priority. In the 1990s, the Ministry of the Interior (MoI) boosted its staff numbers due to higher crime

rates. The tendency of hiring more instead of better-trained people persisted until 2014.²

From 2014-2015, ad hoc methods were adopted in the most difficult situations, something that soon became a common practice. The fragmentary nature of reforms

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was aggravated by the fact that many initiatives were launched as pilot projects, without a general understanding of the broader state of the security and defence sectors. Pilot projects included for example introducing changes to certain military units with the hope of broader implementation in future.³ Unsurprisingly, many such projects came to an end or were never adopted on a larger scale; nevertheless, their introduction was a way for the authorities to meet the public demand for rapid changes.

Before the conflict, the Ministry of Defence (MoD) and the General Staff of the Armed Forces pursued "specialisation" reform, accompanied by rhetoric about potential future NATO membership. In reality, military personnel numbers are gradually decreasing, while those at the MoI increased—reflecting the greater emphasis placed on internal security. MoI law enforcement structures were valued by the political leadership at the time because of their usefulness as a tool to maintain internal stability, influence local business, and consolidate power.

² Дмитрий Козлов, "[Реформа сектора безопасности Украины в кривом зеркале СМИ: проблемы и пути решения](#)" [Reform of the security sector of Ukraine through the distorted mirror of the mass media: problems and solutions], *Defense Express*, 26 января 2017 (accessed April 16, 2017).

³ Andriy Zagorodnyuk "[The Turning Point For Ukrainian Military Reform: What Is the Strategic Defence Bulletin and Why Is It So Important?](#)" *Ukrainska Pravda*, July 11, 2016 (accessed April 16, 2017).

¹ [Stabilising Ukraine and the future of security sector reform](#), CEPS (accessed April 20, 2017).

The military threat coming from the east confronted the Ukrainian government with an unprecedented task: to bring about real transformations creating effective armed forces in wartime conditions marked by post-Maidan chaos, economic crisis, deeply-rooted problems with corruption, and a polarised society.

Furthermore, it had to reform the collapsing structure of the MoI to confront internal threats, notably a surge in crime. The asymmetric nature of the external threat demonstrated the necessity of managing the “home front,” notably by promoting situational awareness and raising civilian preparedness. To do this, the MoI and its subordinate agencies—such as the police, border guard, and rescue services—had to be “reset.” This task could not

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wait: as other examples show, it is of vital importance for countries implementing SSR during times of military conflict—whether active or frozen—to avoid postponing human security issues until “better times,” or to focus only on traditional state security issues.⁴

The enduring isolation of security and defence structures from civil society made the goal of bringing both sectors together a challenge. The low level of public trust in military and law enforcement was a key factor undermining the transformation process. Moreover, given the number of personnel and density of the bureaucracy, comprehensive reform was always going to be difficult—even without taking the ongoing conflict into consideration.

⁴ Maksym Khylo, Oleksandr Tytarchuk (eds.), *Human Security and Security Sector Reform in Eastern Europe* (Kyiv: Friedrich Ebert Stiftung, June 2017).

To be successful, SSR requires the coordinated participation of a number of actors both inside and outside the security and defence sectors, including justice and public administration. The governance of and interaction among these structures became one of the core challenges in

Even though international donors have heavily invested in projects that increase the general capacity of Ukraine’s civil society, these projects rarely focus on engagement with the security sector—and so the gap between the public and security/law enforcement remains.

Ukraine’s SSR process.⁵ In Ukraine, ministries and agencies operate independently with little accountability or coordination; they generally have the freedom to administer their own resources, make their own decisions, and even set their own tasks. Furthermore, the overly broad scope of the responsibilities given to certain ministries has led to duplication with other government agencies, a problem exacerbated due to the effective lack of interagency coordination or even communication.⁶ The same problem is also seen in civil society, among volunteers, volunteer organisations, and other NGOs. Even though international donors have heavily invested in projects that increase the general capacity of Ukraine’s civil society, these projects rarely focus on engagement with the security sector—and so the gap between the public and security/law enforcement remains. Accordingly, building trust between civil society and the security sector remains a core challenge in SSR and merits further attention.⁷

⁵ Måns Hanssen, *International Support to Security Sector Reform in Ukraine, A Mapping of SSR Projects* (Folke Bernadotte Academy, 2016), (accessed April 22, 2017).

⁶ Olga Oliker, Lynn E. Davis, Keith Crane, Andrew Radin, Celeste Ward Gventer, Susanne Sondergaard, James T. Quinlivan, Stephan B. Seabrook, Jacopo Bellasio, Bryan Frederick, Andriy Bega, Jakub Hlavka, *Security Sector Reform in Ukraine* (Santa Monica, California: RAND Corporation, 2016), (accessed December 10, 2016).

⁷ Hanssen, *Support to Security Sector Reform in Ukraine*.

2. THE SECURITY SECTOR TODAY: A CLOSER LOOK

The composition of actors in the national security sector slightly differs in every state, from the names of the agencies to, the way they are governed. In general, agencies responsible for internal security are separate from defence structures. However, the hybrid nature of the war in Ukraine challenged traditional ways of responding to crises. Due to Russia's tactic of plausible deniability of any direct involvement in the violent conflict in eastern Ukraine, Kyiv did not declare war to be led by the military under the MoD, but instead an "anti-terrorist operation" (ATO) under the jurisdiction of the MoI. In reality Ukraine uses a hybrid approach in conducting the ATO, to which both internal security and military are deployed; accordingly, the security sector in Ukraine is comprised of both military and civilian components.

The civilian security sector in Ukraine is comprised of law-enforcement organisations such as the MoI agencies (i.e. National Guard, National Police, State Border Guard Service, State Emergency Service), National Anti-Corruption Bureau, and Security Service of Ukraine, as well as rule-of-law organisations such as the Ministry of Justice, the General Prosecutor's Office and the court system.

When it signed an Association Agreement with the European Union after the Maidan revolution, Ukraine theoretically moved SSR to the top of its agenda as well as those of the EU and its international partners. Within that context, reform of the civilian security sector has been identified as a key priority. Yet Ukraine still lacks a strategic approach to the security sector, particularly specific civilian security sector strategies. According to a RAND report, since March 2014 the Ukrainian security establishment has made significant progress, including improving logistics and pursuing reform of the MoI; however, current and future threats facing the country require changes to the overall architecture of the security sector. In particular, the report's authors recommend

that Ukraine: clarify responsibilities of the existing security and defence structures; strengthen coordination between ministries and agencies; align the roles and functions of internal security agencies; and ensure the accountability of security and defence structures to the public, thereby "bring[ing] them closer" to society.⁸

All in all, Ukraine has stepped forward in carrying out some wholesale reforms to its defence and security sector due to the long-term nature of Russia's hybrid warfare campaign. In 2015-2016, its government adopted a new Strategy of National Security, Defence Doctrine, Development Concept of the Defence and Security Sectors, and Strategic

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Defence Bulletin (SDB). These documents provide an overview of the security environment and Development Concept of the Defence and Security Sectors establish national security policies up to the year 2020. The Development Concept (Decree of the President of Ukraine of March 14, 2016, No 92/2016) has anchored civilian SSR in Ukrainian law. The Concept systematically defines the government's views on the development of Ukraine's security and defence capabilities in the medium term on the basis of an in-depth evaluation of the security environment as well as the state's financial and economic capabilities.⁹ Meanwhile, the Verkhovna Rada (Ukraine's parliament) passed legislation on civilian democratic control over the defence and security sectors which introduces a civilian and civil society component in reforms; under this law, for instance, civilian officials together with civil society representatives are able to

⁸ Oliker, Davis, Crane, et al., *Security Sector Reform in Ukraine*.

⁹ "Oleksandr Lytvynenko: Practical realization of the Concept of reforming of the defense and security sector of Ukraine will allow forming a holistic security and defense sector of the state", National Security and Defence Council of Ukraine, accessed April 19, 2017.

ensure more transparency in military governance.¹⁰

The Strategic Defence Bulletin is a unified roadmap on structural reforms within the MoD that was launched in early 2015.¹¹ It is important to note that the SDB was created by a team comprised of both officials and civic activists, including experts from the ministry itself as well as the General Staff of the Armed Forces, the National Security and Defence Council, NATO and a number of its member states (primarily the UK and the US), as well local non-governmental experts, including from the Project Office for Reforms.¹²

According to these documents, Ukraine is on the way toward introducing civilian control over the defence sector, which includes parliamentary oversight, a civilian MoD, and the public consultation measures outlined in the

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Strategic Defence Bulletin. Effective communication between the security sector and legislators would be organised via parliamentary committees. Parliament has the potential to play a much larger role in the sector, such as by providing the basis for the development of knowledge and expertise by introducing permanent bodies of experts/analysts and institutionalizing cooperation with civil society; these measures could, in turn, enhance the Rada's ability to carry out its legislative role more effectively. In this regard, developing civilian democratic oversight should be done with the engagement of civil society organisations (CSOs). Ukraine has already drawn upon non-governmental expertise in the "reform groups" format with the MoI and MoD; volunteers participating in

¹⁰ Oliker, Davis, Crane, et al., *Security Sector Reform in Ukraine*.

¹¹ Zagorodnyuk, "The Turning Point For Ukrainian Military Reform".

¹² "[President Approved Strategic Defence Bulletin of Ukraine](#)", President of Ukraine, accessed April 29, 2017.

such groups are able to see their future career prospects in the ministries and their agencies.¹³

The largest source of support for civilian SSR is the EU Advisory Mission for Civilian Security Sector Reform (EUAM Ukraine), a civilian mission established in July 2014 as part of the EU's Common Security and Defence Policy (CSDP). The long-term objective of the mission is to provide strategic advice on how best to develop effective, sustainable, and accountable security services governed by the rule of law. In general, the CSDP views both civilian and military capabilities as integral parts of a comprehensive approach towards national security and crisis management.¹⁴ EUAM's shorter-term objective is to build civilian security institutions that will increase Ukraine's resilience to internal and external challenges.¹⁵ Among its flagship projects are the joint working groups it has launched to develop concepts and action plans on community policing, criminal investigations, public order and human-resource management. Their mission is to push forward the decentralisation of the security sector by the development of a response police model for rural areas and small towns (supplementary to the patrol police in larger cities), as launched in three regions.¹⁶

A community-based approach towards security is increasingly reflected in reform initiatives from both the MoI and the State Emergency Service (SES). For example, volunteer rescue squads have been created as part of the crisis

¹³ "[Experts: Ukraine will have civil control over the defense sector](#)", Український кризовий медіа-центр, June 2, 2016 (accessed September 30, 2017).

¹⁴ Council of the European Union, "[EU establishes mission to advise on civilian security sector reform in Ukraine](#)", Brussels, ST 11974/14, 22 July 2014 (accessed March 20, 2017).

¹⁵ "[Ukraine: EU support for security sector reform](#)", UK Parliament, 23 November 2016 (accessed April 20, 2017).

¹⁶ For a more detailed analysis of the EU efforts, see the ICDS research conducted in the framework of "Resilient Ukraine" project: Maxime Lebrun, "The Challenge of Projecting Resilience: the EU and the advancement of the rule of law in Ukraine", ICDS, January 2018.

response decentralisation process.¹⁷ Some fire stations and equipment belonging to the SES will be transferred to local communities, which will then organise their own fire protection; moreover, fire-rescue units on the district level will be strengthened.

The Mol's reform group, for its part, has launched a so-called "Neighbourhood Watch" initiative as part of community policing reform, which in general is aimed at establishing

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cooperation between the police and the residents of a given area to improve local security. The approach is based primarily on fostering a culture of cooperative behaviour by raising awareness of criminal law as well as the need for mutual assistance and of the benefits of close cooperation with the police. In such communities, citizens look out for each other by promptly notifying law enforcement about suspicious activity, thus increasing their own collective safety.¹⁸

3. CIVIL SOCIETY IN SECURITY SECTOR REFORMS

Questions about the role of civil society are not just limited to Ukraine; for example, NATO acknowledges the need to boost civil preparedness throughout the Alliance.¹⁹ To meet the challenges of the new security environment,

¹⁷, "[Пожежна охорона децентралізується - презентація реформи](#)" [Fire protection is decentralized—presentation of the reform], Державна служба України з надзвичайних ситуацій [The State Emergency Service of Ukraine], accessed April 16, 2017.

¹⁸ "[В Україні вперше з'явилася сусідська варта](#)" [A neighborhood watch appeared in Ukraine for the first time], *Українське право*, April 27, 2017 (accessed April 30, 2017).

¹⁹ "[Resilience and Article 3](#)", NATO, accessed March 15, 2017.

whether in Ukraine or elsewhere, it is important to revive crisis response planning in and focus more on civil preparedness and the resilience of the "home front," where the role of civil society is decisive. Although many CSOs have sought to facilitate SSR in Ukraine, much of their potential remains untapped. The problem lies in the chaotic nature of the volunteer organisations and NGOs themselves.

Before turning to the application of the comprehensive approach towards security and defence in Ukraine—with its emphasis on civilian control and engagement with civil society—it is important to understand the players in the country's civil society as well as the roles they play, their level of competence, and their ability to bring about positive and sustainable change.

Since the Maidan events, civil society has played a major first-line role in crisis response, notably in providing direct assistance to the military and to conflict-affected people. During the second phase of the conflict, civil society organisations were also actively involved in the processes of decentralisation, lustration, anti-corruption, legal reforms, electoral changes, and participatory decision-making and still play a visible role in raising public awareness of core problems and in pressing public institutions to implement reforms. CSOs proved to be highly valuable in monitoring and informing the public

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about reform processes because of the highly positive attitude towards them held by general public.

According to a survey conducted in 2015, Ukrainians place the most trust in volunteers (74%) and CSOs (61%).²⁰ The military also enjoys high support (61.8%). However, the share of those who trust other Ukrainian government institutions is significantly lower. According to the survey, 37.5% trust the local governments, with the figures even worse for the president (24%), the National Anti-Corruption Bureau (21.6%) and the prime minister and his government (15.8%). The lowest level of trust is that in political parties, just 9.7%.²¹ With better cooperation between government and CSOs, the high level of trust in civil society organisations could be leveraged to bridge the trust gap between Ukraine's state and its people. Moreover, the increased activism of Ukrainian civil society presents a clear opportunity for dialogue at different levels, in other words, for a broader diffusion of the trust-building process. Even though public trust in the defence and security services has increased during the conflict, this positive trend is still weak and needs a sustainable strategy if it is to continue. There is still a definite lack of civilian control over the defence and security sectors, thus perpetuating the gap of trust.

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regional levels alike.²² Since communication is central in building a functional system of

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engagement with civilians and civil society, the latter in closer cooperation with security and defence structures—and the responsibility for such communication rests with both sides.

The problem lies not only in reluctance of the government institutions to open up to CSOs, but also in the lack of competence inside CSOs and certain developments inside this sector. A number of volunteer organisations and activists emerged during the Revolution of Dignity and the beginning of the war in eastern Ukraine in 2014. The nature of this self-organisation was quite chaotic, as it focused primarily on responding to the emergency needs of the military or of affected civilians in the conflict area. Since the ATO was launched and the Army as well as the National Guard started to receive sufficient financial support, the volunteer movement entered a new phase of development.

Ukrainian volunteer organisations thus transformed into: 1) organisations that integrated themselves into the state structures themselves; e.g., their members formally enlisted in the military or MoI security forces; 2) organisations that became political pressure groups, e.g. by lobbying particular political parties; 3) organisations that went into opposition, focusing not on building political forces of their own but on criticism of the government; 4) organisations that focused on

²⁰ Інститут економіки та прогнозування НАНУ, Центр "Соціальний моніторинг", [Динаміка рівня довіри соціальним інститутам та органам влади наприкінці 2015 року](#) [Dynamics of public confidence in social institutions and governmental authorities] (accessed March 18, 2017).

²¹ Віталій Дубенський, "Опитування: Українці найбільше довіряють волонтерам, армії та церкві" [Poll: Ukrainians most trust in volunteers, armed forces and the church], *Deutsche Welle*, May 15, 2015 (accessed March 20, 2017).

²² OSCE, [Civil Society and the Crisis in Ukraine](#), Thematic Report SEC.FR/125/15/Corr.1, February 11, 2015, (accessed March 10, 2017).

European integration policies; 5) organisations that focused on social policies.²³

The sustainability of newly formed CSOs is undermined by their inability to formulate a long-term strategy for their activities or to align their goals with those government institutions whose areas of responsibility or jurisdiction they seek to influence. Many CSOs are still in the process of simply identifying their focus. The culture of social activism is still emerging; it was only relatively recently that Ukraine began witnessing the grassroots awakening of politically active and socially responsible citizens. In terms of organising their work CSOs still lack 1) a clear time horizon for their planned activities; 2) expert knowledge; 3) experience in public administration; 4) emotional endurance (activists tend to face

Activists bring with them new approaches to managing projects as well as deeper understanding of new global trends.

emotional exhaustion and often experience problems with motivation).

That said, however, activists also bring with them new approaches to managing projects as well as deeper understanding of new global trends. For its part, the government sector is often paralysed by an entrenched bureaucracy—which is clearly not a problem in the flexible civil society sector—but has access to primary-source information and benefits both from a legal framework for its activities as well as state funding. Reviewing the advantages and weak points of both CSOs and government sector we can identify two core challenges for their future cooperation: 1) the legislative base of CSOs engagement; 2) the

²³ Oleg Pokalchuk (Director of Network for Implementation on and Analysis of Non-Systemic Actors, Centre of Social Engineering), e-mail communication with the author, May, 2017.

issue of trust building and communication, which results in a lack of goal alignment.

The old administrative system, with its often incomprehensible documents and strategies, resulted in government institutions lacking in clarity, simplicity, and focus. And the lack of clarity in objectives, descriptions, planning and priorities among CSOs, make effective engagement of civil society in overseeing the SSR process still a hard task to achieve.

CONCLUSIONS

Four years of war gave birth to positive civic activism in Ukraine. It might have been chaotic in nature; however, it shifted the processes of reforms in government closer towards transparency. The problem of centralised power with limited public access still slows down reforms, however. Moreover, the legacy of partial reforms—those that have been declared but never implemented—have contributed to a loss in support both from the domestic public and from the international community.

The Maidan revolution, annexation of Crimea, and ongoing violent conflict in the Donbas have demonstrated that there is momentum and support for Ukraine to push for deep reforms in the security and defence sectors. The political

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will to reform is frequently reiterated; however, vested interests and endemic corruption in Ukraine's institutions pose considerable challenges to SSR implementation. More transparency in explaining the government's actions to the public is needed to meet increasing popular demand for reform in this sector.

The lack of knowledge and awareness among the public about the reforms already implemented by the security and defence

services undermines societal trust and support and thus can ultimately lead to the discrediting of the reformed agencies. In order to build a comprehensive security system in Ukraine, public safety and cooperation between civil society and government/ law enforcement should be acknowledged as priority reforms. Low level of public trust in the political, law-enforcement and judicial systems is evidence that much more needs to be done before the expectations of the Ukrainian public are met. The prerequisites are reforms to the police and judiciary, especially those aimed at combating corruption. Such reforms could ensure that the trust gap between civil society and governmental institutions is closed, leading to the strengthening and synergy of both sectors.

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