ANALYSIS

SECURITY SECTOR REFORM IN UKRAINE
Finding the Place for Civil Society

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

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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).

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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.

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. 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. 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 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. 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.

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It is of vital importance for countries implementing security sector reforms 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. 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 Ukraine’s SSR process. 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. 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.

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


7 Hanssen, Support to Security Sector Reform in Ukraine.
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 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. 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.
A community-based approach towards security is increasingly reflected in reform initiatives from both the Ministry of the Interior and the State Emergency Service. 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/analytics 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 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

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10 Oliker, Davis, Crane, et al., Security Sector Reform in Ukraine.  
11 Zagorodnyuk, “The Turning Point For Ukrainian Military Reform”.  
13 “Experts: Ukraine will have civil control over the defense sector”, Український кризовий медіа-центр, June 2, 2016 (accessed September 30, 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.
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.

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. To meet the challenges of the new security environment, whether in Ukraine or elsewhere, it is important to revise crisis response planning 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 about reform processes because of the highly positive attitude towards them held by general public.

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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).
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. One of the main problems is that the CSOs’ efforts to participate in reforms are often ignored by public institutions on the central and regional levels alike. Since communication is central in building a functional system of 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

One of the main problems is that the CSOs’ efforts to participate in reforms are often ignored by public institutions on the central and regional levels alike. According to a survey conducted in 2015, Ukrainians place the most trust in volunteers (74%) and CSOs (61%). 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 %. 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.

One of the main problems is that the CSOs’ efforts to participate in reforms are often ignored by public institutions on the central and regional levels alike.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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Activists bring with them new approaches to managing projects as well as deeper understanding of new global trends.

The political will to reform is frequently reiterated; however, vested interests and endemic corruption in Ukraine’s institutions pose considerable challenges to implementation of the security sector reforms.

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 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

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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.
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.