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Ministry of Foreign Affairs of the
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MONITORING UKRAINE'S SECURITY GOVERNANCE CHALLENGES

PROCEEDINGS FROM THE FIRST INTERNATIONAL CONFERENCE
"MONITORING UKRAINE'S SECURITY
GOVERNANCE CHALLENGES – STATUS AND NEEDS"
21-22 JANUARY 2016, KYIV, UKRAINE

CONFERENCE

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MONITORING UKRAINE'S SECURITY GOVERNANCE CHALLENGES

**Proceedings from the First International Conference
"Monitoring Ukraine's Security Governance Challenges –
Status and Needs"
21-22 January 2016, Kyiv, Ukraine**

This publication offers the proceedings of the International Conference "Monitoring Ukraine's Security Governance Challenges – Status and Needs" sought to examine and document challenges to the Ukrainian security sector, while explaining again the notion of the security sector governance and reform, along with such concepts as transparency and accountability, efficient and effective management, and the dangers posed to security by corruption.

General assessments, conclusions and proposals are those of the participants and contributors and do not necessarily coincide with the positions of DCAF or the Razumkov Centre.

C O N T E N T S

INTRODUCTION – DEMOCRATIC SECURITY SECTOR GOVERNANCE IN UKRAINE

The 'Monitoring Ukraine's Security Governance Challenges' programme funded by the Kingdom of the Netherlands and implemented jointly by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the Razumkov Centre to which this publication owes its existence aims at raising public awareness and wide discussion and communication on democratic oversight and good practices in the management of the security sector of Ukraine. Over two years the programme will facilitate a public discourse on and public access to Ukrainian and international practices in security governance while making pertinent information in both the Ukrainian and English languages available in printed publications, a dedicated website, and through activities in regional centres of Ukraine. Two opinion polls are designed to establish whether and to what degree democratic governance of the security sector is understood, and implemented.

In parallel with this publication a website on SSR in Ukraine has been created in the Ukrainian and English languages, accessible from July onwards at www.ukrainesecuritysector.com.

A first conference, the proceedings of which can be found in this volume, sought to examine and document challenges to the Ukrainian security sector, while explaining again the notion of the security sector governance and reform, along with such concepts as transparency and accountability, efficient and effective management, and the dangers posed to security by corruption.

The Ukrainian government has taken considerable efforts to create essential policy tools and laws in a timely manner. It has sought and received assistance from the international community. Positioning and agreement on cooperation formats have taken time and efforts, and may still leave space for improvement as these words are being written. Neither has it escaped international attention that certain sectors of the Ukrainian government have been slow if not hesitant to accept the challenge of reform, and still seem to believe that this is a time for growth along established lines, rather than reform. Such failure to engage, and to live up to domestic and international public expectations, will not remain untouched by the process of public monitoring.In this new format of cooperation between Ukrainian authorities and the international community it will also lead to repercussions on funding, and political support.

If security sector reform is to succeed in Ukraine, not only technical standards, norms and procedures (e.g. those of NATO and EU member states) are to be adapted and adopted, but also the values behind those standards, norms and procedures, which make it possible that they can be applied, and trusted to work. Security sector

reform will thus not be successful without a generic cultural reform: from post-Soviet paternalism to transparency and accountability in a society that takes the rule of law seriously, a bureaucracy that is at the service of the people – a society that is no longer just post-Soviet, but for the first time in its history: free to determineits values itself.

Ukraine has been considering and implementing elements of security sector reform since its independence. For example, cooperation with the NATO Parliamentary Assembly goes back to the 1990s and with DCAF to the year 2000. It is understandable, that reforming a complex and in fact fairly functioning system such as Ukraine's security and defence sector requires time and resources. Yet, it is essential that the leadership move beyond the formulation of a vision to the formation of coordination body acting in strategic and accountable manner. As this Conference highlighted, there is a pressing need to define a single coordination "centre of gravity" for Security Sector Reform. Functionally, this coordinating body should be with the National Security and Defence Council, as the NSDC is legally mandated to develop national security and defence policy recommendations for the President of Ukraine and coordinate executive government agencies activities in the area of national security and defence.

Dr. Philipp H. Fluri,
Deputy Director,
DCAF

Oleksiy Melnyk,
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MONITORING UKRAINE'S SECURITY GOVERNANCE CHALLENGES – STATUS AND NEEDS

KEY MESSAGES AND OUTCOMES

The key objectives of reforming Ukraine's security sector comprise a broad range of issues including the provision of security as a public good through to more advanced technical capabilities to respond to specific threats. The fundamental transparency and accountability of security policies and practices remains a critical priority. The response to particular threats also requires more advanced capacities and, at the same time, a transparent and accountable response to them.

There is a risk of rushed approach to security sector reform in Ukraine, considering the lack of clear and shared vision for the strategic goals of reforms among the executive authorities, the Parliament and the military, law enforcement and special services.

Reforms should not undermine a broad range of operational capacities of security agencies. The focus should be placed on reforming deficient aspects of the security sector and preserving those that function correctly, and implementing best practices that already exist and expanding the oversight framework.

While national security and defence concerns prevail over others, the principle of democratic oversight is essential in order to achieve good governance. Democratic governance of the security sector involves not only checks and balances, but frequently, the need to balance the demands of effectiveness with those of subordination to democratic institutions and establishment of accountability mechanisms.

The Comprehensive Security Sector Review (2014-2015) has not fully achieved its purpose. All the processes and elements of the security sector are interconnected; therefore, any reform of its elements should be considered with the entire security and defence sector in mind and within the framework of a holistic approach to the SSR.

Currently, there is no effective coordination of a comprehensive approach to security sector reform at the national level. The National Reform Council has so far failed to become a single coordination centre among the presidential, legislative and executive branches of power. An unacceptable degree of autonomy in implementation of reforms is still de facto delegated to the heads of defence, special services and the law enforcement agencies. When considering an optimal approach to security sector reform it is unquestionably fair to assume that the system cannot reform itself.

Ukraine enjoys a significant international support for its security sector reform processes. A unified national platform to coordinate international technical assistance should be reconsidered – perhaps the Ministry of Foreign Affairs or other ministry could be an option.

Although there are already some success stories about security sector reform in Ukraine, they are only a first step. There remains a discrepancy between 'decorative' (well-promoted cases of reforms such as the establishment of the Patrol Police) and comprehensive reforms. In the future, it could perhaps be more beneficial to define a smaller number of clear goals that can be broken down into sub-priorities.

Current interruptions to or even stoppages of reforms are not only related to resource constraints and institutional weaknesses, but rather, to a lack of political will to pursue them. Major stakeholders have lost interest in further pursuing reforms. To a significant extent, the reform process is faltering due to intrinsic conflicts and a competition for power and resources among different political forces and among power centres.

It is not clear that there is a political commitment to go ahead with reforms to the extent that they were being recommended once the political implications would be fully understood. Security Sector Reform is not only technical in nature, but it also involves changing the mind-set and actions of actors.

Budget and resources constraints are among the key issues limiting reforms progress in Ukraine. A transparent and accountable provision of resources must be a priority since it is unanimously recognised that abuses of power and corruption are widespread. While volunteers were fundraising millions in donations, the Ministry of Defence was inefficiently spending billions of government funding.

Civil society at large and numerous volunteer groups have been performing a wide variety of different roles and tasks in the broad area of national defence and security, not least in establishing new – if preliminary – oversight platforms. However, in the long-term, the volunteer-based approach is not appropriate for replacing professional government and security sector institution staff involving professional guidance, strategic management, effective command and control and democratic governance.

The issue of insufficient funding will not be resolved without establishing reasonably ambitious and carefully prioritised goals for reforms, proper budgeting and programming to enable appropriate resource allocation as well as without an effective communication between the security sector and the government via parliamentary committees. In this regard, developing civil democratic oversight and creating an organisational framework should be a priority.

The effectiveness of parliamentary oversight also suffers from resources constraints, for instance, in attempts to hire professional staff for parliamentary committees. It is clear that parliamentary expertise needs external assistance (both domestic and international) to further develop its competencies and expertise.

There is a need to develop robust criteria for the process for implementing reforms. A reform process without measurable objectives and a concrete timeframe itself poses significant challenges. It is also necessary to draw up and enact a roadmap (in the format of a state programme) with deadlines, achievable targets and guarantied budgeting. Each president or prime-minister has their own agenda for reforms, but reforms cannot be an endless process.

Institutional weaknesses include structural excesses and functional deficiencies that, when considered together, form the principal challenge in effectively responding to current threats facing the security and defence sector of Ukraine, as well as the need to address the ineffectiveness and redundancy of many laws and procedures.

Some of the weaknesses are the fault of a system that creates long and incomprehensible documents. Clarity, simplicity and focus are essential to civilian and parliamentary control. If there is no transparency, clarity in objectives, descriptions, planning and priorities, it is not possible to control the reform process.

Currently the parliamentary rules of procedure allow for hidden agendas to subvert reform agendas. Moreover, some MPs often vote without knowing the subject matter due to a lack of professional expertise or/and manipulations of parliamentary procedures.

The Law on Democratic Civilian Control of the Armed Forces of 2003 has a number of outdated elements, including the term "military organization"; additionally, the Parliament and its committees quite often perform only an approval rather than an oversight function. Therefore, the law needs to be redrafted. More attention should be given to the democratic oversight and parliamentary control of Ukraine's intelligence services and the newly established anti-corruption agencies, as well as expanding the role of the Ombudsperson's to include law enforcement, volunteer combatants and veterans, specifying the President's and the Cabinet of Minister's authority, and stressing the importance of viewing democratic control as a process rather than a series of arbitrary structures.

Parliamentary powers have to be enhanced with regard to the appointments of senior officials in the security sector. The procedural changes need to be made in order to mandate senior officials to respond properly to parliamentarians' legitimate requests for information and invitations to hearings.

Despite all its shortcomings, the Ukrainian parliament is an institution with great potential and a basis for further development of knowledge and expertise by introduction of permanent experts/analysts structures, institutionalisation of cooperation with civil society, which, in turn, will enhance Parliament's ability to perform its tasks as a legislature more effectively.

Effective democratic oversight benefits from cooperative rather than adversarial relationships. Despite friction in relations between the government and parliament being almost inevitable at certain times or on certain matters, it is still in the interests of both to work together. The key to effective democratic control and security sector governance lies in building respect, trust and confidence between various stakeholders. Cooperation is built on respect for the roles and competences of other entities.

The management of Ukraine's military and special services may not yet fully understand the importance of parliamentary oversight. Military and special services professionals have a tendency to believe that defence and security affairs are best left to them, and adopt a very specific approach to situation assessment and problem-solving: direct, uncomplicated and results-oriented. They also often complain about a lack of available resources. However, without effectively communicating their needs to the Verkhovna Rada and the Cabinet of Ministers, they are unlikely to receive them.

Although lines of communication between the government and civil society exist, they need to be improved. Remarkably, against a background of the extensive civil-military cooperation, there does not seem to be any platform in place to discuss intelligence and special services issues. Time and again this augments the services' problems in terms of a lack of communication and resources. It is worth reviewing the understanding of the concept of the 'intelligence community' in Ukraine so that it corresponds with the European – particularly the Council of Europe's – understanding of 'special services'.

Ukraine has a significant number of women in the Armed Forces, approximately ten per cent of all military personnel. However, in the Ukrainian Armed Forces women are mostly involved in such professions, as medical doctors, accountants, logisticians, and communication officers. Women, men, boys, girls and minority groups need to be protected by the law. A security sector that neglects the security of particular segments of the population is neither effective nor accountable.

Reinforcing trust in the security sector is particularly important. The aim should be to instigate broader reforms, help the Government fight corruption, build capacities both within democratic institutions, government and within civil society, improve transparency, build a strong judiciary and protect human rights.

International support for reforms in Ukraine is not predicated solely on humanitarian grounds, but rather on Ukraine's interest in adopting internationally accepted standards, norms and procedures in the security sector. However, this is not a one-dimensional problem. In some instances, international experts do not possess relevant practical experience and good understanding of Ukraine's specific context. Sometimes experienced international experts have to work with national counterparts who lack an "absorption capacity" due to insufficient expertise and knowledge. Experts also need to be able to communicate effectively and have in place strategies for dealing with low understanding of or even demand for reform.

The Ukrainian situation is case-specific and as such does not allow for simple "copy-paste" style solutions. International standards should be adapted to Ukraine's particular context, carefully explained, diffused, studied and implemented. Although in the defence sphere "NATO standards" are commonly mentioned, Ukraine is still far from wholly corresponding to them. Technical standards are often considered more important than social and humanitarian ones.

Each country adopts a different approach based on constitution, history and culture. However, democratic security sector governance frameworks have common elements: clarity of responsibility and competence; clear political and legislative guidance; professional armed forces and security services organised to serve their societies rather than politicians or narrow interest groups; a proper mix of civilian and military personnel; an independent judiciary; and effective civilian democratic control over all security sector institutions and structures.

All domestic stakeholders and international partners should unite their efforts based not on the principle of competition but on the principles of cooperation towards a common goal.

WELCOME REMARKS

Dr Philipp Fluri, Deputy Director, DCAF Geneva

The 'DCAF-Razumkov' series of conferences forms an important element of strategic communication regarding security and defence sector reform in Ukraine. The reform may be on-going – however, as of yet, we do not have a clear understanding of the policies for this reform, where they aim to take Ukraine, what Ukraine will look after their implementation and where the authorities would like to take us.

With regards to international support for these reforms, international taxpayers and voters should have the feeling that his or her interests are being realised in Ukraine.

Let us be clear: international support to reform in Ukraine is not predicated on humanitarian grounds, but rather on Ukraine's interest in adopting internationally accepted standards, norms and procedures in the security sector.

There seems to be a belief that Ukraine has made a policy choice to move "westward"; thus western values, norms, ideas and procedures will be absorbed into the fabric of Ukrainian society and governance. What, however, are these values that ought to be integrated? Are there legally binding policies currently in place which can facilitate the absorption of such values and related procedures?

The aim of the 'DCAF-Razumkov' project on Security Governance Reform is to hold conferences elaborating best practices in security governance as well as the current

status of relevant Ukrainian reforms, create a website elaborating international best practices, and support the conduct of a nationwide opinion poll on relevant issues. Folke Bernadotte Academy recently produced a mapping study of existing projects in the security and defence sector – close to 500 projects were identified. Therefore, it is necessary to have an online database accessible to all participants.

In respect of Ukraine, Security Sector Reform is not only technical in nature (i.e. improving the provision and quality of equipment and training) but it also involves changing the mind-set of actors within the security and defence sector.

With this in mind, a pressing task remains in creating greater transparency and accountability, both fundamentals cornerstones of democratic governance. A practical way to assist in this endeavour is to organise public events to discuss planned reforms and to provide public access to respective data. Although resistance to this endeavour may result in slightly higher defence spending and the passing of various new laws, the past mind-set will likely prevail. If democracy is our ultimate goal, we need to build greater transparency and accountability into Ukraine's system of governance. Powers previously assumed by state institutions need to be returned to democratic institutions. Functional staff structures will enable these institutions to do their job. All of these ideas have already been floated and it is time we implement them.

Mr. Adriaan Versluis, First Secretary, Political Affairs, Embassy of the Kingdom of the Netherlands in Ukraine

I am happy to see so many participants at the first Conference in the series of DCAF-Razumkov Centre meetings, which we believe will contribute to atmosphere of transparency, creating ideas and helping the efforts of the Government to reform the security and defence sector.

Reinforcing trust in the security sector is especially important at this time. The aim of this project is to involve a broader reform, not only in the security sector, try to help the Government fight corruption, build capacities both within the Government and within the civil society, improve transparency, build a strong judiciary and protect human rights.

We strongly support the efforts of DCAF and Razumkov Centre focusing on long term changes in the security sector and aimed at creating accountability and transparency, looking for ways to make processes more democratic.

I am very curious about what the recommendations would be at the end of this meeting and how they will be taken forward. The focus of DCAF-Razumkov project is on long-term change. The reform of the security sector is indeed an on-going effort. Ukraine has gone 'westwards'; there is a strong hope that it will continue to do so. We hope that at the end it is all about creating a strong security sector.

SESSION ONE. **UKRAINE'S CURRENT SECURITY GOVERNANCE CHALLENGES**

Session One outlined the status of Security Sector Reform in Ukraine and the broad challenges facing its security governance framework. This session confirmed that there remain shared approaches and differences regarding the objectives of reform and what issues are to be considered as priorities.

Chair: Philipp Fluri, DCAF

Speakers:

　• Simon Lunn, former NATO Parliamentary Assembly Secretary General, Associate Fellow DCAF

　• Oleksandr Lytvynenko, Deputy Secretary, National Security and Defence Council of Ukraine

　• Mykola Sungurovskyi, Military Programmes Director, Razumkov Centre

UKRAINE'S SECURITY GOVERNANCE CHALLENGES AND INTERNATIONAL BEST PRACTICES

Simon Lunn, Associate Fellow DCAF and former Secretary General NATO PA

I first visited Kyiv in 1993 on behalf of NATO's Parliamentary Assembly. We had just launched an initiative to assist the countries of Central and Eastern Europe as they made the difficult and painful transition to independence and democratic governance. NATO's Assembly's initiative was designed to help parliaments develop institutions and expertise, which in turn would enable them to play an effective role in the transition process; and specifically to exercise effective scrutiny and oversight over the defence and security sector. Following that initial visit, the Rada has been an active participant in the activities of the Assembly and parliamentary cooperation an important component of the NATO-Ukraine relationship.

The subject today – the security governance challenges facing Ukraine – was central to the country's future then, and remains so today. However, the singular focus of that early period on defence and the armed forces has now expanded to embrace all aspects of the nation's security – both internal and external.

The Context has also changed. We are all aware of the circumstances and the multiple challenges currently confronting this country, which continue to impede the progress of reforms. The security sector provides the basic underpinning to that process and to the ultimate well-being of the country. It is essential, therefore, that the security sector, in all its manifestations, functions effectively and that it undergoes the necessary reforms to ensure its effectiveness is sustainable in the long-term.

So what are the main challenges to the governance of Ukraine's security sector? As individual components of the security sector will be discussed in detail during later sessions, I shall limit my remarks to general comments on what I view as the major challenges. These will reflect my experience in dealing with the subject over the past two decades.

Reflecting on experiences is instructive for identifying and enabling general principles and best practices. However, it is important to note that these principles and practices have emerged from very different socio-political contexts. They are not

absolutes, but rather represent markers to guide us in reaching a desired destination. Their application will be influenced by specific circumstances – in this case, the situation pertaining here in Ukraine.

While the security sector is central to our concerns, the principle of democratic oversight is equally important in achieving good governance.

As already noted, security is essential for the development of societies and their protection from external and internal threats. As the then NATO Secretary General Manfred Wörner noted in the early years of NATO's partnerships "Security is the oxygen for democracy".

Achieving a secure environment requires creating a framework with armed forces and security services at its core, complemented by effective institutions and pro-cedures to ensure law and order are maintained. Democratic oversight of the security sector (to ensure transparency and accountability) is an essential part of this framework.

In all countries the defence sector, in its various manifestations, represents a powerful constituency and often plays a dominant role. It does so because of the capabilities the armed forces and security services can bring to bear; the resources and national expenditure they consume; the resulting influence they can wield on the governance of a country and the high status they are often accorded.

In view of their centrality to the functioning of the state it is fundamental, therefore, that the armed forces and security services are subordinate to the government of the day; that all decisions regarding the defence and security of the country are taken by a democratically elected leadership and further scrutinised by the legislature in order to ensure public support and legitimacy.

Each country adopts a different approach to achieving this goal based on constitution, history and culture. Overall, these frameworks have common elements: clarity of responsibility and competence in the arrangements for the command, organisation and management of defence and security, particularly at senior levels; a body of laws and defence plans to guide the above; professionalised and non-political armed forces and security services which protect and serve their societies; a mix of civilian and military personnel in the defence and security sector; an independent judiciary; effective parliamentary involvement to ensure democratic oversight and scrutiny and an active media (together with NGO's and independent research institutes) to contribute to openness and transparency.

In their own way, each of these components contributes to the effective workings of the security sector; sometimes reinforcing each other, but equally, sometimes in tension.

Good governance of the security sector involves not only checks and balances, but frequently, the need to balance the demands of effectiveness with those of democratic subordination and accountability.

I am aware that RAND have submitted a series of proposed reforms for the defence sector which are awaiting implementation.

Just as there are common elements required to facilitate effective security governance, so to there are common challenges that obstruct it.

The first lies in the nature of defence, security and intelligence. Defence is different from other areas of government in ways that can complicate the task of democratic oversight over it. These derive primarily from the tensions inherent in relations between the military and political sphere, at both the executive and parliamentary level. In other words, relations between the military and their political and civilian counterparts remain a potential source of tension.

Essentially, defence and security concerns the security of the nation and involves decisions to commit lives and expenditure for its defence. The term national defence has a special ring to it: it implies confidentiality, but also exclusivity in terms of the expertise and professionalism it is seen to require, which normally belong to the executive.

Military professionals have a tendency to believe that military affairs are best left to them. As their work involves the potential loss of life their resistance to the intrusion of outsiders or 'non-professionals' is understandable. However, the line that separates the military and political spheres of competence and responsibility is not easily drawn and all too easily blurred. It is not difficult to find areas where political and military considerations frequently coincide – the running of operations and the procurement of weapon systems to name but two.

It must also be said that the military bring a very specific approach to situation assessment and problem-solving; best summed up as direct, uncomplicated and results-oriented. These characteristics do not always sit easily with the more complicated, messy, and often murky world of politics.

These differences make it all the more important for political and military sides to work together.

Similarly, the confidential nature of security work also places strains on political-military relations and is a frequent obstacle to effective democratic oversight – confidentiality is often used to limit the provision of information, while the requirements of national or operational secrecy are frequently cited as overriding those of democratic accountability. In certain circumstances this may be inevitable; however, it still provides a persistent source of frustration; particularly, for example, when used to deny information on the defence budget. However, it should always be clear that in the long-run all actions are eventually accountable. Parliament plays a particular role in providing this accountability.

Most countries have civilians, both inside and outside the government, who have a familiarity and understanding of defence issues and an experience of operations.

The involvement of civilians in defence and security has many advantages in regards to the skills they can bring to bear.

It is of particular importance that within the executive, military and civilian sides cooperate, work together and build mutual confidence.

Civilian input is often complemented by a network of research institutes and think tanks whose influence and input will vary from country to country but who add to the available pool of expertise. Collectively, these arrangements contribute to ensuring that defence and security has a broad base in society.

The involvement of parliaments adds a further dimension to the political-military mix in the development of security policy. Governments are rarely enthusiastic about parliamentary scrutiny. This reticence is even greater for defence and security, which in many countries is seen as lying within the domain of the executive.

However, governments require democratic input from their parliaments. Parliaments play different roles, reflecting different conditions and constitutional arrangements. While all are responsible for finance, the key issue for most is what degree of involvement in the development of policy and budget they should have? When, at what stage and how should parliament be consulted? Each answers this in its own way. Beyond the issue of consultation in policy, parliaments perform a key role in holding the government to account through oversight and scrutiny. Together with the media and NGO's, parliaments also facilitate the involvement of civil society.

Friction in relations between the government and parliament is almost inevitable. Yet it is in the interests of both to work together: governments need parliamentary support; and effective democratic oversight benefits from a cooperative rather than adversarial relationship. Managing this inbuilt tension is something all parliaments have to contend with.

An effective parliament depends on the commitment of individual parliamentarians to accept the obligations and responsibilities that come with being an elected representative. In defence and security-related matters, this means that if parliamentarians are to play a more active role they must equip themselves with the competence and expertise needed to challenge the government and hold it to account. Acquiring this expertise is not easy, primarily because members have competing demands and responsibilities, many of which fall outside of the rubric of security and defence. However, with the provision of a supportive infrastructure – advisors, research departments and alternative sources of information, such as NGO's – it is possible for members to exercise informed judgement in matters of defence and security.

The second challenge to good security governance lies in the realm of attitudes and mind-sets. Responding to this challenge requires fostering cooperative attitudes among contributors to the security sector. This is not an easy task, given the many inbuilt tensions and rivalries between institutions and actors involved in the security sector. For many countries in the post-Soviet bloc – such as Ukraine – this means shedding the legacy of the past; leaving behind the old ways of doing things and accepting the

responsibilities and constraints that come with democratic governance, including the primacy of democratically elected leaderships.

The success of recent police reforms initiatives, in both Ukraine and the wider region, seem to represent a break with old practices, demonstrating a positive development and signifying that comprehensive reform in the security sector is possible.

> *The key, then, to effective democratic control and security sector governance lies in building respect, trust and confidence between various entities – that is, the Executive, the Armed Forces, the Security Services and Parliament, as well as Civil Society. Cooperation is built on respect for the roles and competences of other entities.*

I have thus far alluded to some common challenges facing most countries in terms of Security and Defence Sector Reform. In particular, one challenge merits special attention – the need to confront and combat corruption. Reforms must aim to combat and root out corruption as it remains one of the most pervasive, pernicious and corrosive forces to the effective functioning of any state. Countering abuses of power and the misuse of funds calls for determination and persistence, but above all for the courage to do the right thing – NATO's Integrity Building Initiative should be of relevance here.

While all countries face common challenges, it is obvious that confronting and coping with these is considerably more difficult in times of transition. This has been compared with learning to fly and flying an aircraft at the same time; and is very true of the situation here. The volatility of the current situation makes reforming the Ukrainian security sector more difficult, but paradoxically, more essential. As the performance and professionalization of the Ukrainian armed forces improve, it is equally important that these improvements are accompanied by mechanisms of democratic oversight.

Putting mechanisms in place for democratic control of the security and defence sector – and making them work – takes time, patience and perseverance. It requires a willingness to work together through acknowledging the responsibilities and competences of others. This cooperation does not come easily and is frequently the victim of the tensions referred to above.

It is also a process, which involves learning and sharing experiences. While challenges may be similar, starting points are often very different. This means that respective solutions must be driven by local forces, taking into account specific local contexts' and ensuring local ownership of reform processes. It is for those responsible for Ukraine's security governance to look at the experience of others, to identify general principles and practises and decide what fits their circumstances. Outsiders can assist in this process but ultimately the results depend on efforts at home.

REFORM KEY PRIORITIES, ISSUES AND DEVELOPMENTS: OFFICIAL POSITION

Dr. Oleksandr Lytvynenko, Deputy Secretary, National Security and Defence Council of Ukraine

Addressing the challenges to Ukraine's security and defence sector should begin with an assessment of the environment in which they exist. Currently, this is characterised by conflict, the threat of subversive activities and attempts to portray of Ukraine as a 'failed state' by its adversaries.

The recent war for independence resulted in a substantial transformation of the security and defence sector. In 2014, with the primary challenge being the survival of Ukraine's security and defence sector, ad-hoc initiatives and familiar 'soviet' style 'fixes' were applied in order to re-create a functioning Armed Forces, with Intelligence and Counterintelligence competencies. The challenge during this period was not about effectiveness, but rather about survival.

However, as those challenges subsided, the goal of reform re-focused on creating an effective and efficient security sector. "Efficiency", however, is challenged by Ukraine's status as a state with a weak economy. As we know, since the 15th century, war and security rest on three pillars: "money, money and money". The challenge of using resources effectively and efficiently thus comes to the forefront – this is how we should view civilian democratic control: as a mechanism to ensure effectiveness and efficiency in the security and defence sector.

Whilst democratic control of the security and defence sector is important for the development of any state, it is even more so for the effectiveness and efficiency of the security and defence sector in Ukraine, given the current context and its limited resources.

Security and defence sector reform is not a one-time leap from Soviet or post-Soviet institutional structures, to some ideal form of Western-style 'good governance'. Rather, it is a complex and gradual process of transforming entities within the security and defence establishment, with the aim of these reforms being sustainable in regards to political transition and future challenges. We should not hope to simply "switch" old forces and instruments for new ones. The process of reform takes place 'here and now', with the same culture, people, resources and traditions of Ukraine. However, while we do not live in an ideal world where change is easy, this should not be a justification for doing nothing. In fact, as the process of reform and change happens gradually, it is often the small changes which are the most important.

The key objective of Ukraine's security and defence sector should first be to resist any aggression. Today, while the probability of full-scale war remains low, hybrid-warfare is likely to continue. **The second objective** is to assure the internal security of Ukraine, while, simultaneously, making possible a transition from the traditional understanding of internal security as the 'security of the regime' to its modern understanding as the 'security of the country'. Thus, the protection of rights, freedoms and lawful interests of Ukrainian citizens forms the justification for this second priority, which internal security forces should provide. Having the ability to respond to global threats such as terrorism, the proliferation of nuclear weapons, transnational and organised crime, drugs and people trafficking, form the **third priority**.

Based on the aforementioned priorities, in 2015, Ukraine's strategic security and defence planning documents were renewed. These new strategic documents laid important foundations for security and defence sector reform. They include the new National Security Strategy, approved in May 2015, and new Military Doctrine, adopted in September 2015. The Doctrine is an important step forward in strategic planning – it was influenced and drafted in a similar style to Western defence strategies, not post-Soviet traditional military doctrine, as had previously been the case.

The review and modernisation of laws is an important element of reform, in which partners from NATO, EU states and Civil Society Organisations directly participated. The laws to be amended include the laws on democratic control and defence planning.

A new law on the legal framework of martial law corrected the situation that existed prior to 2014. The security sector and the laws had a certain decorative character. In 2014 and 2015, pressure was exerted by different actors on introducing martial law. However, we faced a very simple issue: it was virtually impossible to introduce martial law on the basis of the law of 2001, then in force. It was drafted in a way that it did not foresee its practical implementation.

Although the law that replaced it is still not ideal, it is workable. Similar stories can be told in regards to the laws on Civil-Military Administrations or the Law on the National Guard. All these newly adopted laws are not ideal, or indeed finished, but rather transitory documents. However, they at least allow for the existing challenges to the security and defence of Ukraine to be met.

It is of vital importance that, at the highest levels, the need to place the security and defence sector of Ukraine under unified management is accepted.

Currently, we are improving the coordination of the activities of entities within this sector. While we have not made a concrete breakthrough, there is a growing under-standing of the importance of coordination, which has resulted in levels of coordination gradually increasing. For example, Ukraine is able to conduct inter-agency Anti-Terrorist Operations and despite various challenges, this system is more or less working.

Another example of increased cooperation and integration was the establishment of the NSDC War Office, which played a substantial role during the combat period in 2014 and 2015, as well as the creation of the Main Situation Centre of Ukraine, which provides analytical information and administrative and technical support for crisis decision-

making. The network of situation centres is being developed in national security and defence institutions and local administrations.

There are also improvements in the laws on military service, mobilisation and reserve service. The conscription mechanism and the system for contract service and reserve service currently being introduced, is far from ideal, but it is functioning well as compared to previous years.

Among other recent innovations was the creation of the Chaplain's service. The Military Medical Doctrine was developed, while individual volunteers and civic organisations – including the Olha Bohomolets, Oksana Korchynska and the First Pyrohov Mobile Hospital – contributed to these achievements.

There are also positive shifts in law enforcement reform. The Law on National Police was adopted, even though it faced some resistance and the police force is still in the process of being formed. Although the National Police is not yet an 'ideal' body, it is fair to say that it is of a better quality as compared to former law enforcement bodies. The now virtually completely civilian Interior Ministry responsible for state policy in this area unites several services. The reform process is complex and controversial, but nevertheless on-going. Reforms that were discussed ten years ago in relation to creating a fully civilian Ministry of Interior are now underway.

Institutions charged with criminal investigations are being reformed, while anti-corruption agencies are being established.

Also, intelligence reform has started. The Joint Intelligence Committee was established and the National 2020 Intelligence Program developed. Although this document, like others, is not ideal, it is the first such document since the 1990s, signalling renewed interest in this area. Extensive work to reform military intelligence is also underway. Moreover, we are about to complete the creation of a system of the imagery intelligence, including space intelligence.

International cooperation in the security and defence sector is distinguished foremost by practical cooperation with NATO, including alignment with NATO standards and the support that Ukraine is receiving through five NATO trust funds.

Although NATO member states do not provide formal advice, they contribute and participate during the bills drafting process. There are also a large number of exercises and joint training programmes provided by NATO trainers. This cooperation was established with the US RAND Corporation. Overall, although the process is not ideal, it allows us to formulate an integral vision of the security and defence sector. The creation of strategic communication processes is also in progress.

For the first time, strategic documents established a 5% financing threshold for security and 3% for defence needs. In principle, these targets have been met. Going forward, however, it is the time to move from devising strategic documents to their implementation phase. While some successes have and are likely to be achieved, within the next few years, we will unlikely find ourselves in a "new future". Yet, we will continue to make improvements in the reform of our security and defence sector, in large part, due to the efforts of Ukrainian and international civil society.

UKRAINE'S INDEPENDENT EXPERT OPINION

**Dr. Mykola Sungurovskiy, Director,
Military Programmes, Razumkov Centre**

The system of security governance in Ukraine faces both external and internal challenges. The external ones stem from changes in the international security environment, international law and global and regional security systems. Also included is category is the extremely complex situation caused the conflict in Ukraine.

The internal challenges are related to traditional deficiencies of government policy; the abuse of power by Yanukovych's administration, as well to attempts to adjust amendments to state institutions and procedures of policy-making and realise a post-Maidan reality.

Post-Maidan governance in Ukraine has both traditional and new deficiencies. It requires reform, most notably in the areas of governance that are not functioning well or are altogether absent. What is working effectively has to be improved and adjusted to new realities.

Funding is not the most important consideration, however. If political will and responsibility for achieving the goals are not in place, the available resources may not last long.

Institutional imperfections include structural excesses and functional deficiencies, which together, form **the principle challenge** in effectively responding to current threats facing the security and defence sector of Ukraine, as well as the need to address the ineffectiveness and redundancy of many laws and procedures.

The second challenge stems for the economic losses resulting from a lack of effective strategic management, as well as from the misuse and inefficient use of resources due to excessive bureaucracy and corruption.

The third challenge is the absence of socio-economic development among the goals of protection, as well as the absence of effective management in the functioning and development of the security sector. This provides for insufficient technology for management processes, their composition and structure.

To improve upon something slightly should be not the final goal. If reform of the security and defence sector is not in line with socio-economic development, it will remain only a tactical exercise, not a strategic project.

In relation to legislative reforms, the many new laws passed remain imperfect. However, there is no justification for those laws drafted with extreme deficiencies, as they are likely to remain in place for a long time.

Yet another deficiency results from insufficient professionalism and patriotism in security and defence personnel, as well as those who have a 'rich' Soviet, or early

Ukrainian experience – in the negative sense. This also relates to personnel with low leadership and management skills, but high ambitions; add to this a fear of change, bureaucratic sabotage and resistance to reform and it is clear that Ukraine still faces many challenges. Ultimately, successful reform in the security and defence sector will require a change in leadership and management.

As the institution charged with designing, coordinating and monitoring national reform processes, The National Reform Council, under the President of Ukraine, began with great expectations. It has been active for a year and has established various directional committees. However, these are led by the heads of various government institutions, which resulted in their ineffectiveness, due to a lack of political will, internal solidarity, destructive inter-agency competition and a lack of independent experts from the Civil Society Organisations. Independent experts were invited, but only those who were unlikely to criticise the government.

A further deficiency results from the professional gap between tactical, operational and strategic branches of the security sector. This point is especially pertinent in the respect of the Ministry of Defence and the General Staff.

The lack of professionalism correlates with unjustified classifications of information and non-transparency in the actions of management bodies and increased corruption.

Moreover, volunteers that take an active role in security and defence sector reform often lack governance experience.

I could make the following recommendations:

• Raise social standards for the security and defence sector, but also with regard to market standards.

• Combine a functional approach to SSR with a development strategy-focused approach.

• Aim to achieve a proper civil-military balance. Change the structure and improve service ethics.

• Set up coordination centres and crisis management systems.

• Change the procedure for drafting the law on defence planning; introducing strategic management into the process.

• Establish policy making and democratic governance commissions instead of Committees of the National Reforms Council, which tend to be ineffective. Also assure the independence of advisory councils.

• Develop a system of territorial defence on the basis of a government-societal partnership. At the same time, the government should impose tough punishments and deterrence measures for unlawful paramilitary groups.

• The government should support grassroots initiatives. The state cannot reform itself but it can organise the reform of the security and defence sector.

• The President's institution is the natural coordinator of reforms in correspondence with Article 6 of the Constitution of Ukraine. Public advisory councils should also be reinforced.

• Continuing education and professional discussions on reform processes will remain vital for its success.

SESSION TWO. **SECURITY SECTOR OVERSIGHT & GOVERNANCE: REFORM PRIORITIES**

PART ONE: **SECURITY SECTOR GOVERNANCE: THE ROLE OF DEMOCRATIC INSTITUTIONS & INTERNATIONAL BEST PRACTICES**

The first part of the Session Two outlined the current challenges of democratic oversight of the security sector by the Parliament, followed by a presentation on international security sector oversight best practices including the role of democratic institutions, independent oversight institutions and civil society.

Chair: Maksym Bugriy, Razumkov Centre Fellow

Speakers:

• Iryna Fryz, Member of the Verkhovna Rada of Ukraine, Committee on National Security and Defence

• Mans Hanssen, Folke Bernadotte Academy, Sweden

• Zoryan Shkiryak, Advisor to Minister of Interior of Ukraine

PARLIAMENTARY OVERSIGHT OF SECURITY AND DEFENCE SECTOR

Iryna Fryz, Member of the Verkhovna Rada of Ukraine, National Security and Defence Committee

Parliamentary control is crucially important for Security Sector Reform and Governance. By law, the Verkhovna Rada of Ukraine has significant authority in the area of security. The Rada has an exceptional right to declare the state of war, or the state of peace. It can also be important and effective state activity in-between these two extreme states.

To achieve the effectiveness of security sector reform and effective governance, we need to expand parliamentary and civilian oversight over the security sector: The Parliament is important intermediary between executive government and the people. In developed democracies, the Parliament has appropriate instruments to exercise this role. The Verkhovna Rada of Ukraine has certain opportunities, but one year of my work shows its performance is far from being effective.

Despite certain basic laws being in place, there has been poor observance and implementation in practice.

Despite numerous invitations to attend even closed Hearings at the Committee for National Security and Defence Issues, neither the Minister of Defence, not Chief of General Staff have ever attended the hearings.

An important issue of parliamentary control of the security sector at the moment are the role of partisan and political interests and also patronage. Another important issue is the competence of MPs: it creates certain risks of the leakage of secret information, and risks for effective democratic control. One effective way to address this problem is cancelling the immunity and raising the possibility of criminal responsibility of parliamentarians for infringements in this area.

Parliamentary interference in the management of power ministries is often perceived as unwelcome and perceived as if it is simply external interference in a narrow

range of specialized professional activities. We understand some generals could try to withhold information and not share it with MPs. Nevertheless, in conservative US system, civilians are responsible for the organization as well as in Western European democratic states, such as Germany France, or the UK and the defence establishments are fairly effective in these states.

This experience is important as we need coordination between parliament and the army. I believe that for Ukraine, the most relevant would be the US system, despite the differences in the legal system and financial resources. The practices of legislation and budgetary oversight are relevant.

Security Sector Governance and Reform calls for making fast steps in both directions: drafting new legislation and establishing the instruments of control that could mitigate non-enforcement risks. The issue of communication is an important one. NATO advisors acknowledge they lack good communication with the MoD and the General Staff.

Nonetheless, the budgeting function and responsibilities of the parliament are also very important. The budget offers important leverage to ensure the Security Sector policy-making is consistent with tax payers needs and that policy is determined by parliament.

Some elements of good practices for Ukraine could be borrowed from the model of the US Congress, despite substantial differences among the states and the funding. It is important to note that Congress' representatives can reject defence contracts. The Congress has the authority in granting top military ranks, even though this is a matter of discussion. The accountability of ministers should not be limited to a single "Government hour" every Friday, but ministers should be available as long as MPs require them. Therefore, in some respects the parliament's main control function is coordination and only secondary is that of ensuring safeguards.

It is also true about reforms in the Security and Defence Sector that the system cannot reform itself.

The officials of Security Sector institutions often resist reforms. Working with advisors is very important in the reform process. We will initiate an Expert Council to assist parliamentarians with legislation monitoring and the Armed Forces reform. The Ministry of Defence and the General Staff have to draft the legislation, which has to pass the Cabinet of Ministers: such a Council would thereby shorten the timeline for reforms in the security sector.

INTERNAL SECURITY REFORM: BORDER SERVICES, NATIONAL GUARD, AND STATE EMERGENCY SERVICE

Mr. Zorian Shkiriak, Adviser to the Minister of Internal Affairs of Ukraine

The Ministry of Internal Affairs of Ukraine (MIA) has a key role in Ukraine's internal security system, but it also contributes to the external security performing important functions in the area of the ATO. MIA units, including the former volunteer battalions are involved in assuring the national defence.

The reform efforts of the Ministry were spearheaded by the team led by Minister Arsen Avakov and his colleagues. It also included advisors, such as known human rights protection activist Yevhen Zakharov. Without exaggerating, our group is at a vanguard of the reforms in Ukraine.

The Ministry of Internal Affairs is a policy-focused institution. It coordinates the activities of several services. Achieving this status was the breakthrough as the law enforcement system for decades suffered from corruption and political nepotism.

It was the main priority to depoliticize law enforcement system, which we managed to achieve.

The MIA reform is only at the beginning stage. In the area of legislation, the Verkhovna Rada of Ukraine passed important laws on the National Police, National Investigative Bureau and Anti-Corruption Bureau. The broader MIA reform also has to be comprehensive.

An important branch under MIA, the National Guard, is undergoing management reform. We cooperate with the US and Israel during this process. I recently met with the US embassy representatives, who were impressed by their military experts' assessment of the National Guard units.

An important reform is that of the State Emergency Service, an agency which remains one of the key internal security institutions. The service has to be foremost reformed in the direction of protecting civilians in emergencies, a capacity that was downgraded before. It is important to reform the Service in parallel with the process of decentralising governance in Ukraine.

Regarding procurement in the Emergencies Service, funding is an outstanding issue. The last purchase of only several special vehicles was back in 2008. The salaries are very low and inadequate to the functions: last year a rescue worker earned UAH 2,100 per month on average, despite risking his/her life on the job.

The state Border Guard Service encountered several problems at the beginning of the war and the service had to be virtually re-created anew. Thanks to the current head of the Service, Viktor Nazarenko, the procurement and logistics improved and the efforts against corruption are underway.

Thus there is a comprehensive approach to reform.

> *But any reform of government bodies would not be successful until the judiciary is reformed and corruption issues addressed.*

This is the main obstacle to reforms success in Ukraine. All patriotic and democratic-minded members of the Verkhovna Rada must work for judicial reform. Given Ukrainian courts' very poor track record, this should be a radical reform.

The reform would be effective even if only basic laws are passed. The objective situation is that Ukraine is virtually in a state of war. Therefore, the reform of courts and the Prosecutor's service should happen. I could also mention the Security Service of Ukraine, where there are positive changes. National Police special units together with SBU prevented 250 potential terrorist acts.

Unfortunately, given the activity of Russian special services, there are numerous provocations attempted at undermining the state from within. In this respect, we should not have the attitude in the society, where if one committed a crime, but wears the insignia of some patriotic organization one is not a criminal. Any participation during the ATO, or the Revolution of Dignity should not serve as excuse from justice for committing crimes.

One problem of the reform is the public opinion. But such attitudes also prove that the reforms are far from being completed. But the reform is underway and we count on the efforts and support of the Parliament, Civil Society and our international partners.

SECURITY SECTOR GOVERNANCE AND OVERSIGHT: BEST PRACTICES

Mans Hanssen,
Folke Bernadotte Academy, Sweden

A few tools and aspects are useful to assist during security sector reform processes. The Folke Bernadotte Academy definition of the Security Sector Reform combines both technical reforms and political process. Security Sector Reform focuses on very technical aspects within the military, policy, judiciary, and intelligence. Specific programs and reform processes have to be kept coherent to make senses at the level of political guidance.

SSR is a concept that frames technical reforms in a political process

FOLKE BERNADOTTE ACADEMY

The people in a particular country all have different security needs and perceptions. In security policy making, you have to identify from the security needs of the people and provide the services. The top of the system needs the strategies to meet these security needs of the people.

These are the four guiding principles of reform:

- Accountability
- Transparency
- Effectiveness
- Affordability

The governance reform must also be context-specific. Not only the Parliament and civil society, but also the executive all have oversight responsibilities. The security sector institutions also have their internal oversight responsibilities.
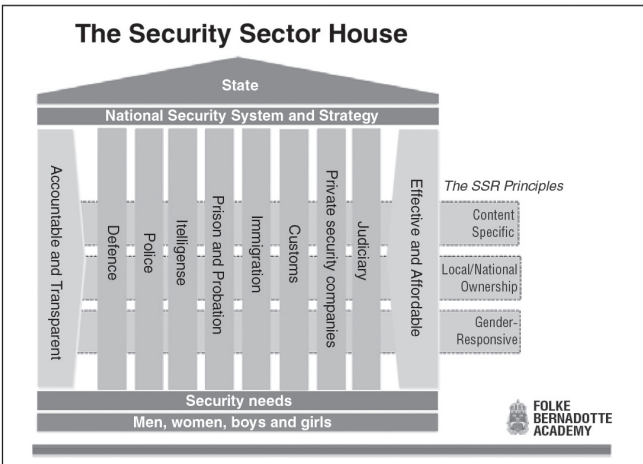
The principle of effectiveness presumes we have proper training structures in place to create qualified, educated and trained professionals and to keep them in place on their jobs.

> *For effectiveness, you need to have a legal framework that does not allow gaps in the interpretation of relevant laws.*

Affordability is a hot topic in Ukraine: you need a security sector that you can afford to maintain over the long term. You have to right-size your security sector according to security needs and have the funds to cover them. The coordination between the Parliament, Ministry of Finance and other involved ministries is vital so that there is a clear limitation of tasks and the division of responsibilities.

The basis of accountability, which is most commonly associated with governance issues are the elected politicians in the Parliament. The same basis was included in the OCSE Code of Conduct for Political and Military Affairs, which is a very relevant document for the topic of Parliamentary Governance.

The next aspect is representativeness: the security sector should be representative of the population to ensure legitimacy. This is not only about counting 'heads' or a number of women in the Armed Forces, but also the quality of gender inclusiveness. Dealing with public relations and communication is also very important.

The Security Sector House

State
National Security System and Strategy

Accountable and Transparent · Defence · Police · Itelligense · Prison and Probation · Immigration · Customs · Private security companies · Judiciary · Effective and Affordable

The SSR Principles
Content Specific
Local/National Ownership
Gender-Responsive

Security needs
Men, women, boys and girls

FOLKE BERNADOTTE ACADEMY

Proactive accountability means doing your outmost to prevent the abuses from happening, including vetting staff and training them before placement in the field. You make sure you have a sound system in place if something happens and then your "retroactive accountability" "kicks in". You need to prosecute and process abuses and infringements in the security sector in quite transparent and open way.

In terms of transparency and what we discussed before about corruption and nepotism: if there is the system of patronage within the security sector and the ineffective system, people are chosen not based on merit, but on the basis of contacts and networking. In the long-term such practice is quite detrimental to the governance process.

	Actors	Oversight role?
Executive	Head of state, government (ministries), advisory and coordination bodies	
Legislative	Parliament	
Judiciary	Courts and tribunals (civil, criminal, military)	
Independent bodies	Ombuds institutions, audit offices, human rights bodies, inspector general, public complaints bodies	
Civil society	Media, Think-tanks, NGOs, Individuals	
Security sector institutions	Police, military, intelligence agencies, etc.	
International level	Treaty bodies, intergovernmental institutions (UNSC, Council of Europe, NATO, OSCE, EU), inter-parliamentary assemblies, courts (ECHR, ICJ, ICC), iNGOs	

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Adapted from DCAF 2013 and OECD/DAC 2007

The transparency in terms of accounting and the use of funding is important. In this sense, in the security sector there is too much information kept secret that does not need to be secret. The more you use the transparency, the better the security sector is governed. The more transparency is used as a tool, the easier it becomes to govern in the security sector.

Good Governance of the Security Sector
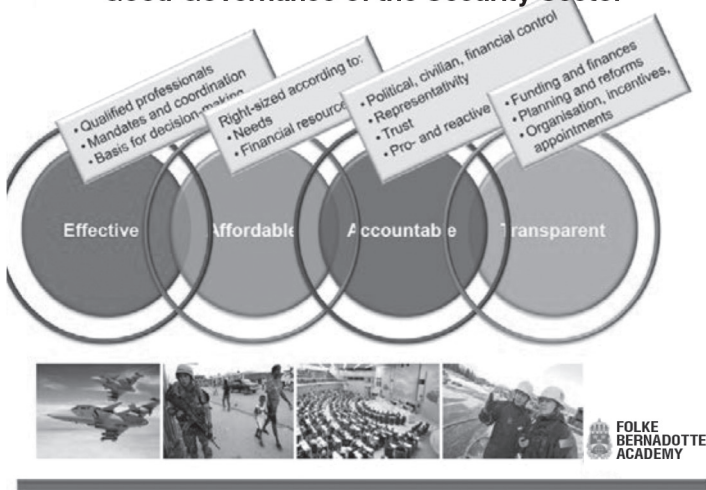
The bottom line is the security is public good and a service we provide for our citizens. These four aspects and objectives of governance need to be equally treated throughout the reform process. If your snipers are trained professionally well, but there is no accountability, there is a big problem. Lastly, it is not possible for one single entity to implement everything: each agency has to adopt these principles.

SESSION TWO. **SECURITY SECTOR OVERSIGHT & GOVERNANCE: REFORM PRIORITIES**

PART TWO: **UKRAINE'S NATIONAL DEFENCE AND SECURITY: CURRENT AND FUTURE REFORM PRIORITIES**

The second part of the Session Two outlined the current challenges and perspectives of Ukraine's security sector reforms with the main focus on law enforcement, defence and special services. Two of the panellists, Yevhen Zakharov and Andriy Zagorodniuk presented the unique Ukrainian experience of the civil society activists' involvement into the "state's business".

Chair: Oleksiy Melnyk, Co-Director, Foreign Relations and International Security Programmes, Razumkov Centre

Speakers:

- • Yevhen Zakharov, Director, Kharkiv, Human Rights Protection Group
- • Andriy Zagorodniuk, Director, Reform Office, Ministry of Defence of Ukraine
- • Victor Yahun, former Deputy Head of the Security Service of Ukraine

POLICE AND JUDICIARY REFORMS: INDEPENDENT EXPERT OPINION

Yevhen Zakharov, Director, Kharkiv, Human Rights Protection Group

The Strategy for the Development of Internal Affairs Institutions was adopted in October 2015. The reform of Ministry of Internal Affairs (MIA) and Police was designed according to that Strategy. Some objectives were already implemented and the work is in progress. Among the new is the introduction of patrol police in the countryside and in small towns. This practice was not used before and began with the experiment in Sambir district of Lviv oblast.

Mobile police patrols were introduced in Sambir district instead local foot militia patrols. One police patrol unit was allocated to service approximately 25,000 persons. This effectively increased the number of public safety officers four-fold. Each car operates in four shifts.

After the introduction of this unit of "rapid reaction groups", the number of calls for the police significantly increased, which is an indication of growing people trust in the police. About 24.4 million people reside in these rural and small town areas, while only 14 million live in bigger cities: this is the largest part of the population in Ukraine. These groups also relieved neighbourhood police inspectors from some of their duties. It was possible to reduce the number of these district inspectors and one was serving 7,000-12,000 population.

In the next step, the number of districts was increased to ten by adding several districts in Kharkiv and Kyiv oblasts. Meanwhile, adding three more districts in Lviv oblast, we experimented with the "nodes" technique, where the "nodes" stations would embody the new model of territorial structure of the police. Such nodes stations would investigate the gravest crimes, while the remaining ordinary police stations would investigate medium to low-level crimes. We managed to reduce the staff in the ordinary stations and strengthen the node stations.

As the next step, from July 1, 2016 this "nodes" model would be introduced in three Ukrainian oblasts: Kharkiv, Lviv and Kyiv. The plan includes the cancelation City Internal Affairs Offices and transfer of many functions from Oblast Internal Affairs Offices to the "nodes stations".

The next direction is the reform of temporary detention facilities under the MIA. It was decided to end the practice, where every district police station chief had a "small prison". The number of the temporary detention facilities would be reduced from 380 to 147 countrywide. These new facilities, based on the same "nodes" principle would have the same sanitary and hygienic norms and standards as well as legal assistance. It was a matter of funding, but we managed to introduce the UK practice of "custody records", which would record every action toward the detained person.

The Department of Human Rights is a new structure within the National Police.

It would be a parallel institution having 1-2 representatives in every oblast and the office in Kyiv.

The reform also concerns "102" call response service offices. While until recently, they were subordinated to territorial units, henceforth they would be a part of the centrally managed system of response units. Lviv showed a good example of cooperation between oblast police office with civic organisations that fill in data base records in the "102' system. Furthermore, "police assistants": about 200 have the opportunity to make calls from their mobile phones and log them in the records base automatically.

An interesting question is that of the internal control. We decided that complaints for police would be reviewed not within the police, but by the MIA Department of Human Right Monitoring and Protection. This department would have the authority to monitor the rights in the detention facilities not only belonging to the police, but also within the Migration Service and it would also monitor the activities of respective officers. Such system somewhat resembles British "Independent Complaints Mechanism" and it will be more efficient than existing MIA Internal Security Departments.

In 2016, we plan to finish the transfer of all assets from the "militia" to the new National Police and also complete the verification (attestation) of personnel after making the legal transfer. We plan to introduce new patrol police locally and the "nodes" system.

An important need of the reform is to have a new law regulating the misdemeanours. I have been insisting on this for about two years already. This could ease the burden of the load currently placed on investigators. About 50% of their case records were estimated to be misdemeanours rather than felonies. Neighbourhood police inspectors would have the right, but not the obligation to conduct the inquiries based on this bill.

The system of juvenile judiciary would be also introduced. Every district police station would have two officers responsible for this area and the prevention responsibilities will be assigned to neighbourhood inspectors.

A rather complex issue expected to be addressed this year is the creation of the institution of detectives, which means the combination of field units with other units. The reform of investigation is also need. Again, it is very important to address the criminal judiciary reform holistically. One example is the need to develop financial investigations service that would include specialists from various law enforcement bodies addressing economic crimes. The new Law on State Investigative Bureau does not set clear divisions between Police, SBU and other institutions' responsibilities.

IMPROVING DEFENCE GOVERNANCE THROUGH INTEGRATION OF VOLUNTEER ACTIVISTS FOR NATIONAL DEFENCE

Andriy Zagorodniuk, Director,
Reform Office, Ministry of Defence of Ukraine

Over 15,000 persons assisting with logistics, medicine were involved in volunteer activist movement, especially at its peak at the beginning of the ATO. Their role was relevant especially in the first months of the conflict, when logistics system was not operational in the Armed Forces.

But by November 2014, the volunteers raised the concerns that while they were fundraising millions of Hryvnias in donations, at the same time the Ministry of Defence was inefficiently spending billions of government funding.

President Poroshenko then suggested that some volunteers take MoD jobs to change the Ministry.

However, the situation with the "volunteer troopers" was also such at that time that there were only minimal skills requirements to qualify for these jobs: patriotism and the willingness to work without days off. At the same time, the bureaucratic system was resisting the change and many volunteers failed to perform. The Armed Forces have now around 270,000 personnel. While around 650 persons are employed at the Ministry of Defence staff and also about 650 at the General Staff offices. The volunteer movement was not warmly accepted in these high offices.

Yet after the first difficult months, it became clear that we managed to achieve some results. Several landmark projects were implemented that were able to change the way the system worked before. One project, the Electronic Purchases System PRO ZORRO allowed us to save around UAH 250 million at the beginning of 2016.

Another notable project was the establishment of the Center for Procurement Support and Development addressed huge problems with standards and specifications that created incentives for corruption. For example, the requirements for the body armour were just one paragraph long.

Yet another project "Health" introduced electronic medical records at several hospitals. Its continuation would prevent the loss of soldiers' medical information. Yet another experiment was with the catering services, addressing current practices where only four companies were servicing the Army and the quality of meals was very low. This experiment was based on a new catering system developed in partnership with NATO advisors and volunteers and is implemented in Lviv and Odesa.

In the area of logistics, we work on the introduction of an automated storage system as nearly all warehouses have paper-based management system. We introduced SAP system that the Ministry of Defence bought six years ago but did not put to use. We look forward to the US funding assistance to enable the continuation of these efforts.

As volunteers are difficult to be employed on a full-time basis, we have discussions with international and bilateral, such as US donors to provide assistance in funding the salaries for the employees of the Office of Reforms.

There is criticism for our activities being fragmented and not reflecting a systemic reform.

Yet, the Ministry of Defence was not ready to such systemic reform until the adoption of the Military Doctrine and the preparation of the RAND Corporation assessment and recommendations report (end of September 2015). As we have these documents available, serious work started on a systemic reform.

The Strategic Defence Bulletin has been initiated. It will outline the goals and objectives for the MoD's systemic reform until 2020 and the plan of implementing the goal of the transition to the NATO standards by 2020. This is a complex task. As an example, NATO produced 260 pages comparative analysis of the differences in logistics standards between NATO and Ukrainian standards.

The Office of Reforms role is to be an independent agent in this process. The Ministry of Defence cannot reform itself from within.

It does have good expertise of drafting strategic documents and a large number of people that had Western training: probably 200 persons. But we need external effort to unlock this potential.

INTELLIGENCE AND SPECIAL SERVICES REFORM: INDEPENDENT EXPERT OPINION

Victor Yahun, former Deputy Head of the Security Service of Ukraine

In this historical period, no one from the overwhelming majority of the Ukrainian political community and society has doubts that the general foreign policy of Ukraine is aimed at its integration into the European and Euro-Atlantic structures.

Accordingly, in order to successfully advance in this direction, Ukraine must fulfil a number of requirements, coordinate both its legislation and the structural organization of a number of state agencies with the corresponding standards, which are reflected in various recommendations, in particular those of PACE, EU and NATO. The law enforcement agencies in this context are of particular importance since the feasibility of the normal existence of government institutions in the country and stability, including political, largely depend on their work.

The SSU holds a special place in the system of law enforcement agencies because of the specific range of issues relating to its jurisdiction and its considerable resources that can be used both to assert the law and to ensure national security, and to illegally protect the interests of certain political actors.

Given the specific nature of its work, the SSU, logically speaking, stands out from other law enforcement agencies. But there are a number of problems here. The very notion of "law enforcement agency" during the years of independence has not been clearly defined by the law.

The Law of Ukraine "On the State Protection of the Staff of Court and Law-Enforcement Agencies" qualifies the following institutions as law enforcement agencies: prosecution agencies, internal affairs agencies, security service agencies, the Military Law and Order Service at the Armed Forces of Ukraine, the National Anti-Corruption Bureau of Ukraine, national border control agencies, income and fees agencies, agencies and institutions responsible for enforcing sentences, investigative isolation wards, fishing control authorities, state forest protection centres and other agencies engaged in law enforcement.

The Law of Ukraine "On the Fundamentals of National Security of Ukraine" gives a definition of law enforcement agencies that is too general: "law enforcement agencies are public authorities which are entrusted by the Constitution and laws of Ukraine to perform law enforcement functions." Operational, search, and pre-trial investigations are traditionally qualified as law enforcement functions. In this respect, the SSU is now indeed a law enforcement agency.

But the tasks entrusted to the SSU significantly single it out from other agencies that deal with law enforcement and ensure security and order. The legally identified status of the SSU is: "special purpose state law enforcement agency that ensures the national security of Ukraine." In global practice, there is a conceptual difference between proper law enforcement agencies, which include, for example, the police and intelligence services, because of the fundamental differences between security measures implemented by the certain special structure, and forms of the organization of the state law enforcement activities in respect of detecting, preventing and stopping illegal and criminal activities of various kinds. Assuming that the SSU is an intelligence service and not an agency duplicating the functions and powers of the police, the corresponding status shall be assigned to it in legislation.

The work of intelligence agencies usually lies in the counterintelligence counteraction of reconnaissance activities, and the combating of organized foreign anti-state manifestations and various movements that have anti-constitutional tendencies. This constitutes special functions that significantly differ from those of the police. It follows that the powers of intelligence services should also be specific. In particular, they should not include the so-called police functions such as operational and search activities, the ability to arrest, interrogate, etc. (those of a punitive nature) because this could lead to an excessive concentration of powers in one powerful agency, similar to the Soviet KGB or Russian FSB, etc.

The issue of the SSU status is full of contradictions and requires separate legislative regulation.

Nowadays, the issue of law enforcement agency reform is extremely important for Ukraine.

Despite this, the Ukrainian system of law enforcement agencies, with some minor exceptions, still works according to the titles, form and content of the Soviet model.

Recently, numerous attempts to reform it have become systematic in nature, and probably will reach their logical conclusion. It should be noted that the only body that has not undergone structural reform is the SSU. I have preferred not to consider some superficial declarations which, as a rule, concern organizational and staff transfers.

The main problems concerning the reform of the SSU include the shortcomings in the structural and functional aspects of its organization and non-conformity with the requirements of European and Euro-Atlantic structures, as well as the significant risk of the implementation of the reforms that, eventually, could decrease the efficiency of its work.

One of the main functional shortcomings of the SSU is that it is engaged in work and has powers which are considered to be unusual for intelligence services (combating organized crime, smuggling, economic crimes, etc.).

One of its core police powers is conducting operative and search activities. The service is also part of the system of pre-trial investigation agencies and correspondingly has the right to arrest suspects, keep them in temporary holding facilities (in essence detention facilities), conduct searches, interrogations and so on. It should be noted that all this contradicts Recommendation of the Parliamentary Assembly of the Council of Europe No.1402. Instead, the SSU, practically under the conditions of military law, should be focused on counterintelligence activities, including in respect of the defence, scientific and technological capacity, as well as protecting critical state infrastructure, combating terrorism, protecting the constitutional order and territorial integrity of Ukraine and state secrets.

Take note that the removal of the pre-trial investigation functions from the SSU was repeatedly considered in the process of its reform. This issue was often raised by both independent experts and parties to the political process. On one hand, we can hear about the idea of the full removal of powers from the SSU and other security agencies concerning pre-trial investigations, with these functions remaining only in the competence of the prosecutor's office. On the other hand, opinions are being expressed that the distribution of investigative units into the structure of several law enforcement agencies meets our procedural traditions and is time-tested, and the determination of their specialization according to the profile of the law enforcement agency where they perform their activities increases the efficiency of their work.

Such contradictions are typical for all discussions on the reform of pre-trial investigations in Ukraine. At the same time, it is known that the removal of pre-trial investigation functions from the SSU meets European standards. Attempts to remove pre-trial investigation functions from the SSU at the state level were carried out during the establishment of the National Bureau of Investigation in 1997 and 2005, but they were not successful as the aforementioned agency never started its activities. I hope that the situation may change for better with the adoption of the Law on the establishment of the State Bureau of Investigation in November of the previous year.

Another controversial issue concerning the SSU is its military status. In the course of European and Euro-Atlantic integration, the demilitarization of the service should be carried out. It is thought that the military structure, which, at the present moment, is the SSU, does not conform to modern requirements, complicates the process of control over it and actually is dispensable as to the fulfilment of its functions.

I would like to give an example. In the Czech Republic, the intelligence service consists of 80% of civilian persons, and in Germany this figure is 50%. Along with this, the German intelligence service engages freelance civilian employees who are industry specialists on a contractual basis. These people receive access to state secrets (B1/B2/....B9) in their work, after which they bear the same legal responsibility as the staff members.

Another issue I would like to pay attention to is accountability and control over the work of the SSU.

According to the law, the service shall submit an annual report on its activities to the specialized parliamentary Committee on National Security and Defence. But these reports have never been made public and the public does not know the response of parliament members to them.

In my opinion, these reports should be published, or at least the public parts of them, which are not state secrets. The materials discussed in the Verkhovna Rada as to the work of the SSU should be made available as well.

It should be noted that the SSU is essentially an agency which is directly subordinate to and is controlled by the presidential vertical. Therefore, this fact is the origin of its narrow range of inherently tactical purposes (optimal for this vertical).

The dependence of the service employees on the conjuncture of the guarantor of Constitution, who, on an extremely regular basis (from one and up to two years), at his sole discretion and determination, changes the service's management (from

the head of the service to the heads of regional agencies), has a negative influence: it depletes and disrupts the staff of the service and makes strategic planning and its implementation impossible.

Over the years of Independence, the SSU has in essence served the interests of the Presidential branch of power and not those of the state through following the direct orders of the Presidential Administration.

However, the Presidential Administration is not an independent, publicly controlled and impartial agency. In all Western democratic countries, the intelligence services are controlled by the Parliaments, and this is the best thing solution. This would probably not be ideal under our unstable conditions, but, it can at last help the SSU to cover the wide range of state priority goals, create immunity from timeserving companies and equal withdrawal from the centres of adoption of purely political decisions which, in turn, will ensure the qualitative formulation of strategic tasks.

While reforming the SSU, irrespective of the functions and tasks that would be removed from its competence, the increase in the efficiency of its work and the possibility to adequately respond to threats, it was created to combat should be ensured. Considering the reform of the SSU in terms of the problem-oriented policy analysis model, it can be noted that the Ukrainian government now faces internal and external problems.

The external problem can be described as the "integration challenge". In Ukraine, as a member country of the Council of Europe which has set a course for European and Euro-Atlantic integration, the law enforcement agencies should be transformed according to European standards and its obligations fulfilled to reform law enforcement agencies, which are set forth in the documents determining the areas of cooperation of Ukraine with the European Union, Council of Europe and NATO.

The internal problem can be referred to as the "efficiency challenge". It is crucial to ensure the successful and effective operation of the law enforcement agencies of Ukraine in order to guarantee the protection of law and order, maintain stability in the country and eliminate any threats to national security under the conditions of the aggression on the part of Russia and its occupation of part of our territory.

Clearly there is a risk during the transition period. The law enforcement agencies undergoing transformation could fail to be effective or the reforms could be carried out without taking into consideration the current environment in Ukraine and the specifics of the Ukrainian law enforcement system as a whole.

Another concern is that because of the lack of a comprehensive concept for reforming the entire Ukrainian law enforcement system, depriving the SSU of the power to perform operational and investigative activities or combat corruption without the corresponding adjustment of the functions of other law enforcement agencies or only the mechanical transfer of SSU powers to the powers of these law enforcement agencies will lead to a general decrease in the effectiveness of the law enforcement system in Ukraine.

From the theory of the Institutional Isomorphism, institutions and organizations tend to follow the structure of other ones that are more efficient. However, in practice, the increase in similarity between organizations i.e. isomorphism, does not lead to an increase in efficiency of the following organizations. In case of reforming the Ukrainian law enforcement system the model of "compulsory isomorphism" under pressures its international partners and society could be observed. During such a process, organizational elements that are widely accepted but, in reality, do not increase the efficiency of the work of an organization, are adopted, whereas the assessment of the success of a policy is carried out according to formal criteria.

So while reforming its law enforcement system according to EU requirements, Ukraine should avoid institutional isomorphism and find the optimal balance between European integration and ensuring the efficient operation of all its law enforcement agencies.

The key factor that should define the reforms is the demand of the Ukrainian citizens for an open, honest and transparent Security Service, which serves the people, protects their rights and respects their freedoms, ensures the rule of law and equal rights of citizens to appeal.

SESSION THREE. **INTERNATIONAL SUPPORT FOR UKRAINE'S SECURITY SECTOR REFORMS**

This session covered the role of the international and regional organizations in developing capacities for democratic governance of the security sector and implementing security sector reforms, outlining new opportunities for multilateral and bilateral partnership efforts to assist Ukraine:

Chair: Ambassador Vaidotas Verba, the OSCE Project Co-ordinator in Ukraine

Speakers:

- EUAM SSR: Surva Laidi, Acting Head of Good Governance Advisory Unit, European Union Advisory Mission

- NLO Ukraine: Mark Opgenorth, Deputy Director, NATO Liaison Office in Ukraine

- OSCE PCU: Jeffrey Erlich, Senior Project Officer, the OSCE Project Co-ordinator in Ukraine

NATIONAL STAKEHOLDERS HAVE TO LEAD THE PROCESS

Ambassador Vaidotas Verba, OSCE PCU

The project of democratic control over the security sector reform was perhaps the first thing I heard about when I joined the OSCE Office two years ago. Democratic control over the security sector reform is a complex effort requiring significant coordination. There are so many players inside the country in this area. From the perspective of the international organizations, this is one of the busiest areas where the international actors are active and offering their services.

Ukrainian stakeholders are very much interested to learn what is on offer and how international organizations are looking at the reform and trying to structure and position themselves to support Ukrainian stakeholders. The issue of national and local ownership was emphasized repeatedly.

From our perspective, national stakeholders have to lead the process, but at the same time to keep it open for international assistance. The stakeholders have to lead the process transparently.

In Ukraine, the absorption capacity of international assistance has increased enormously. The conditions of using and granting assistance should also be transparent and direct.

WE HAVE DIFFERENT ACTORS AND ISSUES TO TACKLE AND WE CANNOT DO IT "PIECE BY PIECE"

Surva Laidi, EUAM, Acting Head of Good Governance Advisory Unit

The European Union Advisory Mission Ukraine (EUAM) is an advisory mission to strengthen and support civilian security sector reform through reforming the law enforcement agencies and also strengthening the rule of law. The way we do it is through advice, mentoring, and support. We are here to support the planning of the reforms, but also the implementation process. The security sector traditionally has been more closed and less transparent. Yet security is a public good. Like any other service, it has to be transparent and accountable.

These topics have been discussed in Ukraine previously, but there is room for improvement in external and internal governance mechanisms and in parliamentary oversight. As an example, there should be very clear administrative complaint mechanisms in place as a means for citizens to settle the disputes and have their rights respected. There should be very clear decision making procedures with the authorities in place. The decisions taken should be carried out properly.

We have different actors and issues to tackle and we cannot do it "piece by piece".

We need a holistic approach to security sector oversight and governance in Ukraine. Public oversight is not a system of control, or how to oversee the activities, but it is about communication and doing things together in cooperation with different players and not an exercise in purely controlling activities. It concerns not only civilian security sector police, but also the defence segment.

According to the Kiev International Institute of Sociology (KIIS) autumn 2015 public survey, more than 50 per cent of respondents, who know about the international

assistance to Ukraine in the security sector, said this help is useful, but also think it is insufficient. There is room for further cooperation and coordination among international organizations. International organizations working in Ukraine need to see the linkages among their activities, which should be based on common values.

The EUAM uses advice and mentoring for civilian security police in Ukraine and we discussed and agreed upon the priorities with Ukrainian counterparts. There is a focus on human resource management to develop the capacity to carry out reforms and daily activities. There is a focus on community policing. We also support the system of public order, including how to manage riot situations. Another priority we focus on is criminal investigations.

Going from advising to projects with Ukrainian partners and international partners, there is a certain limit to the capacity of our counterparts to take on the advice and trainings and we need to coordinate international support for Ukraine not to overwhelm our partners. Thus, we focus on capacity building: how to make sure that people in Ukraine security sector are willing and able to accept the advice we provide.

Thus the local ownership as the internationals are here to support and advice, but we cannot do the work for the Ukrainians and it is also wrong as the interest has to come from the Ukrainian side. International organizations can offer experience advice and support and we are open for cooperation.

IT IS IMPORTANT TO COMPARE THE WORDING OF NATO'S MANDATE TO EXPECTATIONS OF UKRAINE AND UKRAINIANS

Mark Opgenorth, Deputy Director, NATO Liaison Office in Kyiv

NATO Liaison Office (NLO) in Ukraine received a relatively new mandate after the Wales NATO Summit. NLO is instilling program management and the principles of transparency, responsibility and conditionality.

According to the new mandate that comes out the 2014 Wales Summit, NATO will support Ukraine's ability to defend itself. This is about capacity building. It has led to significant strengthening of the NLO capabilities in Kyiv. Whereas before we had two permanent international military staff, we have presently two Co-heads of the office plus 10-12 professional defence advisors working side by side with Ukrainian counterparties of the Ministry of Defence on the details of the day to day operations.

We have been for two years in this reinforced format. To look back, it is important to compare the wording of NATO's mandate to expectations of Ukraine and Ukrainians what NATO should be doing. In the popular mind, there is the expectation that NATO is here to help Ukraine to defend itself.

Indeed, the Allies are bilaterally involved in some related efforts, such as providing equipment and training, which directly supports the ability of Ukraine do defend itself against the Russian aggression.

Even among our professional counterparts at MoD and security and defence forces, there is slight disappointment that NATO is talking about the reform and

long-term planning, and providing advice that will raise their capacities to the higher level, but unfortunately, over the long-term, while the military have urgent needs, for example secure communications: "Just give us secure radios and we will take care of the reform later". This is the tension we work with and familiar in the newly-established five NATO trust funds: logistics, C4, cyber defence, military group transitions on personnel management. Individual allies contributed some amounts of funding to each of these funds.

> *In terms of projects, the trust funds discussed focus on both quick-win' projects and those dealing with the issues of the structural reform.*

For the logistics trust fund, they came up with the long-term gap analysis of the logistics structure that came up together with a very important framework that could guide the reform of the logistic system over the next five years in Ukraine. But the trust fund also participated in the development of the model warehouse in Odessa that illustrated the principles of the long-term reform.

We also have a purely advisory mission advising Ukrainian state agencies on how to develop planning documents. This direction started with the advice on how to develop the National Security Strategy and the Military Doctrine starting with the most abstract to the more concrete 'Concept of the development of the Security Sector', which begins to outline the reform for each area. We have been engaged over the past year in this process.

At the start, the progress has been very slow. We did not get immediate access to the proper documents. The situation improved over time and got better recently, when we were working at the Strategic Defence Bulletin (SDB) or the "Defence White Paper". This is the first document, where we work with our counterparts of the General Staff and the Ministry of Defence to draft the document – prior to that we worked only with completed drafts.

> *About six months ago, we started debating publicly to push for the roadmap for the new approach to the very business of reform not to have the approach to too many reforms all at once. It requires getting away from the mind-set of day to day business of each specific department. The old approach was to have responsibilities linked to a single department. There has to be some program, governance principle and management structure to get around conflicts of interest. It is unlikely that some departments would perceive as beneficial the reform process that will drive them out of existence.*

In MOD Reform Office and the RAND Reports, there are some relatively radical reform recommendations that would mean the Ministry of Defence and the General Staff would look different from in a few years. They would change the respective roles and responsibilities. They would change the respective responsibilities not of the head of departments, but of the heads of the Ministry of Defence and Chief of the General Staff, their relations with the President, etc. The stakes are quite high.

> *It is not 100 per cent clear that we have a political commitment to go ahead with these reforms to the extent that they were being recommended once the political implications would be fully understood.*

The civilian control over the AF is a very hot issue and it is really quite different from the current system. There no clear understanding that this exactly the way things have to go. The argument is "we are fighting a war and we cannot implement those principles right now".

We insisted that SDB articulates five strategic priorities:

• To reform the command and control system, including the relationship with the Defence Minister

• Build required defensive military capabilities

• Reform the logistics

• Professionalize the forces

• Education reform

The parliamentarians had a difficulty keeping abreast of the reforms in the past few years as these strategic documents are very long documents. In its original draft, the Strategic Defence Bulletin was 100 pages long.

> *It is the fault of the system that creates long incomprehensible documents. Clarity, simplicity and focus are essential to civilian and parliamentary control over the Armed Forces.*

Implementing the five priorities would lead to state programs so that we could question about the connection between state programs and the priorities. Presently, such a system relating the military spending the money relative to the priorities does not exist. When you have a proper system of civilian controls, parliamentarians have to ask questions why they spend so much money on some item. If the decisions are not challenged, they are not obviously the most correct ones. As an example, there are some discussions why Ukraine spends so much

money on mobilization and not proceeding faster towards professionalization of the military. Therein lays monitoring, civilian control over the Armed Forces and also its effectiveness.

It is surprising how little the Ukrainian General Staff talk to each other, with important programs being drafted just by a handful of people.

This is just instilling basic programme management principles.

If there is no transparency, clarity of a text and planning and clear priorities, it is not possible to control the process. NATO has received the access to classified information, but we refused to provide the comments on the State Program of the Optimization of the Armed Forces 2015-17, because it was too short-term and too focused on how to defend Ukraine.

DEMOCRATIC CONTROL IS IN FACT AN INTEGRAL PART OF SECURITY

Jeff Erlich, Senior Project Officer, OSCE Project Co-ordinator in Ukraine

In the OSCE Code of Conduct of the Political-Military Affairs, democratic control over the Armed Forces and Security is in fact considered an integral part of security. To have effective security, transparency and democratic control does not impinge on that but is a part of that. I would like to focus on three projects starting in 2016 in the OCSE Kyiv office.

The first is very applicable Strengthening Democratic Control over Ukraine's Security Sector and the Armed Forces. It is still in the agreement stage with the Ministry of Defence and the Verkhovna Rada. There are three elements to the project. The first is to raise the awareness of the Members of Parliament about the issues of the democratic control for 2016. This includes international exposure to other countries' practices. Second is the support to the MoD Public Council and strengthening oversight bodies. Alongside the Reform Office, there are hundreds and thousands of Ukrainians helping

MoD and citizen activists who want some transparency and oversight of how the MoD is conducting its business. The third objective is to help delineate the restructuring of the responsibilities between MoD and uniformed services. We will be in a supporting role, but there is the demand for the separations between the civilian and uniformed staff.

We plan a conference towards the end of the year. We would like to support some awareness raising websites, a study tour for the Parliament and provide the assistance drafting regulations on how to restructure the civilian and uniform staff.

The second project that has elements of the security sector reform is Mine Action. There is huge problem in the East requiring the response of several agencies including the MoD, Emergency Service, the Ministry of Infrastructure and little less the police and the Security Service regarding IEDs and explosive devices.

We have facilitated with some degree of success the coordination and cooperation will lead to a single coordinating authority.

GICHD and DCAF have supported us quite closely throughout the whole process.

The third project is supporting new police structures. With the MoD and the security sector, the police are moving forward quite quickly with their reform and we are just on board with them. We are providing support to the new police units. The major national players should be the US, Canada, and Japan and we are also contributing in several areas, i.e. combating human trafficking and cybercrime, domestic violence and setting up specialized units and training neighbourhood police.

WORKING GROUP DISCUSSIONS

The objective of the Working Group Discussions session was twofold:

-    identify security sector governance challenges in the subject matter area;

-    identify related reform priorities.

Having identified the priorities needed to improve the oversight and reform of the security sector, each group suggested preliminary recommendations.

The recommendations outlined capacity developments needs related to oversight, reform and overall governance of the security sector.

The Working Group discussions were conducted under the Chatham House Rule.

WORKING GROUP I. **DEMOCRATIC OVERSIGHT OF THE SECURITY SECTOR**

Facilitator: Mans Hanssen, Folke Bernadotte Academy

WGI – Issues Discussed:

- How can the Rada/Ombudsman/NGOs-civil society expand its role in security sector oversight?

- How can security sector institutions improve their interaction with the Rada/Ombudsman/NGOs?

- How can security policy and practice be made more transparent and accountable?

- What are the Rada/Ombudsman/NGOs training needs related to improved oversight?

- What are the security sector institutions' training needs related to improving oversight?

- How can the full and equal participation of women be promoted?

- What should be the priorities to accelerate relevant reform programming?

- How can international support programming be deployed to assist reforms in this area?

- Can international support programming be better coordinated?

- Who can be responsible for coordination of external support?

- How can the sustainability of relevant reforms be guaranteed?

Summary of the key statements by the participants

- **Introduce the position of Parliamentary Inspector General, or Plenipotentiary, in order to exercise control and oversight of the security and defence sector**. Unlike the Ombudsman, its functions and powers would be more expansive.

- There is a specific need to raise the role of Parliamentary control, consistent with Ukraine's status as a Parliamentary-Presidential Republic. This includes the issue of mandatory hearings for senior executives as well as **specifying the President's and the Cabinet of Minister's authority**.

- It is **important to perceive democratic control as a process rather than a series of structures** – such was the understanding laid out in the principles of the Ukraine-NATO Partnership for Peace Program. Based on this argument, another technical solution, such as the creation of an Inspector General, is unnecessary. The principles of democratic control are already reflected in law; what is needed is to focus on how to strengthen Parliament's authority.

- **The Parliament and its committees quite often perform only an approval function** – ministers are only required to submit annual reports, while SSU personnel are accountable to the President, not Parliament. Even though some members of the Verkhovna Rada would wish to summon ministers for hearings, they lack the means and resources to exercise their authority.

- Minister of Defence and Chief of General Staff never attending the meetings of the Verkhovna Rada Committee. The Ministry of Defence was only represented by Deputy Defence Ministers Petro Mehed and Yurii Husyev. Chief of General Staff, Viktor Muzhenko, did not attend the meeting, but instead invited Rada Members to visit his 'high office'. Such neglect demonstrates that **General Staff and the Ministry of Defence executives may not yet understand the importance of Parliamentary oversight**.

- T**he Ukrainian situation is case-specific and as such does not allow for any "copy-paste" style solutions**. While the starting point is in the Constitution, beginning from the issue of the division of responsibilities between the President and the Prime Minister, the disagreements between the President and the Prime Minister means that balanced positions on relevant matters are required.

- **The major requirement to achieve proper staffing levels in parliamentary control committees is to hire competent staff.** There is an urgent need to raise the standards of the members of the Secretariat of the Committee on National Security and Defence of the Verkhovna Rada of Ukraine. Likewise, the competences of independent advisors on the Committee on Security and Defence should also be improved.

- It may be suggested to create a Research Department to serve the Parliament. **Given the limits on funding, it is clear that Parliamentary expertise needs external help to further develop its competences.** Possible forms of the assistance could include parliamentary staff training programs arranged with assistance from external donors.

- Much needs to be done in this area of civil governance of the military. Currently, **Ukraine seems to have no civilian candidate able to be considered for the position of Defence Minister**. In the past, only few such civilians held this post.

- The composition of the Public Advisory Council established at the Ministry of Defence is not balanced in its representation. For example, it did not include the applicants, who were representatives of 120 organisations, having only included the representatives of 90 other organisations. The Council holds quarterly meetings and monthly board meetings. The council needs to improve its expertise in to order to interact with state structures effectively. Generally, the level of Public council expertise level is low. Nevertheless, even at the current level, the councils are a good starting point.

- **Communication is an important mechanism to facilitate interaction between civil government and the security and defence sector – is weak**. Communication lines must be strengthened in order to build trust between different bodies involved in the reform process. The level of trust in the government and some security and defence sector institutions is very low. In this regard, the President and government need to share information more effectively. The Polish model, where the Deputy Defence Minister is responsible for working with civil sector is a possible solution.

Key Issues, Priorities and Recommendations by Working Group I

➢ Budget and resources constraints were identified as key issues limiting effective and efficient parliamentary oversight in Ukraine. Participants recommended considering possible international donor support to help the Parliament.

➢ Permanent structures of experts/analysts and research structures need to be introduced at the Verkhovna Rada of Ukraine.

➢ Parliamentary participation has to be enhanced with regard to the appointments of senior officials in the security sector.

➢ The work of the committees has to be strengthened and procedural changes need to be made in order to mandate senior officials of the Ministry of Defence and other institutions to attend government meetings.

➢ Participation of civil society has to be institutionalised, which, in turn, will enhance Parliament's ability to perform legislative tasks effectively.

➢ Despite all its shortcomings, the Parliament is an institution with great potential. There is, however, neither a clear vision for reform, nor an accepted methodology between different political parties. Moreover, many different understandings and interpretations of SSR still exist. However, overall knowledge and expertise is being improved in Parliament, demonstrating that a basis for further development of knowledge and expertise exists.

WORKING GROUP II. **NATIONAL DEFENCE AND INTELLIGENCE REFORM**

Facilitator: Leonid Polyakov, Strategic Studies Institute, Ukraine

WG2 – Issues Discussed:

- What are the long term goals of defence and intelligence sector reform?
- Which components of the reform of the defence and intelligence sectors are the highest priority?
- What are the current gaps in defence and intelligence reforms?
- What are the security institutions' training needs related to improved oversight and interaction with democratic institutions?
- How can security policy and practice be made more transparent and accountable?
- How can the full and equal participation of women be promoted?
- What should be the priorities to accelerate reform programming?
- How can international support programming be deployed to assist reforms in this area?
- Can international support programming be better coordinated?
- Who can be responsible for coordination of external support?
- How can the sustainability of relevant reforms be guaranteed?

Summary of the key statements by the participants

- **There is no shared vision among the executive government, the military and the Parliament regarding the strategic goals of security sector reform in Ukraine**. Ukraine should be moving towards embracing the standards and values of the EU. Certain laws that come close to these standards and values have already been adopted by Parliament. However, out-dated laws still remain and thus the 'old ways' are still preserved.

- It is important to have a benchmark from which to assess the progress of security sector reform in Ukraine. **Although NATO standards are commonly used in this regard, currently, Ukraine is far from corresponding to them**. It could perhaps be more beneficial to define a small number of clear goals that can be broken down into smaller sub-priorities. The first of these strategic goals should be to establish the roles and responsibilities of civilian and military personnel within the MoD.

- As an example, Ukraine does not have a proper candidate for a civilian minister of defence supported by a team of civilian staff and able to maintain effective communication channels with political leaders. Even though **the MoD often states that reforming this civil-military imbalance is a priority, in reality it is not considered as such as mistakenly, the MoD considers technical reforms more important than social and humanitarian ones**. It is necessary to delineate the functions of the General Staff with the Ministry of Defence, as currently their functions and responsibilities overlap extensively.

- In the MoD, volunteers currently fill a host of different roles and are capable of carrying out a range of different tasks. However, in the long-term, **volunteers are not capable of replacing posts involving professional guidance**, strategic management, effective command and control and democratic governance. At some point, **qualified professionals must take over these roles**.

- Another priority is the transparent and accountable provision of resources – it is universally recognised that **abuses of power and corruption exist** in this area.

- **The MoD has a poor track record of inter-institutional communication**, in particular with regards to its special services. However, although Ukrainian special services often complain about a lack of available resources, **without effectively communicating their needs to the Verkhovna Rada and the Cabinet of Ministers, they are unlikely to receive them**. Increasing lines of communication between the government and civil society was determined to be a high priority. Currently, although channels of communication between the two exist, they require improvement.

- **With a lack of vision and the absence of a single coordination centre any hasty reforms of governance of Ukrainian special services are dangerous**. Remarkably, there does not seem to be any platform in place to discuss intelligence and special services issues, including budget concerns and operational planning. This augments the service's problems in terms of a lack of communication and resources.

- With regards to strengthening parliamentary oversight, **the establishment of a Parliamentary Committee on Intelligence and Special Services might be considered**. In this context, it is worth reviewing the understanding of the concept of 'intelligence community' in Ukraine, so it corresponds with the EUs understanding of 'special services'.

- When discussing **whether the personnel of special services should have a military or civilian background**, some members posited that it should be military, since civilians are not trained nor prepared for combat. This view, however, **was not universally shared**, with another expert noting that even for the purposes of field assignments, civilians exhibit good professional performance after receiving training.

- Personnel reform is not an easy task for the special services. Therefore, **a personnel reform would be one of the tasks for "to be established" Parliamentary Committee on Intelligence and Special Services**, devoted to discussing issues related to, including the development of an adequate legislative framework. However, it would be difficult its work effective due to the general lack of professional and trained personnel with experience in this field.

- It will take time to define what the priorities for reform of the special services are and how to allocate resources appropriately. In this regard, **providing financial resources should not be the first priority – creating an organisational framework should be**.

- **Reform of the special services should be considered within the greater framework of legal reforms and personnel and resource management reforms.** All the processes and elements of the security sector are interconnected; therefore, any reform of security services should be considered with the entire security and defence sector in mind and within the framework of a holistic approach to Security Sector Reform.

- The idea is **to reform the elements** of the special services **which are not functioning well, while not altering the elements which work effectively**. Reforms should be made in a strategic manner, according to existing needs and with a view to achieving the desired outcomes: effectiveness, reliability, adaptability and democratic oversight.

- **Ukraine is in the need of leaders who are capable and willing to take the responsibility** for real security sector reform and implement changes accordingly.

- The major problems facing the security sector include the status of the security services, **widespread corruption and violation of human rights.** A series of standards and legal documents with valuable recommendations and the guidelines for tackling these issues already exist. However, they are neither used nor implemented, not only by the special services, but also by the security sector in general.

- Currently, among the special services, the SSU is the most effective agency. Thus, **before removing certain functions from the SSU, it is advisable to create other specialised law enforcement agencies who can effectively take on these responsibilities**. Until these new agencies are put in place, all functions must remain with the SSU.

- **Ombudsman Institutions** are not as active as they could be, with the exception of the Military Prosecutor Office, which achieved some progress in matters related to improving communication. These types of agencies should be as independent as possible; however, currently, this is not the case in Ukraine. Furthermore, **amendments made to the status of these institutions have had the opposite effect, making them more dependent and thus less effective.**

- Business-related conflicts of interest in the government of Ukraine still exist. MP's continue to have close ties with the business world (oligarchs); therefore **the private sector continues to have a strong influence over the Government**.

- The question of the **social reintegration of veterans** should be addressed. A comprehensive approach to this task is required, including the reintegration of veterans into all major aspects of social life, as well as the provision of social benefits and psychological support for them.

- We need more professionals in Parliament. **We need to change the legal framework so that the laws can define the reforms**. More power should be given to the people "at the bottom" – the culture of decision-making should be changed to include younger people.

Key Issues, Priorities and Recommendations by Working Group II:

➢ Promote a common understanding about the needs, goals and means necessary to achieve effective reform. Need to define concepts, such as 'special services' and SSR. Need to improve and adapt existing legal frameworks for reforms. Finally, it may be necessary to establish a new organisational, institutional and methodological framework.

➢ More research on SSR should be conducted, while more research institutions should be established. A single 'Coordination Centre' for reforms should be set up. Coordination between International Aid Agencies and NGO's should be improved.

➢ Consider and further discuss the possible establishment of a Parliamentary Committee on Intelligence and Special Services, which would allow for more effective communication to Verkhovna Rada members and the public on the needs of the special services. A lack of strategic leadership exists, while there is a need to address organisational issues. The roles and responsibilities of those involved in reform should be clearly defined.

➢ Correct the lack of civilian leadership in the Ministry of Defence and the General Staff. Involve civil society and properly balance the military-civilian staff ratio within agencies and ministries. Increase the numbers of qualified personnel, project managers and capable leaders. Encourage the participant of civil society and young professionals in reform processes.

➢ Lack of strategic communication: establish effective communication channels; encourage and facilitate meaningful communication between all the actors in the security sector.

➢ Insufficient funding for the reforms of the special services is a major issue. Budgeting and programming is required (i.e. the need for effective communication between the security sector and the Government, via Parliamentary Committees).

➢ Reforms should not undermine the operational capacities of security agencies. Focus should be placed on reforming deficient aspects of the security sector and preserving those that function correctly. Work on implementing those good practices that already exist.

➢ Design and implement social support programmes for military veterans, aiming for the social reintegration of such peoples.

➢ International standards should be adapted to Ukraine's particular context. NATO standards should be explained, diffused and studied.

➢ Ombuds Institutions and Independent oversight agencies should be reform and/or created.

➢ Corruption and the intrusion of private interests into the security sector should be tackled.

WORKING GROUP III.
LAW ENFORCEMENT AND JUSTICE REFORM

Facilitator: Oleksiy Melnyk, Razumkov Centre

WG3 – Key Issues Discussed:

- What are the long term goals of law enforcement and justice reform (including the prosecutor's office)?

- Which components of the reform of the law enforcement and justice are the highest priority?

- What are the gaps in current law enforcement and justice reforms?

- What are the security institutions' training needs related to improved oversight and interaction with democratic institutions?

- How can security policy and practices be made more transparent and accountable?

- How can the full and equal participation of women be promoted?

- What should be the priorities to accelerate reform programming?

- How can international support programming be deployed to assist reforms in this area?

- Can international support programming be better coordinated?

- Who should be responsible for coordination of external support?

- How to provide the sustainability of relevant reforms?

Summary of the key statements by the participants

- There is no unified definition of law enforcement agencies in Ukrainian legislation. Numerous law enforcement agencies are subordinated to different ministries without one centre for coordination of their activities at the state level. Therefore, **there are many areas of overlap, as well as gaps in providing law enforcement services** for the state and society.

- Currently, there is no single coordination centre for reforms and no coordination between the presidential, legislative and executive branches of power. Also, a general strategy for long-term reform is absent. Despite the establishment of the National Reform Council, **full autonomy over the law enforcement reform is still delegated to the Ministry of Interior**.

- There remains a **discrepancy between "decorations"** (well-promoted cases of reform process such as the patrol police) **and comprehensive reforms**.

- There is little political will for reforms. Current halts in reforms are not related to institutional incompetence's, but rather, to a lack of political will to pursue them. **Major stakeholders have lost interest in further pursuing reforms**. In essence, the reform process is faltering due to political clashes among different power centres.

- Reform should not end with the establishment of **a new patrol police**. Although this instance of reform has been successful, it **is only the first step**. While the patrol police are visible and can prevent petty crime to a certain extent, there remains a significant rise in violent crimes, which patrol police are untrained to deal with. Law enforcement reform should be comprehensive and move forwards in a step-by-step fashion.

- **We need to pay particular attention to how law enforcement agencies are defined in new legislation**, especially to ensure that their functions are properly connected to human rights observance and international standards. Law enforcement should be well defined in the law, emphasising the delineation of military and internal security.

- We need **to be clear on what we expect** from law enforcement agencies and the reform process.

- All stakeholders, including government and civil society representatives, should be united towards a common goal. We need to **replace the principle of competition with that of cooperation**.

- There is a need to **develop robust criteria for the implementation of reform**. Each president has his or her own agenda for reform; but reform cannot be endless. It is therefore necessary to draw up a roadmap with deadlines and achievable targets.

- **Improving the conditions in detention facilities and protecting the rights of detainees** are amongst the most importance issues to be consideration in the reform of law enforcement agencies in Ukraine.

- The **protection of the rights of servicemen and women** should be a high priority. Uniformed servicemen and women should be provided with social packages and benefits on an equal basis, notwithstanding the ministry or state agency they are subordinated to.

- Current circumstances in Ukraine are unique, therefore **international best practices, especially those in developed and stable countries, cannot be "copied".** They must be used with attention given to the local context of Ukraine.

- More effective parliamentary oversight is required. **Currently the rules of procedure allow for hidden agendas**. Moreover, some MPs often vote without knowing the subject matter, due to a lack of professional expertise or/and manipulations in parliamentarian procedures.

- The State Border Guard Service of Ukraine has enjoyed considerable international support, including the provision of equipment and uniforms. Overall, international technical aid has amounted to about one billion UAH. Several joint projects on enforcing non-proliferation, export controls and joint patrols have been conducted with counterparts from neighbouring EU countries.

- **One of the main challenges with the Border Service reform lies with in creating a quasi-military structure under an umbrella of police or law enforcement agency**.

Key Issues, Priorities, and Recommendations by Working Group III:

➤ **The National Security and Defence Council should assume the role of the 'Coordination Centre'** for the reform.

➤ A reform process without measurable objectives and a concrete timeframe poses challenges. Law enforcement reform should have clear targets and deadlines.

➤ **Legislative amendments:** There remains no legal definition of those structures belonging to law enforcement, nor a comprehensive definition of law enforcement itself. There is often an overlap between the powers of different law enforcement agencies. Thus constitutional and legal amendments are necessary.

➤ While law enforcement is supposed to be the responsibility of Ministry of Interior, in Ukraine law enforcement agencies report to several institutions. This issue should be carefully discussed and properly defined on the legislative level.

➤ **Criminal justice reform**: Responsibilities of investigators and prosecutors should be clearly defined. Jurisdictional powers of investigators should be clarified.

➤ The social and economic rights of law enforcement officials should be well protected. They should be provided with social guarantees and benefits. This would have a positive effect on their conduct.

➤ The **Comprehensive Security Sector Review has not achieved its purpose**. It should be repeated, using international best practices as a guide.

➤ **Civilian oversight**: The civic board under the Ministry of Interior should not interfere with operational activities of the police. In such instances, they can undermine the effectiveness of its investigations.

➤ A platform **to coordinate international technical assistance** could be reconsidered (The Ministry of Interior may not be suitable for this role – perhaps the MFA could consider taking it.)

➤ International donors and assistance providers should pay attention to the level of experience of their experts. In some instances, **international experts had no real practical experience in law enforcement or a good understanding of Ukraine's specific context**. (Though this is not a one-sided problem: sometimes experienced international experts have to work with national counterparts who lack sufficient expertise and knowledge).

ARTICLES AND PAPERS PROVIDED BY THE PARTICIPANTS AFTER THE CONFERENCE

DEMOCRATIC OVERSIGHT AND GOVERNANCE OF DEFENCE AND SECURITY INSTITUTIONS[1]

Eden Cole,
Head, NIS Programmes, DCAF

Introduction

Democratic governance of the security sector is now an established global principle.[2] Moreover, in European democracies the policy and practice of national security – from community to strategic levels – is also determined by the European Convention on Human Rights which remains binding upon all signatories.[3] The Venice Commission of the Council of Europe also regularly supplies opinions on the legislative requirements for aligning legal and institutional structures with democracy, human rights and the rule of law: the Commission has also specifically reflected on the norms and standards relevant to democratic governance of the security sector.[4] These developments have served to emphasise the critical need for transparent and accountable security policies and practices, and, at the same time, to ensure such policies and practices are determined and managed in the interest of public security provision.

In the 1990s, NATO partnership discussions tended to focus on democratic defence and civil-military issues with national democratic institutions, the defence sector, civil society and media. Since then, effective oversight of law enforcement and intelligence services have come to be recognized as equally important for long-term democratic development as well as for anchoring the rule of law worldwide, whether in developing states, transition- or established democracies. Security governance programming increasingly incorporates a greater emphasis on linking justice reform with law enforcement components. Some NATO partnership programming has exceptionally

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[1]   This chapter is reproduced with DCAF permission from: Eden Cole, Philipp Fluri, Simon Lunn (eds.), *Oversight and Guidance: Parliaments and Security Sector Governance*, (Geneva: 2015) available at: http://www.dcaf.ch/Publications/Oversight-and-Guidance-Parliaments-and-Security-Sector-Governance.

[2]   For the evolution of the United Nations approach see Box 1 in the following pages; for the most recent resolution see: UN Resolution 2151 (2014), 'The Maintenance of Peace and Security: Security Sector Reform - challenges and opportunities', Resolution 2151 (2014) 28 April 2014, S/RES/2151 (2014) available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2151(2014);

[3]   For background material on the impact of ECHR on national security issues, see, for example, Iain Cameron, *National Security and the European Convention on Human Rights*, (Uppsala: Uppsala University, 2000); and Iain Cameron, 'National Security and the European Convention on Human Rights – Trends and Patterns', in *Stockholm International Symposium on National Security and the European Convention on Human Rights*, (Stockholm: Commission on Security and Integrity Protection, 2008).

[4]   See, for example, Venice Commission Study No.388/2006 'Report on the Democratic Oversight of Security Services', adopted at the 71st Session, June 2007, http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2007)016-e , and Study No.389/2006 'Report on the Democratic Control of the Armed Forces' adopted at the 74th Session, March 2008, http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2008)004-e

incorporated complementary intelligence oversight aspects, or has focused on defence whilst other regional or international partners have complementarily addressed intelligence and law enforcement oversight issues in parallel to NATO partnership programming.

The five key attributes of good governance as identified by the UN Commission on Human Rights are equally relevant to the security sector and its governance: (1) transparency; (2) responsibility; (3) accountability; (4) participation; and (5) responsiveness (to the needs of the people), (UNCHR Resolution 2000/64).[5] Hence, this chapter argues that the objective of security governance activities by each oversight actor, both individually and collectively, is to ensure transparency and accountability of the security sector as a whole, and the responsiveness of the security sector's policies and practices to citizens' needs.

Democratic Governance of the Security Sector – Key Principles

Credible oversight and management of the security sector remains vital in order to ensure democratic and economic development. The overall rationale for ensuring substantive democratic governance of the security sector is to:

• Enhance citizens' safety and public security;

• Strengthen security provision;

• Enable democratic institutions to monitor and amend security sector policies and practices and ensure compliance with international standards;

• Embed transparency and accountability mechanisms across the security sector;

• Encourage the development and maintenance of a democratic culture rooted in respect for the rule of law and human rights within security institutions;

• Provide effective checks and balances to ensure that security sector actors cannot commit abuses or human rights violations;

• Manage the security sector cost-effectively in order to avoid a financially resource-heavy security sector; and reduce the possibilities for corruption;

• Manage human and financial resources effectively, including effective disciplinary measures and career management structures, encourage professionalism and respect for authority among security sector officials;

• Promote the security sector as representative institutions of the society at large, ensuring equitable participation of women, and minorities.

Democratic governance of the security sector must ensure that security agencies and their staff meet expected standards of performance and behaviour as defined through laws, policies, practices and relevant social and cultural norms. These principles apply not only at management level, but also that of the individual staff member. In particular, security institutions should:

• Prevent abuses of power and authority (by security actors themselves or by other interest groups);

• Use resources appropriately and effectively through appropriate budgetary management;

• Be as transparent as possible, making appropriate information available to other government agencies, oversight bodies and the general public;

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[5] 'The role of good governance in the promotion of human rights', UNCHR Res. 2000/64, UN Doc. E/CN.4/RES/2000/64. See: http://www.un.org/en/terrorism/pdfs/2/G0014048.pdf p. 277.

- Uphold human rights both by preventing abuses within the security sector itself and by preventing and investigating abuses in society as a whole;
- Address the security needs of all people for whom they are responsible, regardless of sex, ethnicity, religion, age, or income.

Effective governance of the security sector is based on sustaining security institutions that are:

- Governed internally and externally by a legal and institutional framework;
- Accountable to the authorities and to the population;
- Transparently managed according to codified standards and practices;
- Based on, and responsive to, people's needs;
- Based on fair and equitable representation.

Democratic Governance of the Security Sector – Challenges & National Ownership

Reforms of security providers create specific oversight and management challenges: law enforcement, defence and intelligence services each require specific, but complementary, governance frameworks. Each requires a dedicated legislative framework covering authorisations, roles and responsibilities, rules and regulations, but the legislation must always respect fundamental freedoms and human rights.

Reform and oversight of the security sector is often politically sensitive. In many societies, good governance initiatives and related reform programming will inevitably limit or even threaten the entrenched vested political, economic and, inevitably, criminal interests. Consequently, any activities supporting the increased technical capacities of security institutions must always be complemented by actions enhancing the governance capacities of other societal stakeholders to strengthen the oversight framework, not least to prevent the instrumentalisation of security providers in domestic politics.

Box 1: United Nations Approach to Security Sector Governance

UNDP set the agenda linking transparent and accountable security provision to human development in the 2002 *Human Development Report*, available at

http://hdr.undp.org/sites/default/files/reports/263/hdr_2002_en_complete.pdf

Thereafter, greater UN engagement on security governance issues led to two reports: 1) Report of the Secretary General, 'Securing peace and development: the role of the United Nations in Supporting Security Sector Reform', 23 January 2008, A/62/659-S/2008/39 available at:

http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2008/39.

2) Report of the Secretary-General, 'Securing States and Societies: strengthening the United Nations comprehensive support to security sector reform', 13 August 2013, A/67/970-S/2013/480 available at:

http://www.un.org/ga/search/view_doc.asp?symbol=A/67/970;

The 2013 report was soon followed by UN Resolution 2151 (2014), 'The Maintenance of Peace and Security: Security Sector Reform - challenges and opportunities', Resolution 2151 (2014) 28 April 2014, S/RES/2151 (2014) available at

http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2151(2014);

The United Nations also supplies guidance for facilitating security sector reform worldwide: see, for example, UN Inter-Agency SSR Task Force (IASSRTF), *UN Integrated Technical Guidance Notes on Security Sector Reform*, (UN: New York, 2012) available at

http://unssr.unlb.org/Resources/UNandSSRGuidance/PolicyandGuidance/tabid/201/SMID/498/ItemId/96/Default.aspx

For the UN Compilation of Good Practices on Intelligence Services and their Oversight see: Martin Scheinin: 'Compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism, including on their oversight', 17 May 2010, A/HRC/14/46, available at http://www.dcaf.ch/Project/UN-Compilation-of-Good-Practices-on-Intelligence-Services-and-their-Oversight

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These factors reinforce the critical need for inclusive national ownership of security sector reform oversight processes, a format in which the performance of security sector oversight includes a wide range of institutions and civil society actors. A multiplicity of such actors helps not only to ensure the transparency and accountability of security policy and practices, but to sustain momentum on reform and accountability issues.

Moreover, these challenges emphasise that pro-democratic, pro-transparency and pro-reform clusters across democratic institutions, civil society and security sector agencies may need to generate the momentum for reform in the face of indifference or active resistance of anti-reform and anti-transparency interest groups. It is rare for a whole-of-society consensus on reform to spontaneously emerge and immediately operationalize substantively reform programmes. Even if such a consensus emerges, security providers with opaque roles and functions may still find means to entrench and protect their own interests.

Democratic Governance of the Security Sector – Sectoral Reforms

All of the above oversight considerations are of equal importance to the oversight and reform of each security provider. But, just as each security provider has specifically segmented roles to prevent duplication of tasks – and specific training and oversight mechanisms may be associated with each of those roles – it follows that each provider's reform plans will have different components. Similarly, security sector personnel and managers will have different training needs. However, common skills are needed, particularly at the managerial level, to ensure policy and practice is transparent and accountable at local and national levels.

Twenty years on from the end of the Cold War, it is a given that the political direction of the armed forces is the function of a democratically elected government. In tandem, the management and personnel of ministries responsible for security sector agencies are civilian professionals. Requisite skills must be acquired to ensure effective administration of relevant ministries, particularly in terms of the specific requirements of civil-military challenges.[6]

In terms of the defence sector, the often considerable financial resources dedicated to all types of procurement and broader financial management in the context of the national budget are a key concern, not only to ensure the effective use of public funds, but also to prevent corruption associated with often high-value contracts.[7]

In the sphere of NATO partnerships, a number of initiatives have sought to develop the capacity of civilian professionals in these spheres. Partnership Action Plan on

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[6]   See, for example, Valeri Ratchev, Civilianisation of the Defence Ministry: A Functional Approach to a Modern Defence Institution, (Procon, 2011) available at http://www.dcaf.ch/Publications/Civilianisation-of-the-Defence-Ministry-A-Functional-Approach-to-a-Modern-Defence-Institution.   See also, IASSRTF, Defence Sector Reform Policy (DPKO for UN IASSRTF, 2011) available at: http://unssr.unlb.org/Resources/UNandSSRGuidance/PolicyandGuidance/tabid/201/SMID/498/ItemId/97/Default.aspx

[7]   See Wim van Eekelen, *The Parliamentary Dimension of Defence Procurement*, DCAF 2005, available at http://www.dcaf.ch/Publications/The-Parliamentary-Dimension-of-Defence-Procurement

Defence Institution Building (PAP-DIB)[8] has provided an umbrella for a number of financial, human resource and policy best practices.[9] More recently, substantial initiatives on Building Integrity and anti-corruption issues have sought to develop greater capacity to prevent corruption through guidance, self-assessment and training.[10] At the intersection of military, ministry and government decision-making a plethora of anti-corruption challenges coalesce, including due diligence, corruption risk and offsets.[11]

In terms of law enforcement (including border services) significant financial commitments are also required from the state, as are special skills within the services to facilitate everyday interaction with citizens. An increasing number of anti-corruption products are available to ensure the public-facing element of the police services are trained in integrity principles.[12] A general trend has also emerged in which some European nations have dispensed with paramilitary-style policing and moved towards fundamentally democratic community policing models.[13] Despite this, there has also been a recent trend towards the militarization of police units leading – in a neglected parallel to well-worn homilies familiar to debates about civil-military relations – to some police units in democratic states openly asserting their unaccountability to democratically elected authorities.

Intelligence reform is, in general, one of the most overlooked, yet critical, components of security sector reform. Intelligence services, like any other government agency, are obligated to respect and uphold the rule of law. Moreover, public confidence

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[8]   Philipp Fluri & Wim Van Eekelen (eds.), *Defence Institution Building: A Sourcebook in Support of the Partnership Action Plan on Defence Institution Building (PAP DIB),* (LaVAK, Vienna, 2006), available at http://www.dcaf.ch/Publications/Defence-Institution-Building2

[9]   Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev (eds.), *Defence Management: An Introduction*, (Procon, Sofia, 2009) available at http://www.dcaf.ch/Publications/Defence-Management. See also Hari Bucur-Marcu, *Defence Institution Building Self-Assessment Kit: A Diagnostic Tool for Nations Building Defence Institutions*, (Sofia: Procon, 2010), available at http://www.dcaf.ch/Publications/Defence-Institution-Building-Self-Assessment-Kit

[10]   Todor Tagarev (ed.), *Building Integrity and Reducing Corruption in Defence*, (Sofia: Procon, 2010), available at http://www.dcaf.ch/Publications/Building-Integrity-and-Reducing-Corruption-in-Defence ; see also: Trust Fund for Integrity building, Integrity Self-Assessment Process – A Diagnostic Tool for National Defence Establishments, DCAF NATO 2009 available at http://www.dcaf.ch/Publications/Integrity-Self-Assessment-Process-A-Diagnostic-Tool-for-National-Defence-Establishments

[11]   See Tiffany Clarke (ed.), *Due diligence and corruption risk in defence industry offset programmes*, (TI UK, 2012) available at http://www.ti-defence.org/publications/20-category-publications/publications-dsp/76-dsp-pubs-due-diligence-offsets.html, also Mark Pyman, Anne-Christine Wegener, *Building Integrity and Reducing Corruption in Defence and Security: 20 Practical Reforms*, (Transparency International DSP: 2011), http://archive.ti-defence.org/publications/88-building-integrity-and-reducing-corruption-in-defence-and-security--20-practical-reforms

[12]   See, for example, Pierre Aepli (ed.), Toolkit on Police Integrity, (DCAF, 2012), available at http://www.dcaf.ch/Publications/Toolkit-on-Police-Integrity See also, UNODC Handbook on Police Accountability, Oversight, and Integrity, UN, New York, 2011 available at http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/PoliceAccountability_Oversight_and_Integrity_10-57991_Ebook.pdf Also UNODC, Training Manual on Policing Urban Spaces, 2012 http://www.crime-prevention-intl.org/en/publications/publication/article/training-manual-on-policing-urban-spaces-unodc-2.html

[13]   Senior Police Adviser to the OSCE Secretary General, *Guidebook on Democratic Policing*, (OSCE: 2008), available at http://www.osce.org/secretariat/23804; Anneke Osse, *Understanding Policing*, (Amnesty International: 2006) https://www.amnesty.nl/sites/default/files/book_1_0.pdf , Handbook on Human Rights and Policing. OHCHR. Human Rights and Law Enforcement, A Manual on Human Rights Training for the Police, (UN New York and Geneva 1997) available at http://www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducationthree.aspx http://www.ohchr.org/Documents/Publications/training5en.pdf

and trust in the services and their government managers is crucial in order for them to perform their role effectively. Ensuring the division of responsibilities domestic and foreign agencies and intelligence gathering is of fundamental importance. Similarly, it is vital to ensure any military intelligence component within a Ministry of Defence is limited to an analytical role.[14]

In terms of law enforcement and intelligence reform, a recent tendency towards developed nations' mono-focus on perceived terrorist threats – a phenomenon which Western European and other nations addressed from the 1960s through to the 1990s in parallel with other conventional threats – has, in some cases, led to profound tension over interception of communications, duplication of roles, fundamentals freedoms and human rights. In such circumstances, a variety of international and regional organisations have issued guidance to ensure the protection of civil liberties in democratic nations.[15]

Additionally, a common feature of all contemporary security governance programming is the incorporation of a gender perspective into the policy and practice of security providers, ensuring that both are fundamentally shaped to accommodate the security needs of the all citizens. Mainstreaming gender within the security sector ensures security providers interact inclusively and comprehensively with civilians, guaranteeing the increased effectiveness of service delivery to recipients. Each security provider has specific gender issues to address, sometimes requiring specific training and capacity development activities.[16]

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[14]   For oversight of intelligence services see Hans Born and Aidan Wills (eds.), *Overseeing Intelligence Services: A Toolkit*, (Geneva: Agincourt Press, 2012), available at: http://www.dcaf.ch/Publications/Overseeing-Intelligence-Services-A-Toolkit also Aidan Wills, 'Democratic and Effective Oversight of National Security Services', *Issue Paper*, Council of Europe, May 2015, available at https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/IssuePaper(2015)2&Language=lanEnglish&Ver=original&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383 as well as Hans Born and Ian Leigh, *Making Intelligence Accountable*, (DCAF-University of Durham, Parliament of Norway, 2005) available at: http://www.dcaf.ch/Publications/Making-Intelligence-Accountable. Also see: 'Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin: Compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism, including on their oversight', 17 May 2010, A/HRC/14/46, available at http://www.dcaf.ch/Project/UN-Compilation-of-Good-Practices-on-Intelligence-Services-and-their-Oversight   For comparative data at the European level see *Parliamentary Oversight of Security and Intelligence Agencies in the European Union*, (European Parliament: 2011), available at http://www.europarl.europa.eu/document/activities/cont/201109/20110927ATT27674/20110927ATT27674EN.pdf

[15]   See, for example, OSCE-ODIHR, *Countering Terrorism, Protecting Human Rights: A Manual*, (ODIHR: Warsaw, 2007) available at http://www.osce.org/odihr/29103

[16]   For an overview of all aspects of gender and security governance, as well as introductory training tools, see Megan Bastick & Kristin Valasek (eds.), Gender and Security Sector Reform Toolkit, (DCAF, OSCE/ODIHR, UN-INSTRAW, 2008), available at: http://www.dcaf.ch/Publications/Gender-Security-Sector-Reform-Toolkit; see also: Megan Bastick (ed.), *Gender Self-Assessment Guide for the Police, Armed Forces and Justice Sector*, (DCAF, 2011) available at: http://www.dcaf.ch/Publications/Gender-Self-Assessment-Guide-for-the-Police-Armed-Forces-and-Justice-Sector; for key oversight issues see Megan Bastick, *Integrating Gender into Internal Police Oversight*, (DCAF & OSCE ODIHR 2014), available at http://www.dcaf.ch/Publications/Integrating-Gender-into-Internal-Police-Oversight; Megan Bastick, *Integrating a Gender Perspective into Internal Oversight within Armed Forces*, (DCAF & OSCE ODIHR, 2014), available at http://www.dcaf.ch/Publications/Integrating-a-Gender-Perspective-into-Internal-Oversight-within-Armed-Forces, and Megan Bastick, *Integrating Gender into Oversight of the Security Sector by Ombuds Institutions & National Human Rights Institutions*, (DCAF & OSCE ODIHR, 2014), http://www.dcaf.ch/Publications/Integrating-Gender-into-Oversight-of-the-Security-Sector-by-Ombuds-Institutions-National-Human-Rights-Institutions

DEMOCRATIC SECURITY SECTOR GOVERNANCE – COMPONENTS

Democratic governance of the security sector can be broadly divided into two components. Firstly, oversight, governance and management of security sector agencies by the executive, democratic institutions, civil society and the media; secondly, governance and management structures within the security sector itself.

1. External governance of security institutions

External governance of security sector institutions is determined by a variety of stakeholders whose active cooperation ensures that data on the impact of security policy and practice is openly discussed and relevant amendments subsequently made. Each set of oversight actors perform specific, but complementary, governance functions.

1.1. Executive

The Executive sets the strategic direction for management of the security sector and the establishment of a broader governance and oversight framework by a democratically elected government. The executive is able to initiate and lead significant changes in the delivery of effective and responsive security by setting the policy direction for the security sector as a whole. The executive also plays a role in managing security institutions and in performing cross-ministry management and oversight functions. Ultimately the executive is legally and politically responsible for the performance of security sector agencies.

The Executive's role also comprises financial oversight through setting budgets and monitoring expenditures (including security sector components); ensuring a transparent framework for financial management; direct oversight of security forces' policies and practices (including the need to ensure internal oversight components by line ministries are maintained); and promoting efforts to engage overlooked or marginalised societal groups by setting, for example, priorities to address the rights of women and children and ethnic minorities, or identifying the need to address specific insecurity issues in specific urban or rural areas. Such procedures should be transparent and also promote citizens' participation in security governance

1.2. Parliamentary Oversight & Legislative Governance

Parliamentary oversight of the security sector refers to the role the democratically elected branch of the legislature (e.g. assembly or parliament) plays in oversight and monitoring of security sector policies and practices. More broadly, parliamentary oversight is a critical component of legislative governance of the security sector.[17]

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[17] Hans Born, Philipp Fluri, Anders Johnsson, *Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices*, Handbook for Parliamentarians No.5, (Geneva, 2003), available at: http://www.dcaf.ch/ Publications/Parliamentary-Oversight-of-the-Security-Sector. For NATO and NATO partner nations also see Hans Born, Philipp H. Fluri, Simon Lunn (eds.), *Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector*, (Geneva, 2003) available at: http://www.dcaf.ch/Publications/Oversight-and-Guidance-The-Relevance-of-Parliamentary-Oversight-for-the-Security-Sector-and-its-Reform, and the second edition (Geneva 2010) available at http://www.dcaf.ch/Publications/Oversight-and-Guidance-The-Relevance-of-Parliamentary-Oversight-for-the-Security-Sector. For oversight of intelligence services see Hans Born and Aidan Wills (eds.), *Overseeing Intelligence Services: A Toolkit*, (Geneva: DCAF, 2012), available at: http://www.dcaf.ch/Publications/ Overseeing-Intelligence-Services-A-Toolkit as well as Hans Born and Ian Leigh, *Making Intelligence Accountable*, (DCAF-University of Durham, Parliament of Norway, 2005) available at: http://www.dcaf.ch/Publications/Making-Intelligence-Accountable. For detailed guidance on committee work and other issues, see Teodora Fuior, *Parliamentary Powers in Security Governance*, (Geneva, 2011), available at: http://www.dcaf.ch/Publications/ Parliamentary-Powers-in-Security-Sector-Governance. For general guidance, also see: Office for Promotion of Parliamentary Democracy, European Parliament, *Parliamentary Oversight of the Security Sector*, (European Parliament: OPPD, 2013), http://www.europarl.europa.eu/pdf/oppd/Page_1/Oversight-web.pdf

The role of parliamentarians and parliamentary committees is multi-faceted: determining the legal framework for security policy and practice; monitoring, debating and shaping policy and practice in plenary sessions and in specialised committees, including not only those dealing with defence, law enforcement and intelligence oversight, but also human rights, audit, budget or finance committees; approving, developing or rejecting policy, laws and budgets; and involvement in the appointment processes for senior posts within the security institutions to minimize any political interference. Such activities presume a degree of motivation and focused activity by interested parliamentarians.

Conducting any or all of these oversight activities can also serve as a catalyst for change in the security sector: once parliamentarians publicly or privately highlight a particular oversight challenge, it is usually assigned a higher priority by government, institutions and the security sector itself.

Finally, ensuring the existence of a thorough legislative framework for oversight and management of security institutions is of critical importance. Moreover, such frameworks must be compatible with international obligations and universal human rights. Scrutiny of draft legislation, amendments to and the adoption or rejection of such laws are parliament's fundamental responsibility. Without such consistent law-making activity the level of national oversight will become less effective overall.

1.3. Judiciary

Security sector institutions and their employees must be accountable to an independent judiciary for their actions. Depending on the precise traditions of legal systems, relevant judicial activities can include: prospective or retrospective review and authorisation of specific security operations; judicial investigations into offenses committed by security institutions' personnel; prosecuting security sector personnel for infringements of national civil and criminal law and applicable international laws; and maintaining jurisprudence through the interpretation of laws affecting national security.

Whilst most militaries have internal military courts to maintain internal discipline related to misdemeanours and breaches of internal rules and regulations, the authority of such courts is determined entirely by national legislation. By ensuring that military courts are subordinate to the civil justice system, national legal systems can prosecute felonies committed by the personnel of security institutions according to national law. Failure to maintain this delimitation can potentially lead to conflicts over the boundary between civilian and military jurisdictions.[18]

1.4. Independent Oversight Agencies

Independent agencies with specialised monitoring mandates can perform a vital role in the governance of the security sector. Such agencies include national human rights institutions, human rights ombudsperson institutions, national ethics committees, anti-corruption agencies, auditor generals, independent complaint mechanisms, and other specialised expert oversight bodies (e.g. for intelligence oversight).

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[18] See, for example, Ian Leigh, 'Executive, Legislative and Judicial Oversight and Guidance over the Security Sector', in Eden Cole, Kerstin Eppert and Katrin Kinzelbach (eds.), *Public Oversight of the Security Sector*, (Bratislava: Valeur for UNDP, 2008), available at http://www.dcaf.ch/Publications/Public-Oversight-of-the-Security-Sector. See also UNODC, *Resource Guide on Strengthening Judicial Integrity and Capacity*, (New York: UN, 2011) available at http://www.unodc.org/documents/treaties/UNCAC/Publications/ResourceGuideonStrengtheningJudicial IntegrityandCapacity/11-85709_ebook.pdf

Ombudsman, also referred to as Ombuds Institutions, can also perform highly segmented monitoring, oversight, arbitration, and investigation roles in military institutions, law enforcement institutions and in the intelligence sector.[19] In some nations, an Inspector General within a security sector agency can perform a similar function.[20] Overall, any nation with an ombuds institution focused on human rights issues will face the challenge of monitoring the security sector and its agencies.

The roles of such independent agencies can include monitoring security policy and practice, independently undertaking investigations, issuing binding and/or non-binding recommendations on accountability issues, policies and practices, aggregating data on complaints and malpractices, and publicly reporting on oversight and compliance issues. Such independent monitoring oversight is essential to strengthen stakeholder confidence and to ensure substantive dialogue and cooperation between democratic institutions, the security sector and civil society on security governance issues. Structured and systematic reports and documentation about security institutions can provide an empirical basis for reform at national and local levels.

Similarly, independent oversight institutions are well placed – depending on their precise terms of reference – to issue recommendations on improving security provision and human rights observance by security sector agencies.

1.5 Civil Society

The engagement of civil society organisations (referred to here as CSOs and comprising associations, non-governmental organisations (NGOs), and community groups) on security issues enables the perspective of the general population to be factored into security policymaking and governance processes.[21]

CSOs can perform an active function by monitoring security policies and practices affecting their constituents and advocating appropriate solutions. CSO cooperation with the parliament is also critical to enable and sustain democratic governance of the security sector by providing information on the current security climate, human rights abuses, or expertise on budgetary oversight to committee hearings.

CSOs can also facilitate a cross-societal consensus on security policy priorities by improving public awareness of security issues. In addition, specialized CSO, i.e. women's organizations, will have distinct insight and analysis regarding threats to and abuses against their target groups, as well as broader intelligence on communities' perception of the security sector, and reports of irregularities. Overall, CSOs can perform a crucial dialogue and cooperation function by bringing together citizens, democratic institutions and security sector agencies to address security provision challenges.

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[19]   Eden Cole and Katrin Kinzelbach (eds.), *Monitoring and Investigating the Security Sector*, (Bratislava: Renessans for UNDP, 2007) available at: http://www.dcaf.ch/Publications/Monitoring-and-Investigating-the-Security-Sector

[20]   Hans Born and Ian Leigh, *Handbook on Human Rights and Fundamental Freedoms of Armed Forces Personnel*, (ODIHR & DCAF, 2008) available at: http://www.dcaf.ch/Publications/Handbook-on-Human-Rights-and-Fundamental-Freedoms-of-Armed-Forces-Personnel; also Benjamin Buckland and William McDermott, *Ombuds Institutions for the Armed Forces: A Handbook,* (DCAF 2012), available at http://www.dcaf.ch/Publications/Ombuds-Institutions-for-the-Armed-Forces-A-Handbook

[21]   For more information on this issue see Eden Cole, Kerstin Eppert and Katrin Kinzelbach (eds.), *Public Oversight of the Security Sector*, (Bratislava: Valeur for UNDP, 2008), available at http://www.dcaf.ch/Publications/Public-Oversight-of-the-Security-Sector

1.6. Media

The media can facilitate the governance of security institutions through investigative journalism and by providing platforms for information sharing and discussion on security issues that all stakeholders can access. By investigating and reporting on abuses within the security and justice institutions, media organisations can help expose failures in transparency and accountability mechanisms, management and governance systems. Print and electronic media can also reflect the monitoring activities of civil society organisations on security institutions and the level of public security provision, and play a role in supporting the integrity of the judiciary by acting as a guardian against corruption through investigative journalism, publicising cases of corruption and abuse of power.

2. CIVILIAN MANAGEMENT AND INTERNAL GOVERNANCE OF SECURITY INSTITUTIONS

For democratic governance of the security sector to be effective it is crucial to ensure that the management and internal governance mechanisms of all security sector agencies:

- are consistent with the values and laws of the society to whom they provide public security
- uphold international human rights principles and standards
- are sufficient to guarantee the delivery of public security.

Are staffed by civilian professionals

Effective internal governance involves the use of complementary horizontal and vertical governance structures. The level of transparency of such internal management arrangements will also affect the legitimacy of security institutions across the general population. Security institutions that are responsive to public needs tend to be transparent; those which are indifferent to public needs tend to be opaque. This section outlines key institutional governance issues.

2.1. The Framework for Security Institution Management

2.1.1. Strategic Direction & Management at Sectoral Levels

As mentioned in section one, the Executive must provide clear leadership and strategic direction to the management of security institutions, guidance which emphasizes the clearly segmented responsibilities of each security provider. The provision of public security must be a clear goal and the overarching objectives for each security institution to achieve that end must be outlined. The management of each security sector institution and associated ministries must reflect these objectives in their policies and long-term planning.

2.1.2. Strategic Security Policy

Strategic security policy should be established at the national level by those elected representatives constituting the national government. Usually the lynchpin document is a national security policy against which sectoral policies for law enforcement, the military and intelligence can be defined. The setting of strategic security policy will ultimately affect the attribution of finite human and financial resources in relation to other socio-economic, anti-poverty and development initiatives. This strategic policy

then enables relevant security institutions to develop their sectoral priorities, reform, engagement and implementation strategies.

2.1.3. Legal Frameworks

The legal framework for ministries, directorates and security institutions needs to be developed in line with international good practice and ensure consistency with the rule of law. Legislation needs to clearly define the role and responsibilities of each security institution, specify the authorisation procedures for administrative and operational activities, identify the applicability of internal rules and procedures, ensure instruments exist for other stakeholders to engage and monitor security institutions, identify the constitutional basis for each components' activities, and ensure security institutions' employees are accountable for their actions in law. Additionally, the frameworks need to incorporate and facilitate access to information for the general public and democratic institutions.

2. 2. Internal Management of Security Sector Institutions

Security sector institutions require robust internal management systems to ensure the effective delivery of services, prevent corruption and to prevent the waste of limited financial and human resources.

2.2.1. Human Resource Management

Transparent and effective human resource management provides a robust means for enhancing professionalism among security sector personnel, civilian management and civilian staff. Encouraging effective human resource management by relevant ministries and directorates includes the development of transparent salary, promotion and professional development policies; the creation of comprehensive databases for personnel management; the establishment of merit-based recruitment and performance evaluation systems; and the development of an effective salary payment system.[22] Efforts should be made to increase the participation of women in the security sector, as well as facilitate their retention and promotion.

2.2.2. Financial Resource Management

Financial resource management is based on the premise that the security sector is subject to the same principles of public sector management as other sectors. Budget policies need to be transparent in order to ensure they are affordable, and to ensure they complement other government priorities and strategies. Financial resource management should be supported through the development of transparent and accountable procurement systems; the development of efficient auditing systems; and enhancing financial planning and management not only within ministries but the management units of security sector institutions themselves.[23]

2.2.3. Anti-Corruption and Building Integrity

A key issue uniting approaches to human and financial resource management is the need for a strong anti-corruption framework. Transparency and corruption challenges

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[22] Hari Bucur-Marcu, Philipp Fluri, Todor Tagarev, *Defence Management: An Introduction*, (Sofia: Procon, 2009) available at http://www.dcaf.ch/Publications/Defence-Management

[23] See, for example, UNDP and World Bank, *Security Sector Expenditure Review Sourcebook*, (forthcoming 2016).

in the defence sphere often affect not only transition states but also established democracies. Building Integrity programming provides a variety of best practices and anti-corruption measures.[24]

2.2.4. Institutional and Programme Management

Administrative and programme management can enhance accountability and encourage adherence to professional rules and regulations. Effective institutional management at the level of management units, directorates and ministries should be encouraged through policy and planning cycles that reflect national priorities and available resources; developing mechanisms for dealing with abuse of power; and setting up anti-corruption mechanisms and disciplinary measures. Internal accountability mechanisms should be established and enforced.

2.2.5. Rules and Procedures

Each security institution requires a clear set of enforceable rules and procedures to govern its personnel's behaviour. Whilst all security personnel remain subject to the jurisdiction of criminal and civil courts, internal regulations provide a way for the management to enforce discipline internally for misdemeanours or failure to adhere to (as per military law) internal regulations.

2.2.6. Codes of Conduct

Security sector institutions should adhere to codes of conduct formulated at national and international levels. A variety of codes of conduct have an impact on the work of security sector institutions, covering issues such as integrity and anti-corruption; codes of ethics for law enforcement and intelligence personnel. Whilst codes of conduct are not a substitute for the enforcement of rules, procedures, or civil and criminal law, they can engender greater transparency and accountability, as well as a highly developed understanding of and sensitivity to the obligations and duties of a professional working in the security field. In this way they must also be clear and understandable for the general public as well.

CONCLUSION

Effective oversight of the security sector depends on the authority and ability of democratic institutions and key stakeholders to address oversight issues. Parliamentarians are uniquely placed to catalyse debates on oversight issues, promote necessary reforms and monitor the quality of security provision in order to positively affect both policy and practice. Each group has both individual and cooperative roles to play be they democratic institutions (parliaments/legislatures, judiciaries), government, security sector agencies, independent oversight agencies (ombuds institutions), civil society and the media.

By ensuring the complementarity of internal and external governance structures the provision of security access to security can be significantly improved, while, at the same time, the transparency and accountability of security sector policies and practices can be guaranteed.

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[24] See Todor Tagarev (ed.), *Building Integrity and Reducing Corruption in Defence*, (Sofia: Procon, 2010) http://www.dcaf.ch/Publications/Building-Integrity-and-Reducing-Corruption-in-Defence and Mark Pym an, Anne-Christine Wegener, *Building Integrity and Reducing Corruption in Defence and Security: 20 Practical Reforms*, (Transparency International DSP: 2011), http://archive.ti-defence.org/publications/88-building-integrity-and-reducing-corruption-in-defence-and-security--20-practical-reforms

KEY ASPECTS AND CHALLENGES OF THE SSU REFORM

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Adviser to the Head of the Security Service of Ukraine

We welcome the initiative of the Head of the Security Service of Ukraine, Mr. V. Hrytsak to involve the wide international expert community in the SSU reform process: experts from the EU Advisory Mission for Civilian Security Sector Reform in Ukraine, the NATO Liaison Office in Ukraine, the NATO Information and Documentation Center, the Geneva Centre for the Democratic Control of Armed Forces, the National Institute for Strategic Studies under the President of Ukraine and others[25].

The Razumkov Centre is ready to join this initiative and provide its knowledge and experience in the process of establishing the fundamentally new institutions in the national security sector of Ukraine.

In this context, we recommend to continue the traditions and consultation procedures in the format of the NATO-Ukraine Working Group on Civil and Democratic Control of the Intelligence Sector that operated in previous years. We are ready to support these traditions with particular and practical steps.

We are ready to support with specific advice the strategic areas of SSU reform defined in the National Security Strategy of Ukraine, according to which the service shall enhance the counterintelligence functions conferred to it by the Parliament with the gradual transfer of law-enforcement functions and tasks to the newly established agencies for combating corruption and organized crime.

This process requires time: the newly established law enforcement agencies can not immediately take on the tasks and functions previously performed by the SSU.

The experience of the European and Euro-Atlantic communities should be taken into consideration in the new model of the SSU as to the organization of the work of the internal security services, and the following should be determined:

- The optimal balance between civilian and military personnel;
- SSU functions in combating transnational organized crime, drug trafficking, arms trading, etc.;
- Tasks for the counterintelligence to ensure the economic and information security of Ukraine and protection of critical infrastructure.

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[25] See http://www.sbu.gov.ua/sbu/control/uk/publish/article?art_id=172574&cat_id=171464 (In Ukrainian)

Demilitarization of the Security Service of Ukraine

PACE Recommendation No.1402 (1999) gave the Guidelines that "Internal security services should preferably not be organised within a military structure. Nor should civilian security services be organised in a military or semi-military way."[26]

At the same time, the majority of employees in the special internal security services of the Czech Republic, Poland, Romania and Hungary are from the military, while the security services of Austria, Belgium, Italy, Spain, Germany, Portugal, Turkey and Switzerland are staffed both with military and civilian personnel.

The efficient counteraction to the current threats to national and public security, from our point of view, requires staffing of a number of operating units and subdivisions for combating terrorism of the SSU with military personnel, which, in turn, necessitates its further operation as a military entity.

The only such status will allow the SSU to efficiently perform its assigned tasks to ensure the national security of Ukraine under the conditions of "hybrid war". The military service regulations enable to address properly the issue of staff rotation, employee re-location to other regions, the involvement of staff in operational missions at any time of day or night, etc.

At the same time, we consider it expedient to staff some of SSU departments (logistics, financial, administrative, personnel, and analytical) with civilian personnel.

Reference: According to preliminary estimates, the total expenditures from the state budget in the case of the transfer of the SSU to 100 per cent stuffing with civilian personnel while ensuring the current state guarantees as to the social and legal protection of the military personnel who shall be discharged from military service in connection with this transfer will be over UAH 4 billion.

Combating organized crime

The powers that the intelligence services have in respect of combating organized crime, in our opinion, fully conform to European practice. Among the EU intelligence services, only those in Austria and the United Kingdom do not have functions in respect of combating organized crime. In other countries, these functions are either directly stipulated or are implemented as a constituent part of protecting the constitutional order, economy and entrepreneurship, combating terrorism, etc. The FBI is involved in combating all forms of organized crime at the operational level and simultaneously carries out the pre-trial investigation of the aforementioned crimes.

The National Security Strategy of Ukraine stipulates that the key condition for the new quality of economic growth is the provision of economic security via the systematic counteraction of organized economic crime. With this in mind, it is recommended that the SSU counteracts the most dangerous and urgent threats to national security related to transnational organized crime, the drug trafficking, illegal arms trade, etc.

Meanwhile, the SSU staff will not have the right of procedural initiative in the proceedings initiated by their inquiries but will only conduct specific open and secret investigative (search) activities at the written order of the investigator or prosecutor (according to Art. 41 of the Criminal Procedure Code (CPC) of Ukraine).

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[26] Control of internal security services in council of Europe member states. See: http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16689&lang=en

Counterintelligence protection of the critical state infrastructure

It is noted in PACE Recommendation No.1402 (1999) (p.2, Section A) that the internal security services "should only deal with economic objectives or organised crime when they present a clear and present danger to national security".

According to the National Security Strategy of Ukraine that identified the current threats to national security, the work of the SSU should be focused on ensuring national security in economic, information and cyber domains. The current threats to national security include: the aggressive actions of Russia in order to harm the Ukrainian economy and undermine social and political stability; the blocking of Ukrainian efforts aimed at counteracting the monopolization of the strategic sectors of the national economy by Russian capital, countering the monopoly on the supply of critical raw materials, especially energy resources; as well as the extremely shadow national economy, excessive dependence on external markets; insufficient protection of critical infrastructure from acts of sabotage and terrorist attacks.

With this in mind, it is recommended that the SSU should be relieved from the function of combating economic crimes that are not characteristic of the European intelligence services, leaving within its competence the counterintelligence protection of critical infrastructure (primarily financial) from the foreign intelligence and sabotage activities, the blocking of channels of financing terrorism and extremism; providing assistance for the development and implementation of state-private partnership programs.

Pre-trial investigation

The special security services of a number of EU and NATO countries (in particular Sweden and Poland) perform pre-trial investigations, especially the services of the countries facing national security threats typical for Ukraine, and countries which have already completed transition from the Soviet to European model.

The SSU detects and stops crimes against national security according to its main functional purpose and as given in Section 1 of the special Part of the CPC of Ukraine.

Also, at the present time, there are discussions as to the leading and coordinating role of the SSU in the area of combating cybercrime and protecting the critical state infrastructure facilities, and as to the transfer of power for investigating crimes related to the use of computer equipment and communication networks (Art. 361, 362, 363, 3631 of the Criminal Code of Ukraine).

The efficient counteraction against espionage and sabotage activities, and the investigation of certain crimes directly threating the Ukraine's vital interests is possible only under the condition of the unification of the capacities to carry out counterintelligence, operational and search activities, and pre-trial investigations within one special state agency.

With this in mind, we propose to leave pre-trial investigations under separate Articles of the Criminal Code to the SSU and to look at reducing its investigative jurisdiction according to Art.216 of the Criminal Procedure Code.

PROPOSALS ON REFORMING THE SECURITY SERVICE OF UKRAINE

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The Analytical Report of the National Institute for Strategic Studies (supplement to the Address of the President of Ukraine to the Verkhovna Rada "On the Internal and External Situation of Ukraine in the National Security Realm", November 2014), defines precisely and reasonably the main priorities of the state in this realm alongside with the needs of the security sector reform.

The leading thesis of the proposals to this year's Address should be the focus on the fact that the reform process should be carried out in a balanced way with an individual **appro**ach to the personnel and the maintenance of the highly professional capacity of the law enforcement agencies and intelligence services without the loss of their combat capability.

The adoption of the Law of Ukraine on Lustration (which, according to the findings of the Venice Commission, does not meet the EU standards) had a demoralizing effect, in particular, on many experienced officers of the SSU who wanted to continue their service for the benefit of Ukraine. Taking this into consideration, the aforementioned law was amended in January 2015, but the amendments apply only to senior officers. Unfortunately, it should be noted that the promotion practices that existed in the last ten years did not considered the criteria of professionalism of the candidate to become a general.

The Polish experience of verifying (re-certifying) the former employees of the internal security service, which was carried out during their enrolment into the newly established security service (State Protection Office) and the police in 1990, can be considered as positive in this realm.

With the current operational situation in the country and increasing powers of the SSU in respect of counterintelligence operations, counter-terrorism, the protection of national statehood, sovereignty and constitutional order, it is still early to raise the issue on changing the status of the SSU as a special purpose law enforcement agency (which does not contradict the policy of European integration[27] of our country). In general, the experience of foreign intelligence services in state security can be extrapolated to the Ukrainian environment with allowances made for the specifics of the historical development, national mentality, and current tendencies in the development of the domestic political and economic situation.

For example, the Internal Security Agency of the Republic of Poland (EU member since 2004) in effect performs the same functions as the SSU. In fact, the FBI in the USA is also a specialised law enforcement agency.

The issue of the possible demilitarization of the SSU also requires additional study. Such a militarized system exists not only in the intelligence services of the former USSR but also in Spain, Poland, Romania, Slovakia, Hungary, and the Czech Republic (with certain proportions of civil servants). In recent years, the Federal Intelligence Service of Germany has preferred hiring military personnel (with keeping their military ranks).

The efficient reform of the SSU is impossible without new approaches to HR and educational policy. One of the top priorities should be the development of new principles for career management and professional competence of personnel. In particular, only personnel who have the necessary professional experience in operational staff positions should be appointed to the aforementioned positions (a certain service requirement could be set for these positions).

In developing and implementing professional development and patriotic education programs for the personnel, it is necessary to pay attention to the notion of "corporate culture", since the corporate style is one of the foundations that ensures the efficient operation of the intelligence services of the world's leading countries. In recent years, this notion has gained a negative connotation and this has not contributed to the formation of a feeling of pride in the service among the SSU personnel.

In order to prevent the "dissolution" of corporate culture and to strengthen anti-corruption efforts and prevent leaks of secret information, it is necessary to abandon the practice of appointing officers from the internal affairs agencies, customs or tax authorities to senior positions in the SSU.

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[27] "The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, ... It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State." p.2, Art. 4 of the Treaty on the European Union (the Maastricht Treaty).

The practice of appointing police generals to the position of deputy heads of the SSU (similar to the appointment of party officials to executive positions in the KGB, USSR) provoked a negative response inside the service. The fact that the President Viktor Yushchenko appointed all the heads of the regional MIA Departments to especially established additional positions of first deputy heads of the regional SSU Departments in 2009 requires investigation and proper legal assessment. In less than one year, they returned to their service in the MIA having obtained an access to the operational database of the SSU (including operational materials on the employees of the law-enforcement bodies).

It is necessary to avoid the appointment to senior positions of persons who do not have professional qualifications and whose official duties duplicate the work of the subdivisions of the SSU Main Office (on the basis of political expediency). An example is the appointment of former MFA staff to the position of a communication adviser, since the Directorate for Media Liaison and Public Relations and the Center for International Cooperation of the SSU Main Office are responsible for the same functions.

When revising the personnel training system of the National Academy of the Security Service of Ukraine, it is necessary to take a balanced approach to the issue of the increasing the number of candidates admitted who already have higher education at the disadvantage of the cadets who enter the academy for a five-year program.

According to the research conducted by the SSU Academy, the percentage of discharges among this category of people during the first five years after graduation was rather significant (unlike the former cadets). It is necessary to enhance the educational component in the work with personnel by taking into account the regional differences in the mentality of the residents in order to contribute to the consolidation of national cohesiveness.

UKRAINE'S SECURITY SECTOR REFORM PROGRESS: ACHIEVEMENTS AND MAJOR PROBLEMS
DISCUSSION PAPER

Prepared by the Razumkov Centre for the First International Conference "Monitoring Ukraine's Security Governance Challenges – Status and Needs", 21-22 January 2016, Kyiv, Ukraine[1]

1. Main challenges for security management in Ukraine: key priorities, gains and problems of reforms

a. The security system management in Ukraine is facing two types of challenges: external and internal. External challenges ensue from changes in the international security environment, international law, global and regional security systems after the cold war. Internal challenges are caused by both traditional drawbacks of the Ukrainian state policy and processes associated with attempts of usurpation of power by the regime of Viktor Yanukovych.

b. The main external challenges include:

- gradual degradation of the UN system that proved unable to adequately and promptly respond to the emergence and escalation of crises, and to effectively resolve conflicts;

- Current trends on legitimisation of an offensive, sometimes aggressive policy of superpowers, gradual erosion of the international law. Processes of globalisation, growing dissatisfaction of the current world order and search-h of a new paradigm of international relations prompted a tide of integration and reintegration processes, in which, countries at the intersection of the relevant projects present weak units and areas of potential conflicts. In particular, Ukraine found itself at the intersection of European and Eurasian integration projects, which led to the Russo-Ukrainian conflict; involvement in the "integration rivalry" of next to all available world centres of power and apparent inability of the rest of the international community, global and regional international organisations, national security systems to adequately respond to these challenges;

- Ukraine – like the EU and NATO – did not view Russia as a source of potential military threat. That misperception affected the development of its security management system and defence capabilities, and ultimately resulted in a security deficit. Also, Ukraine being on the road of European integration had to

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[1] Available at *http://www.razumkov.org.ua/upload/1453966743_file.pdf*

follow the priorities of the EU and NATO's policy (before the introduction of a non-bloc status in 2010), shared the western perception and unjustified confidence in Russia's transformation into a democratic market economy ruled by law, and also, despite the warnings of the international expert community, underestimation of the increasing aggressiveness of the Russian policy and military capabilities;

c. The main traditional drawbacks of the Ukrainian state policy may be described as follows:

- corruption and excessive bureaucracy – being both a relic of the Soviet system and a product of its independent history;

- lack of a systemic strategic approach to formulation and implementation of the state policy in all sectors of public life, including national security, preference of the "manual mode" of administration and tactical methods of "small steps", which made it possible to use them for attainment of corporate interests;

- disdain of civil society building and its engagement in the processes of the state policy making and implementation, control of those processes.

d. Under the presidency of Viktor Yanukovych the security sector management system was saturated with "Family watchdogs", pro-Russian executives and staff, sometimes – even Russian nationals.

This strongly undermined the Armed Forces of Ukraine that under the non-bloc policy were viewed by the Government as a money-saver, and by business structures related with the ruling regime – as a source of personal enrichment (land, infrastructure, redundant property, and contracts for the MOD).

In that period, the law-enforcement system largely turned from a safeguard of internal security and protection of citizens into a mechanism of defence and conservation of the ruling regime, which could not but affect its capabilities. Therefore, starting its "hybrid" special operation against Ukraine, the Kremlin did not search for bottlenecks in the national security system but effectively created them by the hands of its proxies within the system of governance and the "fifth column" in the political and public community.

In 2011, the Government by its directive suspended the programme of introduction of the quality management system under international standards *ISO 9001* in the central executive bodies, and the governmental bill on **strategic planning** was recalled from Parliament*.* This contributed to aggravation and deepening of the following key problems of the state (and security) management:

- unclear determination of the subjects of management (targeted processes) and a lack of distinction between the processes of deployment and development of the security sector as a whole and its elements;

- lack of uniform approaches to and standards of development and implementation of *strategic* and planning documents, their internal controversy and interdepartmental inconsistency;

- absence of a clear classification of programme documents with account of the difference between sectoral and target programmes, clear links with the budget;

- vagueness of the status of some strategic documents, their place in the process of strategic planning;

- inefficiency of risk management mechanisms, a system of monitoring and criteria of assessment of the results of programme implementation, assessment of political and legal effects of their non-fulfilment, mechanisms of responsibility for erroneous managerial decisions.

e. The present (post-Maidan) security management system has both hereditary and the below-listed new drawbacks:

- institutional imperfection (structural excessiveness and functional insufficiency, in terms of response to present-day threats), inconsistency and weakness (due to the obsolete legal and procedural framework);

- economic losses caused by poor strategic management, non-target and inefficient use of resources, corruption;

- insufficient manning with professional, patriotic staff, or, in some cases, manning with staff with rich Soviet or early Ukrainian (in a negative sense) experience, poor managerial and leadership qualities, lack of initiative, but with big ambitions and reluctance to assume responsibility; such a state of affairs prompts reluctance to introduce systemic strategic approaches to formulation and implementation of the state policy (that involve strict control and responsibility), fear of change, bureaucratic obstruction and skidding of reforms;

- establishment of the National Reform Council under the President of Ukraine – as a body for planning, coordination and monitoring of the effects of reforms – with concerned committees, led exceptionally by heads of the concerned agencies, did not (and could not) produce the expected results; the degree of implementation of the plan of reforms is very low because of the lack of political will, solidarity, interdepartmental competition, strategic management, insufficiently broad employment of independent experts and representatives of civil society;

- engagement of activists of military and civil volunteer movements in security management also failed to become a driver of reforms, despite the importance of use of civic initiative and democratic control, mainly due to the lack of systemic approaches to problem solution, experience of state governance, skills of relations with the deeply corrupt bureaucratic machinery, sometimes – low moral qualities of separate activists;

- narrow departmental approach to the development and introduction of electronic databases, automated systems of support for managerial activity, sometimes neglecting standards of information exchanges, which will obstruct their compatibility in the future.

2. Democratic oversight and governance of the security and defence sector, reform priorities and Parliamentary control of the security sector

a. Development of democratic civilian oversight and governance is the main precondition of the security sector's development as well an urgent need for an effective state control in the time of "hybrid war". The Kremlin, in its attempts to form the image of Ukraine a failed state, presents the problem of the non-government volunteer battalions as a confirmation of the state's inability to control its security sector, i.e. the Ukraine's weakness in democratic security governance.

b. Direct participation of volunteers and civil society organisations in the defence sector reforms looks like the most effective form of a democratic security governance. Basic standards of civil democratic control over the Armed Forces and other security structures have been established in Ukraine. However, today there are some evidences of militarisation of the state governance are observed despite the martial law has not been introduced. There is a strong demand in the Ukrainian society – voiced through public activists and the media – for security sector reform based on democracy, western standards while the government policy is mostly retroactive. Among the positive developments is the active and practical interest of many MPs, who are willing to exercise their powers in the area democratic parliamentary control over the security sector.

c. Ukraine has a unique chance to create not just a "classic" system of democratic security governance, but also a modern and inclusive system of the state and society participation, which will meet the modern approach of the governance as a wide-social process. Ukrainian and international experts can facilitate this process by the creative initiatives of developing new wider structures of formal and informal bodies for providing expertise, control and coordination support for reforms.

3. National security system: present state and priorities of reformation

a. The national security system is in such a state that there is an urgent need of its substantial strengthening and reformation. The need of strengthening the national security system is caused by the Russo-Ukrainian conflict, the increase in crime, terrorism (on the international and national scale), and requirements of enhancement of the civil defence system efficiency. The need to reform the national security system was prompted by civil society requirements, the need to fight corruption, adapt to would-be threats, and enhance the efficiency and cost-effectiveness of the system, conformity with NATO standards. Combination of the processes of meeting those needs is rather controversial in terms of time, goals, and resources.

During an armed conflict it is important to ensure the painless course of reforms for the defence sector, to stabilise the situation, and to limit their range with the necessary but missing or inefficient elements: crisis management, military command and control, logistics and maintenance systems, measures against the spread of terrorism, separatism and sabotage, formation of special operation forces, restoration (actually, recreation)

of the Navy. Strengthening at the expense of delivery of modern arms and military equipment, manning with professionally trained personnel is an urgent requirement for the troops (forces) immediately involves in the antiterrorist operation, air force (aviation, air defence – especially given the possibility of escalation of the conflict involving regular Russian troops), intelligence, counterintelligence, jamming and other units.

b. The goals and range of the **defence sector** reforms, tasks, technology level and sequence of their implementation, the required resources are conditioned by forecasts and scenarios of development of the security situation, requirements to the efficiency of the defence forces.

Requirements to the defence sector efficiency

The key requirements to the defence sector (first of all, the Armed Forces, other power structures, the defence industry, the command and control system) ensuing from the current and predicted threats for Ukraine, scenarios of their escalation and needs of comprehensive prevention and countering of threats, include:

1. The Armed Forces in interaction with other power structures (of internal security and defence sectors) must be ready perform the whole range of functions and tasks arising from the needs of reliable defence of Ukraine from threats:

- to guarantee inviolability of land, air and sea borders of the state, protection of the exclusive economic zone in the Black Sea and the Sea of Azov in peacetime, defence of troops and critical facilities against air strikes,

- to independently contain, localise and neutralise armed conflicts in case of their emergence in two-three operational areas at a time in the form of joint operations by combined task forces of the Armed Forces involving other military formations under a single command;

- to interdict deployment and advance of the enemy by delivering strikes on its military and non-military targets and conducting special operations;

- to deploy troops (forces), to conduct combat operations, to take measures for territorial defence in non-standard situations, in particular, in case of emergence (generation) of several man-induced accidents and collapse of infrastructure, which puts additional requirements on the quantitative and qualitative composition of the engineer corps, medevac and medical services, mobilisation reserves, mechanisms of employment of the capabilities of local communities;

- to conduct reconnaissance in the interests of strategic, operational and tactical levels of command of troops (forces);

- to maintain continuous and efficient command and control of troops (forces) at the strategic, operational and tactical levels with provision of real-time data of the situation, terrain, the enemy and friendly forces;

- to timely provide operational, technical and logistic support for operations of combined forces in the required volume;

- to perform rotation of troops (forces), evacuation of casualties, damaged arms and equipment, restoration of combat efficiency of troops (forces) after combat losses at the expense of the active reserve of the Armed Forces and mobilisation reserves;

- to take part in peacekeeping, antiterrorist, anti-pirate operations, ensuring compatibility of the allocated manpower and materiel, command and control bodies, data and logistic systems with similar systems of the partner countries;

- to ensure long-distance deployment of troops (forces) within the required time-limits and scope.

2. Efficiency of use of the Armed Forces and other power structures is guaranteed by their possession of the following key *operational capabilities* sufficient for performance of tasks of protection against threats and shaping the promising functional model of the defence sector:

- *fitness for deployment and readiness for use* – the ability to timely perform tasks of replenishment of troops with personnel, armaments, coordination exercises, deploy troops to designated (operational) areas and make them ready to perform combat missions;

- *efficiency of use* – the ability to ensure the required effect of performance of missions in accordance with the target purpose, including: combat alert; prevention and countering threat escalation; deterrence of aggression; localisation, neutralisation and removal of the effects of conflicts of different intensity; conduct of special operations and information countermeasures; assistance in the event of natural calamities and man-induced accidents;

- *mobility* – the ability to move troops (forces) during their employment within the appropriate time and spatial limits, to deploy forces internally, at long distances for participation in international peacekeeping operations and joint exercises with NATO partner countries;

- *compatibility* – fitness of troops (forces) for joint use and interaction, including with foreign partners;

- *controllability* – proper control of the processes of reformation, development, life, activity and use of troops (forces) in accordance with the target purpose at all levels of command;

- *adaptability* – the possibility of efficient employment under a wide range of threats, scenarios of their escalation, different political, social, economic, information environments, forms of use of "hard" and "soft" power by the enemy;

- *intelligence capabilities* – availability of sources of information about the situation, the state of potential and real enemies, third parties, as well as the ability to get information by different means (technical, analytical, through secret agents), to process and timely provide data to the concerned command and control bodies and troops in a convenient form;

- *information support* – high-quality and timely information backing for the processes of command, control and employment of troops (forces); resistance to information influence on the personnel, population and to software and technical influence on command, control and communications systems, as well as the ability to conduct one's own special information campaigns;

- *comprehensive resourcing* – the ability to fully and with a good quality meet the needs of troops (forces) during reformation, development, activity in peacetime and target use in wartime; it covers all kinds of organisational-legal, operational, technical and logistic support;

- *protection and survivability* – the ability to ensure secrecy and concealment of manpower and materiel, their durability to specific actions of the enemy and the environment, recovery of combat efficiency; availability of reserves.

3. Availability of the required capabilities in the Armed Forces and other power structures is to rest on creation of the appropriate organisational and staff functional structures (including networking structures with active or semi-active nodes) with the required volumes and quality of resources:

- *human* – the required strength of trained personnel with the required level of professional skills and morale;

- *logistic* – the required quantity of weapon systems and materiel of the proper quality;

- *infrastructure* – auxiliary subsystems and facilities (in particular, for stationing, training and manning of troops (forces) and reserves, repair and upgrade of weapon systems, military education, transportation);

- *organisational-legal* – a complete, consistent and convenient set of all kinds of documents

(including international treaties, agreements, arrangements) that describe the processes of reformation, development, life, activity and designed employment of troops (forces), as well as the mechanisms of their implementation;

- *financial* – volumes of budget and off-budget allocations to generation and use of selected capabilities, adequate to the needs.

4. The level of readiness of troops (forces), the command and control system should be adequate to the needs of prevention and countering of the whole range of actual threats and under all scenarios of their escalation, using optimal quantities of manpower and materiel.

5. Given that the pace of escalation of threats, including combined ("hybrid") ones, may surpass the promptness of decision-making and response, the national security system should be able to generate, prepare and employ ad hoc sets of mixed manpower and materiel on the basis of forecasts of developments, their continuous monitoring and analysis. In case of implementation of combined scenarios of escalation of threats that give rise to the need of joint use of a mix of manpower and materiel in non-standard situations, a system of crisis management should be set up in Ukraine. It should comprise a strong body in charge of forecasting, monitoring, modelling of situations, generation of plans and operational decision, and a Crisis Response Centre made up of concerned operational headquarters and pre-assigned ad hoc sets of mixed manpower and materiel (its active elements made up of special operations units of the concerned agencies in the future may be viewed as special operations forces).

6. Functionally, the Armed Forces structure should rest on a modular organisational and staff structure. It should ensure flexibility of the Armed Forces under the whole range of possible scenarios of their use, adaptability to specific situations, and optimisation of the organisational and staff structure of the Armed Forces and other military formations in the conditions of provision of the required efficiency of troops (forces) with minimal sufficient personnel strength, arsenals and inventories.

7. In the conditions of a "hybrid" threat from Russia that has a stronger military potential, Ukraine should create territorial self-defence forces manned with patriotic citizens, comprised by legal local volunteer units that provide military-patriotic education and basic military training of the population, render assistance to the Armed Forces, law-enforcement bodies, border guards, civil defence units, coordinate their activities with them, and in case of emergency situations (growth of terrorism, activation of enemy agent networks, covert reconnaissance, subversive, propaganda activities, etc.) independently respond to them (in accordance with the law and plans coordinated with power structures); in case of occupation of territory by the enemy, the remaining self-defence forces are to be transformed into a resistance movement;

8. The state and peacetime stationing of rapid reaction troops (forces), other troops, reserves, territorial self-defence forces, properly arranged military infrastructure should present a factor of deterrence, ensure prompt deployment of task forces of the required composition in any operational direction and their prompt reinforcement with the main defence forces, reserves and mobilisation resources.

9. The parameters of the systems of manning, training and support of the Armed Forces and other power structures and the lines of their transformation should be determined with account of: the legislatively provided current and future structure and strength of the defence sector; the conditions of performance and complexity of tasks of the concerned functional structures; the level of sophistication of weapon systems and their use; the requirements of psychological compatibility and controllability of personnel within units; the actual demographic situation in the country; the ability of the state to guarantee social standards of military service and its high competitiveness on the labour market in Ukraine.

10. The system of provision of troops (forces) with weapon systems, modernisation of arms and equipment of the Armed Forces and other power structures should proceed from the actual needs of the Armed Forces, economic, scientific and technological potential of the country, the possibility of acquisition of weapon systems on the domestic market and abroad, and ensure:

- interoperability and efficient compatibility with the processes of manning, training and support of the Armed Forces;

- high readiness of troops (forces);

- practicability of introduction of the most efficient forms and methods of use of troops (forces);

- availability of reserve stocks of arms and equipment that can make up for their combat losses;

- the widest possible placement of orders for the development and production of advanced sophisticated weapon systems with the domestic defence industry.

11. The system of repair of arms and equipment should be tiered (corresponding to the organisational structure of troops (forces) and kinds of repair) and cover the entire available stock of arms and equipment.

12. Since the Ukrainian defence industry in its current state cannot cover the needs of the Armed Forces in peace and war time for the entire range of arms, equipment and materiel, provision of troops and creation of mobilisation reserves of arms and equipment should rest not only on domestic procurements but also on a system of military-technological cooperation with partner states and forward procurements of the required weapon systems abroad. Foreign procurements of arms and equipment should not only meet operational needs of the Armed Forces and other power structures but also promote the development of the national defence industry through introduction of offset and licensing schemes, without extreme one-sided technological dependence.

13. The defence industry should work on the principles of the market economy, enjoy appropriate state support, focus on both meeting the needs of the Armed Forces and export of a range of military and dual-purpose products, observing the principles and requirements of multilateral export control regimes.

14. The command and control system activity should focus on management of the processes of:

- reformation and development of the Armed Forces and other power structures;

- their life and activity in peacetime;

- use of troops (forces) in accordance with their target purpose.

15. The activity of the command and control system should: rest on reasonable forecasts of the military-political situation, reliable data of its monitoring and analysis; rely on long, middle and short-term planning of the defence sector functioning and development; be able to control the employment of the Armed Forces and other power structures in complex environments; if necessary, ensure compatibility and interoperability with military units of other partner countries. The level of readiness of the command and control system should be higher than the level of readiness of subordinate troops (forces), while the structure and organisation of its activity should ensure promptness and efficiency of command and control, as well as smooth transition from peacetime to emergency without loss of efficiency.

16. The regulatory-legal framework for the defence sector functioning and development should rest on interrelated and complementary conceptual, programme, regulatory and norm-setting documents, organised and structured according to the areas of their use, levels and procedures of adoption, validity terms, mechanisms of implementation and adjustment. They should provide a common conceptual framework in the security sector, give clear understanding of the processes of reformation, development, life, activity and use of the security sector structures, their interaction in different situations, mechanisms of implementation of those processes, control of their results, and responsibility.

17. The processes of reformation, development of the Armed Forces and other power structures, their use should be internally consistent, meet current needs and the desired future model (including with account of the growing role of special operations), be closely related with the plans of their training and employment, ensure their efficiency at every intermediate stage of reformation, be consistent with the regulatory-legal framework.

c. The requirements and list of objectives at reformation **of all other elements of the security sector (the national security system)** should be determined during a Comprehensive Review of the security sector and reflected in political and strategic documents: the Laws "On Fundamentals of Home and Foreign Policy", "On Fundamentals of the National Security of Ukraine", on the activity, structure and strength of power structures; in the National Security Strategy, the Military Doctrine, concepts of development of the security sector elements. This would ensure regularity and consistency of reforms of interrelated elements across the security sector, facilitate public understanding and inter-agency coordination of the processes of their use and development, increase responsibility for the efficiency of those processes and target use of funds (it seems that exactly the elaboration and enhancement of such responsibility present key impediments for the planning and implementation of reforms).

d. Between 2014 and 2015, the basis was laid down for the **internal security sector** reform. The first more or less successful steps have been made at implementation of the model of law-enforcement bodies meeting the interests of society and the state. The key difference of the present reform from the previous ones is in the much more active and direct involvement of representatives of the international community and civil society. Meanwhile, it has traditional drawbacks (fragmentary nature, insufficient completeness, regularity, reasonability, lack of attention to vertical and horizontal ties within the reformed system).

The key reform stockholders (state, international, non-governmental) are united by the declared consensus regarding the universal European principles of reformation of bodies of internal affairs. However, at the stages of development of conceptual strategic programme documents and their practical implementation, there are instances of misunderstanding among them concerning implementation of the key principles, e.g., demilitarisation, democratisation, decentralisation, accountability, transparency.

One of the greatest challenges is presented by the need to combine features of a demilitarised police service and the ability to perform wartime missions, fight organised crime, illegal armed formations, etc. The idea of delegation of the widest possible range of internal security functions (police, border and migration services, management of emergencies) to the Ministry of Internal Affairs and the presence of a strong military component within its structure may be expedient from the viewpoint of optimisation, economy of funds, etc. However, some law-enforcement functions stay beyond the area of responsibility of the Ministry of Internal Affairs or are duplicated by other bodies. The ability of the Ministry of Internal Affairs to manage an overly wide range of functions remains a question. The decision as to the balance between optimisation (concentration) of powers, reasonable duplication and a reasonable alternative to the use of force should apparently be a subject of a public consensus, found beyond the Ministry – at the level of the national coordination centre.

The answers to these and many other questions may be obtained following a Comprehensive Review of the security sector as an integral element of the system of state

strategic planning, the terms and quality of which have questioned the achievement of a systemic approach to reforms of the system of national security in general and the sector of internal security in particular.

e. One of the key lines of strengthening and reformation of the defence and internal security sectors is presented by structural and functional **integration of the military and civil volunteer movements**, creation of a system of territorial self-defence, regulatory-legal support for those processes.

Next to all volunteer battalions (accept the Ukrainian Volunteers Corps – a paramilitary formation of the Right Sector) are already incorporated in the Armed Forces of Ukraine, the National Guard and the National Police, which seriously strengthened those power structures.

In 2014, an Association of Volunteers was set up in Ukraine, uniting the majority of organisations and individual volunteers. The Association activists secured the establishment of a Reforms Office at the MOD and initiated many innovative projects to modify and improve the Armed Forces of Ukraine logistic and maintenance system.

On October 13, 2015, the Movement in Support for Territorial Defence (STD Movement) was set up on the initiative of activists of the Revolution of Dignity, now uniting nine public organisations (in case of a rapid effect, it may grow substantially) active in the field of patriotic education and military training of citizens (including conscripts of the Armed Forces and the National Guard). The main lines of the STD Movement activity include patriotic education of citizens, training skilful servicemen and creation of a fully-fledged system of territorial self-defence (like the Estonian *Kaitseliit*). STD movement enjoys consultative and organisational assistance from the MOD Territorial Defence Department, but no financial support. Meanwhile, support for that public initiative on the part of the President, legislative and executive branches would boost confidence in those bodies of state power, contribute to establishment of efficient relations with the public, enhancement of the security sector efficiency.

f. Reformation of **intelligence and special services** is a specific domain, in particular, due to non-transparency of their work, which confines the circle of the involved persons to former officers, professional systematologists, analysts who may have access to the relevant information. Meanwhile, to raise the efficiency of democratic control, it makes sense to reasonably limit the secrecy of information about the intelligence bodies and special services.

The main lines of their strengthening and reformation include:

- development and improvement of coordination of intelligence services' activity with the purpose of information and analytical support for the decision-making processes in the field of national security; from this viewpoint, removal of duplication of intelligence information flows (as a precondition of its completeness and reliability) by means of merger or liquidation of the concerned units may bring not enhancement but on the contrary, decline of the efficiency of information and analytical support for the activity of the decision-making bodies;

An efficient step in this direction is presented by the creation of the Main Situational Centre at the NSDC in May 2015 (with a software platform (or mutually compatible standardised platforms), adapted special software, advanced hardware) obtaining data from all intelligence bodies, services, units engaged in monitoring and forecasting of the security situation, collection and analysis of information in the fields of military-political, economic, financial, environmental, technical, humanitarian, information security with a view of creation of an efficient **crisis management system** on this basis.

- Institutional support and development of counterintelligence activity, expansion and enhancement of the efficiency of agents' networks within the country and beyond its borders;
- improvement of funding and provision of intelligence bodies and special services with special technical means for all kinds of intelligence and counterintelligence activities;
- introduction of strategic management, harmonisation of development and implementation of operational plans and development programmes with the budgeting process (in terms of time, requirements, procedures);
- introduction of systems of human resources management, creation of the personnel reserve, enhancement of professionalism of personnel, lustration;
- enhancement of the efficiency of mechanisms and procedures of both democratic control and secrecy;
- consideration and use of the domestic experience and the best world practices, harmonisation with the NATO standards.

4. International support for the security sector reform in Ukraine: summary assessment

International support for the security sector reform in Ukraine encompasses many domains: provision of consultative, advisory, financial, material and technical assistance, personnel training, training of troops (forces), etc. It should rest on the principle "from each according to his ability" and could be the most efficient, provided that it meets another principle: "what Ukraine needs". But even in absence of such matching, the efficiency of use of international assistance could be higher, if the Ukrainian government had a clear "summarised" idea of the needs and were ready to accept such assistance. The main impediments for that include:

- absence of a Concept of development of the entire security sector and its component parts and an original, systemic, reasonable vision of the ways of its implementation;
- resultant inability to reasonably convince Western partners in the expediency (or inexpediency) of specific lines and measures of the reform, provision of assistance;
- *sometimes,* reluctance of the Western partners to listen to Ukrainian counterparts and to take into account the Ukrainian specificity, while introducing the best world practices;
- inability (or reluctance) of the supreme state leadership of Ukraine to pool together efforts of different ministries and agencies;
- bureaucracy, corruption in the bodies of state power, lack of efficient mechanisms of accountability and responsibility.

On the condition of removal of these drawbacks, reformation of the security sector might turn from a challenge into a technical task.

CITIZENS OF UKRAINE ON SECURITY: ASSESSMENTS, THREATS, WAYS OF SOLVING PROBLEMS[1]

The survey was conducted by the Razumkov Centre's Sociological Service on 6-12 November 2015. The sample consisted of 2.008 respondents aged over 18 years old in all regions of Ukraine except Crimea and occupied territories in Donetsk and Luhansk regions representing an adult population according to the main socio-demographic indicators. The survey was done in a multistage random sampling design, based on quota method of respondent recruitment at a final stage. The sampling error does not exceed 2.3% with the probability of 0.95.

The survey was implemented with financial support of the NATO Information and Documentation Center (NIDC) in Ukraine. The content does not necessarily reflect the official position of the NIDC in Ukraine.

Ukrainian Citizens' Assessment of External and Internal Threats

47.0% of respondents think that both, external and internal threats are equally dangerous for Ukraine's independence, sovereignty, and territorial integrity, almost a third (30.3%) of respondents think that the most dangerous are internal threats (government inefficiency, corruption, lack of defence capacity), while 17.8% think this about external threats (acts of war, subversive operations, economic war, informational and psychological war). The priority of internal threats is more often indicated by citizens from the South, East and Donbas (38-40%), than those from the West and the Centre of the country (22-24%).

Evaluating, which internal threats are more dangerous for Ukraine, people gave the highest score to threats related to corruption (8.5 points on the 0 to 10 scale, where "10" is the highest score for the threat), threats related to oligarchic state model (7.9 points), aggravation of internal political struggle, confrontation between different branches of government (7.5 points), operation of illegal armed formations (7.1 points).

Evaluating the level of danger from external threats, citizens gave the highest score to threats related to Ukraine finding itself indebted to foreign creditors (7.7 points), Russia's military aggression (large-scale or local) (7.6 points), trade and economic, energy sector wars (7.5 points), subversive operations coming from Russia (sabotage, support of separatist movements) (7.4 points), informational and psychological war aimed at inciting inter-ethnic, inter-regional, religious hatred, discrediting the actions of the government and security forces, spreading panic, disruption of mobilisation, etc. (7.2 points).

Among threats from different countries, the highest score was given to threats coming from Russia (7.6 points on the 0 to 10 scale). The threat coming from CSTO (military bloc of Russia, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan) was

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[1]   Full version was published in the Discussion Paper prepared by Razumkov Centre for the International conference "Monitoring Ukraine's Security Governance Challenges – Status and Needs", 21-22 January 2016, pp.46-68, – *www.razumkov.org.ua/upload/1453966743_file.pdf*

evaluated at 4.2 points, threat from the USA – 3.2 points, threats coming from other countries – below that.

The highest score to threats coming from Russia was given by citizens of the Western and Central regions (respectively, 9.0 and 8.8 points), slightly below this – by citizens of the Southern (6.1 points), Eastern (6.0 points) regions and Donbas (5.5 points), although in these regions too people view the threat coming from Russia as stronger that that coming from other countries.

Citizens of Ukraine evaluate their level of protection from various threats as low. However, the shares of those, who think they are not protected from such threats as military aggression, inter-ethnic or inter-religious clashes, terrorist attacks, major natural disasters, epidemics, man-made disasters, property alienation attempts, are now slightly smaller than in September 2014. It is also worth noting that three-quarters of respondents (74.4%) feel unprotected from actions of the Ukrainian government.

A somewhat unexpected result is that compared to other regions, Donbas citizens (in the part controlled by Ukrainian authorities) indicate their own vulnerability to military aggression and some other threats less often. Perhaps, this is due to the fact that many residents from those areas, where fighting took place in the recent past, hope that the situation will not be as severe as in 2014.

Ways of Ensuring External Security and Ukraine's Strategic Allies

Over a half of respondents (53.0%) think that in the event of military threat (an armed attack) Ukraine can count solely on its own capacities. This is the opinion of the absolute or relative majority of respondents in all regions (from 43.5% in Donbas to 59.5% in the West). 15.8% of respondents hope foremost for assistance from EU and NATO countries, 11.6% – for large-scale international support. Any other options did not get more than 3%.

The belief that Ukraine can mostly count on itself, leads most respondents to think that the best way to ensure security of the country is a powerful, well-armed military force (30.5%). 26.3% believe that the country's safety is best ensured through peaceful, effective foreign policy, good-natured neighbouring partner relations with other countries, 20.7% opted for "NATO membership". Other options of ensuring Ukraine's security had significantly less support: non-aligned status – 6.1%, guarantees of the top countries – 4.9%, CSTO membership (military bloc of Russia, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan) – 2.4%.

Most often think that the country's safety is best ensured with a powerful, well-armed military force people from the West (39.5%) and Centre (35.5%). Similarly, in these regions, more often than in others, respondents think that the country's safety will be ensured through NATO membership (28.5% and 24.9%, respectively). In Donbas, Eastern and Southern regions, people mostly count on peaceful, effective foreign policy, good-natured neighbouring partner relations with other countries (40.4%, 30.3% and 36.0%, respectively).

In the survey, as Ukraine's strategic allies, most respondents named the USA (39.1%), Poland (34.2%), Germany (24.0%), the Baltic States (24.0%), Canada (20.7%).[2]

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[2]   In 2015, the list of countries, from which respondents chose their answers, differed from the list used in 2012-2014, namely, in 2015, it did not include inter-governmental and international alliances and organisations (EU, OSCE, NATO, etc.), also, certain countries were added (the Baltic States and China). However, the dynamics of responses received does reflect the changes of public opinion on this issue.

In 2012, most respondents named Russia (40.2%) and Belarus (25.9%) as Ukraine's strategic allies. In 2014-2015, the shares of those, who view these countries as strategic allies, have gone down, and are now 5.9% and 11.9%, respectively.

31.5% of respondents support the possibility of Ukraine providing military assistance (according to international law standards) to other countries that are a target of military aggression. However, the relative majority (44.7%) oppose this idea.

Citizens' Assessment of State Actions in the Area of Security and Defence

Characterising government's actions to protect the sovereignty, independence and territorial integrity of Ukraine, the relative majority of respondents (45.8%) choose answer option "protect only verbally, yet in truth – fight for power and resources", another 11.0% believe that government representatives are afraid of Putin and are ready to sacrifice national interests in order to avoid fighting, 20.7% – that the Ukrainian government has no position of its own and carries out directions given by Europe and the USA, and only 12.4% think that the government is doing everything in their power to protect sovereignty, independence and territorial integrity of Ukraine. The opinion that government protects sovereignty, independence and territorial integrity only verbally prevails in all regions of Ukraine (from 42.4% in Donbas to 48.1% – in the Western region).

Assessing the efficiency of the work of various structures in countering threats to national security on a five-point scale (where "1" means "very inefficiently", and "5" – "with maximum efficiency"), people give rather low scores to the efficiency of work of the Cabinet of Ministers (2.0 points), the Verkhovna Rada (2.0 points), the Ministry of Defence and the General Staff (2.3 points), the President (2.4 points), the Ministry of Internal Affairs (2.5 points), State Security Service of Ukraine (2.7 points). Higher scores are given to State Border Service (3.0 points), Armed Forces of Ukraine (3.3 points) and the National Guard (3.4 points), and the highest – to volunteer battalions (3.7 points) and volunteer organisations (4.0 points).

Assessment of the Work of the Army and Other Security Agencies

13.6% of respondents think that the Armed Forces and other military units of Ukraine are fully capable of reliably protecting the sovereignty of the state from military threats, 57.4% – partially capable, 22.3% – incapable.

Most often, among the reasons for low efficiency of the Armed Forces and other military units, the citizens of Ukraine cite unprofessional management (61.4%), lack of proper technical and financial support (49.7%), and corruption (47.7%). Much less they name the insufficient professional level of soldiers and officers (25.7%), and low moral qualities of soldiers (9.1%). The insufficient professional level of soldiers and officers is more often indicated by people from the Southern (35.3%), Eastern (30.2%) regions, and especially Donbas (50.8%), but in all regions without exception, the most popular reason for the low efficiency of the Armed Forces is unprofessional management.

Most often, people think that the blame for the tragic defeats in Donbas (Debaltseve, Ilovaisk) is primarily on the Ministry of Defence and the General Staff (36.1%), and the President of Ukraine – the Commander-in-Chief of the Armed Forces (27.7%). People in charge of the ATO are named by 14.1% of respondents, the Cabinet of Ministers – by 3.7%, commanders and soldiers of military units – by 2.4%, commanders and soldiers of volunteer battalions – by 0.8% of respondents.

People's Readiness to Defend the Country and Support the Army

23.9% of Ukraine's citizens are ready to defend their country with weapons, 27.5% – through participating in a volunteer movement, 30.4% say they are not ready to defend the country, and 18.2% cannot give an answer. Most often, people are ready to defend the country with weapons in the West (29.8%) and Centre (29.6%), while in the South, East and Donbas, such readiness was indicated by 16-18% of respondents. Most often, people are ready to defend their country through participation in a volunteer movement, in the West (37.7%), least often – in the South (15.0%), in other regions – from 24% to 29%. Most answers about the unpreparedness to defend the country came from Donbas (47.6%), South (44.9%) and East (42.4%). In the West, there were 18.1% of respondents, who gave such answer, in the Centre – 19.0%.

Readiness to defend the country with weapons is most often indicated by respondents below 40 y.o. (among those aged 18-29 y.o. – 29.5%, 30-39 y.o. – 31.3%), least often – by those over 60 y.o. – 14.7%. Among male representatives of age group 18-29 y.o. readiness to defend the country with weapons was indicated by 44.4%, among male representatives of age group 30-39 y.o. – 50.0%.

Readiness to defend the country through participating in a volunteer movement was equally often named by representatives of all age groups, except the oldest (60 y.o. and over), where the share of those, who indicated such readiness, was slightly lower (21.8%) than the average across the sample. Respectively, among older people, there are more of those, who say they are not ready to defend the country (46.7%).

Answering the question: "What will be (was) your decision (advice), if you, or your relatives or friends, receive a draft notice?", 25.8% of respondents chose answer option "come to the military enlistment office and be ready for mobilisation, as defending homeland is an honourable duty", 16.1% – "come to the military enlistment office and be ready for mobilisation, as in case of refusal, people may be held responsible", 15.2% – "ignore, even if there is a threat of being held responsible, as I do not trust our government that "leads a war only verbally", 13.4% – "ignore, even if there is a threat of being held responsible, as this is not a war, but a punitive operation of the government against its own people". The first option ("come to the military enlistment office and be ready for mobilisation, as defending homeland is an honourable duty") was most often selected by residents from the West (33.1%) and Centre (30.2%). Most often have the intention to ignore the draft notice, as they think that the government is carrying out a punitive operation against its own people, residents of the Eastern region (30.5%).

44.7% of respondents said that during 2014-2015 they provided volunteer assistance to the Ukrainian Army, the National Guard, volunteer battalions, 15.3% helped wounded soldiers, 14.4% – refugees from Crimea and the East of Ukraine, 8.1% – families of the deceased. 35.3% of respondents said they did not provide any assistance.

Most often provided assistance to the Ukrainian Army, the National Guard, volunteer battalions, residents of the Western (66.3%) and Central (59.0%) regions, the same goes for helping wounded soldiers (24.0% and 18.5%, respectively). Assistance to refugees was most often provided by residents of Donbas (36.3%). Most answers about providing no assistance came from the South (65.1%) and the East (54.7%).

Citizens' Assessment of the Situation in Donbas

Assessing their own level of awareness about the situation in the ATO area, only 32.8% of respondents said that they have sufficient information, 41.1% – have insufficient information, 17.0% – hardly have any credible information. Only 3.5% of respondents noted that they are not interested in the situation in the ATO area at all. Most often say that they have sufficient information about the situation in the ATO area residents of Donbas (39.7%) and East (41.4%).

Assessing the situation in the East of the country, most often respondents say that in the East of Ukraine a Russia-supported separatist rebellion is taking place (31.5%), and a war between Russia and Ukraine (28.0%). 16.3% say that a civil war is taking place in this region – a conflict between the pro-Ukrainian and pro-Russian citizens of Ukraine, 8.4% – that there is a war between Russia and the USA, and 7.4% – the struggle for independence of Donetsk and Luhansk People's Republics. Residents from the West are more often inclined to think that a war between Russia and Ukraine (44.5%) and a Russia-supported separatist rebellion (38.1%) are taking place in the East of the country, residents of the Central region – a Russia-supported separatist rebellion (44.5%) and a war between Russia and Ukraine (30.3%), residents of the South – a Russia-supported separatist rebellion (24.7%), a civil war – a conflict between the pro-Ukrainian and pro-Russian citizens of Ukraine (22.8%), a war between Russia and the USA (18.1%), residents of the East – a civil war – a conflict between the pro-Ukrainian and pro-Russian citizens of Ukraine (24.0%), a Russia-supported separatist rebellion (21.6%), a war between Russia and Ukraine (19.1%), residents of Donbas – a civil war – a conflict between the pro-Ukrainian and pro-Russian citizens of Ukraine (35.4%), a war between Russia and Ukraine (22.5%).

The vast majority (71.8%) of citizens think that Russia is the aggressor state, a party to the conflict in the East of Ukraine, and DNR and LNR are terrorist organisations, which do not represent the population in respective territories (64.4%). These results do not represent a statistically significant difference from those received in March and August 2015. Russia is considered the aggressor state by the majority of residents of the Western (93.1%), Central (91.7%) and Southern (52.6%) regions, the relative majority of Eastern region residents (47.8%) and Donbas (42.0%). DNR and LNR are considered terrorist organisations by the majority of residents of the Western (86.0%) and Central regions (83.5%) and the relative majority of residents of the South (48.1%). In the East and Donbas, the shares of those, who consider DNR and LNR terrorist organisations and those, who think that DNR and LNR are the representatives of population in respective territories, did not have a statistically significant difference.

Assessing, what the further actions should be in order to resolve the conflict in the East of Ukraine, 34.4% of respondents support continuation of ATO until Ukraine regains full control over the territories occupied by terrorists, 22.7% – support giving these territories a special status within Ukraine, and 20.1% – support separation of these territories from Ukraine.

Respondents, who support separation of these territories from Ukraine, most often motivate this by their unwillingness that the residents of these territories influence the politics of Ukraine and receive money from the state budget (62.4%), and only 27.2% – by the fact that this region's residents have the right to self-determination.

The share of respondents, who support giving these territories a special status within Ukraine, has declined compared to August 2015 (back then, it was 28.5%).

Most often, continuation of ATO until Ukraine regains full control over the territories occupied by terrorists is supported by residents of the Central (45.1%) and Western (42.8%) regions, giving these territories a special status within Ukraine – by residents from the South (30.8%), East (40.2%) and Donbas (42.3%).

Answering the direct question, whether Donbas should be given a special status, 31.2% of respondents supported this idea, while 48.6% – did not.

In case Ukraine does have to coexist alongside the uncontrolled part of Donbas, almost half of respondents (45.1%) think that in this case any relations (incl., economic) between Ukraine and the uncontrolled territories of Donbas should be ceased, while 27.6% – believe that Donbas should be given a special status along with a possibility to influence Ukraine's politics (incl., international).

The option of ceasing any relations is supported by the majority of respondents in the West (55.7%) and Centre (54.0%). In the East, the relative majority (47.3%) support giving Donbas a special status, while in the South and Donbas the shares of supporters of both options did not present a statistically significant difference.

Assessing, which option of resolving the conflict in the East poses a bigger threat to Ukraine's stability and development – freezing the conflict and creating a "border" along the demarcation line, or giving these territories a special status within Ukraine (amnesty, the right to linguistic self-determination, appointing heads of courts and public prosecution, creating people's police, impossibility of early termination of powers of local deputies and elected officials, etc.), respondents' opinions divided – 36.8% think that the first option poses a bigger threat, 32.0% – the second, and 31.2% could not give an answer. The bigger threat of freezing the conflict is noted by the relative majority of respondents in the Centre, South, and East, approximately similar threat of both options – by residents of the West and Donbas.

Ukrainian citizens think more often that in case DNR and LNR territories are returned to Ukraine, the destroyed infrastructure in these regions should be mainly restored using Russia's funds (29.6%) or only the funds collected in these territories (29.4%). 23.5% think that this should be funded by Ukraine. Donbas residents are most often inclined to think that these regions' infrastructure should be restored using Ukraine's funds (40.4%), and less often than residents of other regions, think that this should be done using only the funds collected in these territories (17.7%).

Compared to March 2015, there was a shift in Ukrainian society in the attitude to current results of Minsk Agreements. While in March 2015, 34% of respondents had a positive attitude, in August 2015 – only 11.9%. In November, percentage of respondents with the positive attitude slightly grew (to 16.1%), although it remains significantly lower than in March. Percentage of respondents with the negative attitude grew from 22.2% in March to 44.0% in August. In November, the share of negative assessments slightly decreased (to 32.5%). Compared to August, in November, the share of those, who had a neutral attitude to the results of Minsk Agreements, grew (from 22.9% to 28.0%).

Negative assessments of the results of Minsk Agreements were most pronounced in the West, Centre and Donbas.

Answering the question: "What is your attitude to internally displaced persons (IDPs) from the East and Crimea?" most respondents chose option: "Neutral. Their presence in our town (village) goes almost unnoticed and does not create any problems for me personally" (40.5%). 32.1% answered that their attitude is positive (they feel sympathetic and are ready to help them to the extent possible), while 20.9% said that their attitude is negative, their motivation being that "they, mostly men, had to protect their villages and cities from pro-Russian separatists, and are now demanding benefits, do not respect local residents and their customs". Neutral attitude to IDPs was declared by the relative majority of respondents in the West, Centre and East. In the South and Donbas, approximately equal shares of respondents expressed neutral and positive attitude to IDPs.

Russia-Ukraine Conflict: Reasons and Resolution Possibilities

Assessing the main reasons of the Russia-Ukraine conflict, most often, respondents name Ukraine's attempt to leave Russia's area of influence and Russia's attempts to keep Ukraine within its area of influence (46.7%), Russia's inability to accept Ukraine's European integration course (38.4%), Russia's inability to accept Ukraine as an independent, sovereign state with independent foreign politics (35.4%), possible NATO membership of Ukraine posing a threat to Russia (30.3%).

The majority of respondents (56.5%) agree that no concessions to Russia and the separatists should be made, with time Ukraine should regain full control of its territory, even if this requires significant losses (only 25.6% disagree with this). 67.9% disagree that Ukraine should abandon its claims regarding the illegal annexation and recognise the Russian status of Crimea, 65.4% disagree that Ukraine should abandon its intentions to join the EU as well as any decisions that can provoke Russia.

While in March and August 2015 the relative majority of respondents believed it was necessary that Western states provide lethal arms to Ukraine, in November the number of supporters of providing Ukraine with such arms slightly dropped (from 40.5% in August to 34.5%). This can be due to a decrease in the intensity of fighting in Donbas. Providing lethal arms to Ukraine is supported by the relative majority of respondents in the West (45.6%) and Centre (42.4%), not supported – by the majority of respondents in the East (52.6%) and Donbas (66.0%), and the relative majority in the South (39.5%).

Along with this, over a half of respondents (53.0%) think that international assistance to Ukraine in its fight against Russia's aggression is insufficient. Only 15.9% think it is sufficient. It is considered insufficient by the majority of residents in the West and Centre, and the relative majority of residents of the South, East and Donbas.

Assessment of the role of international organisations in resolving the Russia-Ukraine conflict is generally low. Assessing the role of different organisations on the scale from "0" to "5", where "0" means the role is minimal, and "5" – maximum possible, respondents gave a slightly higher score to the role of the European Union (2.6 points) and OSCE (2.5 points). Roles of the UN and NATO were assessed at 2.3 points. The lowest score in this conflict's resolution was given to CIS – close to an absolute minimum (1.1 points).