Vladimir P. Horbulin, Philipp H. Fluri, Sergei I. Pirozhkov (Eds.)

PERSPECTIVES ON UKRAINIAN SECURITY SECTOR REFORM

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The book contains short essays on Security Sector Reform in Ukraine intended for interested public outside the specialised circles normally having access to such information.

В книге представлены статьи специалистов в области реформирования сектора безопасности в Украине, ориентированные на широкий круг социально активных читателей, напрямую не связанных с этой проблематикой.

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Preface

The editors are delighted to present these short essays on Security Sector Reform in Ukraine to an interested public outside the specialised circles normally having access to such information.

A 2007 update on Ukraine's Security Sector Reform programme is planned and will be made available later this year.

Kyiv and Brussels,
January 2007

The editors

Introduction

by Vladimir Horbulin

Conference, May 2006, Kyiv

Dear ladies and gentlemen,

Distinguished delegates to the international conference,

Together with the Supreme Council Committee on National Security and Defence, as well as our partners from the Geneva Centre for the Democratic Control of Armed Forces (DCAF), we, now and again, gather to discuss pressing issues related to tendencies and developments in Ukraine's security and defence sector.

Despite divergent views over the priorities in the development of Ukraine's defence sector in light of the country's transformation from a presidential-parliamentary to a parliamentary-presidential system of management, reform and administration, I intend to emphasize that the build-up of a democratically accountable defence sector, capable of effectively responding to the challenges and threats of the 21st century enables Ukraine to takes responsibility for its security.

The security and defence sector reform process should result in the establishment of solid foundations for Ukraine's development as a democratic and lawful state. An integral part of the realization of these tasks lies within the competences of the Supreme Council, the Cabinet of Ministers, and the Council for National Security and Defence of Ukraine.

Achieving practical results in this realm provides opportunities for the security and defence sector to play a positive role both in internal and external policymaking.

The common strategic goals of the state, as indicated in the National Security Strategy, provide for the creation of the conditions necessary for the development of Ukraine, ensuring its competitiveness, guaranteeing the rights and freedoms of the individual and citizens, strengthening its international position and the authority of the Ukrainian state in the contemporary world.

The realisation of these aims depends on the utilisation of adequate state policy, aimed at ensuring the effective functioning of state security sector structures – Ukraine's Armed Forces, enforcement bodies, intelligence and counterintelligence services, border guard service and civil protection service.

Democratic countries view security as a public good, which is inextricably related to the quality indicators of the state's security sector as a whole. This represents a fundamental difference from non-democratic countries where security safeguards the interests of the structures and government officials in power, whereby the security sector protects the government from the public. Democratic transformations in such countries are impossible, particularly if they are not accompanied by a changed security policy philosophy, as well as its related tasks, functions and enforcement institute activity procedures - the sum of all the elements that are included within the framework of security sector reform.

Thus, security sector reform in Ukraine is essential for the further development of democracy within the state.

Beyond political will, the reform process entails the execution of economic reform and the reform of the state's law enforcement structures. It also involves reform of the military organisation and the coordination of the fundamental bases of various national security constituents' legal regulations, including the creation of civil society, strengthening democratic institutions and ensuring citizens' rights and freedoms. Democracies cannot depend on fear or on an absence of freedom. They cannot employ the security sector as a shadow mechanism of state management. Furthermore, a democratic political system cannot become an unaccountable political power. Shadow politics is as dangerous as a shadow economy.

In comparison to earlier security sector models, the new model embodies a different principle in terms of the implementation of force in crisis situations.

The main task will be the protection of democratic institutions, and not their substitution by enforcement structures. The reform process will touch upon the sphere of state management and the least reformed area since the commencement of Ukraine's independence – the sphere of crisis management, which will allow for the widening of democratic boundaries.

In turn, political institutions and Ukraine's state management system should support and develop the country's ability to act effectively in crisis situations. Thus, security sector reform should be coordinated with the constitutional reform process, administrative reform and the reform of local self-government.

For a long period of time, the importance of the 'package' approach towards security sector reform in Ukraine was not effectively realized. The absence of

real external threats, in particular of a military kind, from the period of Ukraine's independent existence, resulted in the formation of erroneous images on the part of society with regards to the irrelevance of security issues as such. This situation impeded the process of reform.

Counteracting modern challenges and threats without instituting profound and vigorous reforms in the security and national defence sphere is basically impossible. At the same time, these reforms are inextricably tied to the development of democracy.

Strengthening democratic civil control over the security sector is the central element of the reform process. We speak not of amorphous concepts, but of concrete procedures and mechanisms helping democratic institutions to realize effective management of the security sector, in a way that allows for society's control over these processes.

Reforming the security sector is at the same time both a condition and a tool to achieve the aims of European and Euro-Atlantic integration. The way in which management of the security sector is conducted reflects the quality of the democratic system of the state. This is one of the main indicators of Ukraine's development, which is taken into consideration when Ukraine is evaluated both in Europe and in the world. Without security sector reform EU and NATO membership is impossible.

Security sector reform in Ukraine is a multidimensional process, which includes a complex review of the security sector, defence reform, reform of

the law enforcement system, special services, the border guard service and the system of civil protection. Fulfilment of this process will ensure an efficient and effective security system, capable of protecting the freedom and economic prosperity of Ukraine.

Reform of the security sector is subject to scrutiny by all the branches of power in Ukraine. The security of the state, present and future, and the state's capacity to ensure the rights and freedoms of its citizens therefore depends on Ukraine's commitment to developing all the elements involved in this process.

Reforming the Security and Defence Sector of Ukraine after the "Orange" Revolution

S. I. Pirozhkov

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Common approaches to security sector reform.

In the current climate of heightened security concerns, new democracies need to develop a comprehensive approach to security sector reform.

For the Ukraine and other countries which have chosen the democratic path, building a responsible, democratically accountable community of enforcement structures represents the most crucial element of the security and defence sector reform process.

This process is result-oriented and aims at providing opportunities for the defence sector to play a positive role both on the domestic and external levels, for instance during peacemaking activities which operate under the auspices of the United Nations (UN), the North Atlantic Treaty Organization (NATO), the European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE).

With the announcement of Ukraine's independence, the issue of creating new security structures became more acute than the issue of reform as such. This was because, prior to 1991, those were the structures of the former USSR. It was then that the leadership of Ukraine decided to create national independent

security sector structures that would ensure political independence and the territorial integrity of the state. It was a difficult task to embark upon. There was a shortage of specialists with the experience to teach the principles behind the creation of security structures within advanced democratic systems, let alone the Soviet states.

The Armed Forces, the Ministry of Internal Affairs, the State Border Guard Service and the Security and Intelligence Services were created over a period of two years from 1992 – 1994. However, the approach and establishment of these institutions adhered to Soviet concepts, particularly in terms of their identity and patriotic nature.

In 2000, it became obvious to both specialists and politicians alike that the state budget was unable to sustain a large security sector structure. This was especially the case for Ukraine's Armed Forces whereby military personnel, by the mid-1990s, had become homeless, impoverished and critical of the existing regime.

The beginning of the 21st century was synonymous with a number of international problems. At the same time, unique opportunities for creating a new world were fostered, free of WMD threats, extremism and hatred.

The democratic ("orange") revolution of 2004 represented a turning point in the development of Ukrainian society. The nation was able to distinctly articulate its desire to become a decent player in world affairs. Prospects for reforming the foundations of public life based on democratic principles opened

up, as well as new opportunities for a more active foreign policy. There was an understanding that freedom and human dignity were not just human values but an integral part of the processes aimed at building an advanced and civilized Ukrainian state, particularly in the creation and realization of its foreign and security policies.

At present, Ukraine is managing global security challenges together with other European nations. The country's active participation in peacemaking operations is proof of its commitment to regional and global stability.

With the victory of the "orange" revolution, perceptions of Ukraine were drastically changed. The state gradually exited its political isolation and opened up new opportunities in the international arena. Ukraine was given the opportunity to devise a new, comprehensive, strategically thought-out, pragmatic foreign policy in conformity with its national interests.

In 2006, after parliamentary elections, important changes took place at the domestic political level. These changes initiated, before the executive institutions, the task of creating a competitive environment for the state's political forces, integrating European approaches into the reform of the judicial branch, the execution of national security sector reform as well as the broadening of the democratic civil control over the military organization of the state.

A serious consideration in the atomization of these processes has been the position of the President, who guarantees continuity and coherence in foreign policy, which aims at European and Euro-Atlantic integration.

Furthermore, the public and the Parliament are not entirely accepting of these integration processes. Therefore, the step into the transatlantic community by Ukraine represents a serious challenge for the Ukrainian political elite.

The creation of the Inter-institutional Commission on the issue of Ukraine's integration into NATO and the re-establishment of the national coordinators institute are evidence of the state's efforts to deepen cooperation with the organization. This has not only strengthened the interoperability of the central executive organs of the government, but also facilitated the launching of a targeted Ukraine–NATO project in 2006, which manages entry preparations.

Under the auspices of the National Security and Defence Council and together with the relevant ministries and institutions, comprehensive oversight of Ukraine's security sector is underway, the first stage of which has been completed. On 9 June 2005 at the ministerial workshop of the Ukraine-NATO Commission, the Ministers of Defence supported a comprehensive approach to the reform of the security and defence sector, which entails the most important constituents, such as personnel, institutions, civil and democratic control, strategic plans and resources. A separate decision on aid to Ukraine was also made:

Concerning the realization of comprehensive security sector reform;

Concerning the strengthening of civilian control over the security and defence organs;

Concerning the reform of the intelligence sector in compliance with Euro-Atlantic standards and through the process of knowledge exchange between Ukraine and NATO countries;

Strengthening the defence and security sector components aimed at the fight against terrorism.

Concerning the demilitarization of the security sector.

A joint high level Ukraine-NATO Working Group on Military Reform (JWGMR) decided to deliver aid to Ukraine through other NATO participating states by means of reforming and/or strengthening the structures vital for the security and defence sectors. This refers mostly to the National Security and Defence Council, the Verkhovna Rada, the Ministry of Defence, Internal Forces, the Ministry for Emergency Situations, the State Border Guard Service, the Security Service of Ukraine, the External Intelligence Service and the Export Control Service.

It is important to underline that the Ukrainian authorities are not obligated to implement the planned activities in an effort to fulfil the expectations of member states. The reform of the security sector is a national goal, the success of which rests on national support. The process also touches on the issues of national independence and state sovereignty.

This overview aims at creating a comprehensive strategy of the security sector reform process as well as measures to eliminate the organizational and contextual differences met by the relevant state authorities.

Little time has passed since the "orange" revolution, yet the results brought about by the efforts of the President and the government in the field of foreign policy, provide reason for optimism. The world has opened up for Ukraine and Ukraine has opened up for the world. Today, we are witnessing Ukraine taking concrete steps towards the realization of its formerly established goals.

Thus, reforming the administrative system, which deals with deepening structural and contextual aspects of security and defence of the state has started. The authorities view the reform process in the context of the Ukraine-NATO Action Plan and are preparing to add content to the Intensified Dialogue with the NATO states regarding membership.

When analyzing the scale of these plans, it is important to note that Ukraine's Ministry of Defence completed a large bulk of its reform activities in 2005-2006. The major outcomes were as follows: adopting the laws of Ukraine regarding a reduction of staff in the Armed Forces by 40 000 in 2005 and a transition to 12 months (down from 18 months) of military service; the commitment by the Defence Ministry to publish an annual "White Book," in accordance with the Law of Ukraine on "Civil Control;" preparation of a draft project on the presidential decree on the division of competences of civil and military components of the Armed Forces; devising a State Programme for 2006-2011 on the development of Ukraine's Armed Forces and, preparing for a transition to contracted military service after 2010.

Special attention should be given to the issue of intelligence sector reform whereby an attempt to find a new model for this sector would not only ensure

a radical division of intelligence and counter-intelligence activities, but also facilitate a change in the counter-intelligence activity format while depriving it of law enforcement powers. These initiatives have led to the creation of an Inter-institutional Commission on law enforcement reform under the auspices of the National Security and Defence Council of Ukraine. The Commission completed the proposals, which were drafted in accordance with PACE's resolution No.1402 of 1999.

Most experts believe that it is particularly this component of the security sector that needs civilian control, which, when fostered, will ensure agreement between the government and the public. The creation of an External Intelligence Service of Ukraine on the basis of the Security Service Intelligence Department could be considered the first step towards the realization of a European-type intelligence service. One task imposed upon the service, among others, is fighting international organized crime and terrorism.

The reform process touches on the activity of the Ministry of Interior (MoI) of Ukraine. Thus, Verkhovna Rada received a draft law on the amendment to the Law of Ukraine "On Militia." According to the amendments, the MoI is left only with the militia functions, transferring technical inspection competences to the Ministry of Transport and migration and passport service functions to the Ministry of Justice. This process also incorporates the reform of MoI forces into the Guard while imposing on it a set of gendarmerie tasks.

In order to effectively fight corruption within state institutions, a National Bureau of Investigations will be created.

Reform of the **State Border Service** is continuing on the basis of its Development Concept for 2005-2010, which is aimed at strengthening border security, integrating border management of Ukraine into the universal collective security system and coordinating the organization of specialized multi-level training.

Certain results have been achieved in the area of reform of the **Ministry of Emergency Situations**, in particular, the transformation of the Civil Defence Fire Guard Service units into a single **Rescuing Service for Civil Protection of the Population.**

The success of reforming Ukraine's security sector in many respects depends on the performance of these tasks:

• The development of a uniform complex strategy for fine-tuning all of the components of the security sector in accordance with European norms and standards, which will be reflected in a new strategy of national security. This project is currently being developed.

• Referring to the timely challenges and threats, the definition of forces and means of state bodies in the security sector, except for the interdepartmental duplication to adequately neutralize them.

• Introducing the related changes into the national legislation and other legal acts regarding functions and tasks of all structures involved in the military organization of the state.

• Ensuring the appropriate resource management of reforms (financial, material, etc.).

Reforming the security sector is an important priority in the state's construction of a democratic and independent Ukraine. The successful realization of reforms in this sphere will not only expedite the reform process in other spheres of the state's public life, but will also confirm the path of the country's new management strategies and facilitate its entry into the transatlantic security space. It is also demonstrative of Ukraine's fidelity to the principles of democracy, openness and transparency in its domestic and foreign policy.

In reforming the security sector, Ukraine adheres to the following principles: First, the reform process is being carried out according to Euro-Atlantic standards. Second, it includes the complex reform of such crucial constituents of the national security sector as the Ministry of Defence, the central administrative board of investigation in the Ministry of Defence, MoI's Internal Forces, the Security Service of Ukraine, its External Investigation Service and the State Border Service.

Ukraine has in effect undertaken high priority tasks to prepare the country for NATO membership.

At the same time, it is understood that progress in achieving this goal depends on the results of the reform process as well as the level of society's support to this end. Therefore, the efforts of the President of Ukraine are directed towards the realization of such elements which will assist in the internal transformation of Ukrainian society and its comprehension of Euro-Atlantic values.

The following aspects are implied:

First: The comprehensive execution of the Targeted Action Plan (TAP) for 2006; preparation of TAP for 2007 as the first annual national programme within the TAP framework regarding membership.

Second: Active participation of the Armed Forces of Ukraine in a large spectrum of NATO operations and initiatives, including peacekeeping, humanitarian aid operations and initiatives aimed at fighting terrorism.

Third: Profound and systematic reform of the national security sector, furthering the development of civil-military relations and strengthening democratic control over the military organisation of the state.

Fourth: Legislative support for Ukraine-NATO cooperation; supporting the necessary programmes in their efforts to reach the standards set by the Alliance member states. Should the format of relations change, i.e. joining the membership Action Plan, this course of action will become a priority.

Fifth: Activating the process of military reform within the context of the provisions of the Ukrainian Strategic Defence Bulletin for 2015 as well as events related to the programme for reform and development of the Armed Forces of Ukraine from 2006-2011.

Sixth: Increasing the level of public awareness on the activities of the state organs in the area of Euro-Atlantic integration.

Seventh: It is of utmost importance to study and effectively use the experiences of new NATO member states as well as aspiring nations regarding their integration into NATO.

It is important to underline that Ukraine's coherent policy in conducting democratic reform along with the invariability of the European choice Ukraine

has made has provided the country with a real chance to take Ukraine-NATO relations to a new level.

Ukraine's decision to join NATO: principles and tasks involved in the process of security sector reform.

In May 2002, the National Security and Defence Council of Ukraine adopted a new strategy for co-operation with NATO. Its objective was to join the organisation.

It is for this reason that Ukraine should follow the principles listed below in its endeavours to reform the security sector.

Firstly, the link between managing the security sector and democratic principles is significant. Ensuring effective civil and military control over the activity of the national security organs is very important. In any country aspiring to become a member of NATO, the aim of the security sector is to transform it into a democratically controlled and accountable mechanism.

The realisation of the reform process is not limited by just the normative-legal base regulating the activity of the security sector and, equally, not just by civilian control, which should be established over the armed, paramilitary forces as well as the intelligence services.

Civil-military control relates to certain principles and values. It envisages changes in operating procedures, namely integrating the Ethical Code of a Civil Servant for personnel, working in the sphere of security, ensuring and

maintaining professional civil and political staff for conducting civil-military control and strengthening the role of civil society to ensure effective oversight over activities in the security sector.

Do executive and legislative organs ensure sufficient control over the security sector forces and services? Do parliament and civil society play an important role in forming national security and defence policy? Do we pay enough attention to the professional growth of staff members? Does the system of checks and balances work? How transparent is the activity of the security organs? Is there a risk in inviting the security sector forces to undertake political goals? Is there export control, whereby mechanisms do not contradict the goals of national security policy? Is there corruption within the security organs of our country?

These are only some of the issues that each country should consider when aspiring to become a member of a democratic community.

Second, to effectively reform the security sector, the institutions which have the authority to use force must be embraced. For instance, internal forces, justice control organs, law-enforcement organs, as well as paramilitary troops and private structures. Again, the question arises: have we been able to formulate the vital provisions of the national security sector reform process to ensure that the action plan encompasses self-forming structures or there still are a number of gaps left? Have we defined the organs that will manage the reform implementation process? Are there forbidden areas that we do not want to touch?

Third, certain elements of the security sector play an important role in strengthening the democratic foundations of any country, such as, internal forces, paramilitary forces and intelligence services. Political solutions on the future of such forces define the quality of the democratic system of each country. This leads to questions concerning domestic forces? Should they remain paramilitary or be reformed into a civil law-enforcement institution in accordance with European standards? What are the main tasks of the forces? What role does intelligence play in our society? Is this sector subject to effective civil and democratic control? Do private paramilitary structures need to be controlled?

Fourth, possessing adequate resources, when undertaking security sector reforms, remains an integral issue. Ensuring interrelation between the resources available, the plans for the security sector reform and their use are the vital conditions necessary for undertaking reform efforts. It is also important that the executive and legislative organs should control expenses in the sphere of security.

Fifth, NATO member status envisages the definition of uniform values and standards. It is for this reason that each country wishing to join the Alliance should incorporate Euro-Atlantic standards for managing the security sector. For instance, to comply with these standards, it is important to ratify new laws and provisions, which should be integrated into the legislative base of the state. The decision to accept such an approach is the prerogative of the state and not NATO.

On Ukraine-NATO cooperation in conducting complex security sector reform:

On 7 October 2005 during the Ukraine-NATO Commission, the ex-premier of Ukraine, Mr. Y. Ekhanurov announced that the Ukrainian government was ready to conduct a Complex Oversight of the Security Sector. The Secretary of the National Security and Defence Council confirmed the stance articulated earlier by Ekhanurov at the informal high level consultations between Ukraine and NATO in Vilnius on 24 October 2005.

A joint working group on military reform organises events regarding future co-operative efforts between the National Security and Defence Council of Ukraine, the Ministry of Internal Affairs and the Ministry for Emergency Situations.

Ukraine should be supported in its responses to changes in the security sphere. Ukraine-NATO cooperation in conducting security sector oversight is of great significance. Accordingly, concrete actions to assist Ukraine in reforming special services (security and intelligence services) in 2006 were defined in the targeted Ukraine-NATO plan.

Despite NATO's readiness to offer Ukraine comprehensive aid in conducting security sector reform, it is important to underline that each reform effort has to be initiated and realised by Ukraine alone - this is Ukraine's first and foremost task.

New Threats to the National Security of Ukraine

Along with the decreasing likelihood of large-scale inter-block war, there is an increasing danger that new threats will emerge. Some of the catalysts of these threats are as follows: political and economic instability, economic, political and military inequality between states; the negative ramifications of globalisation and regionalisation; hands-off leadership and the existence of nations belonging to the so-called axis of evil; inter-state and domestic contradictions and the subsequent emergence of violence, military conflict, international terrorism and activity of criminal structures, as well as inadequate responses to the new threats of national, regional and global security systems.

Considering its peculiar location, Ukraine can be viewed as a country whose internal stability and progressive development are prerequisites for the security of its neighbouring states. There is an expectation that Ukraine will continue to build upon its policy of sustaining and increasing security and stability at the regional and global levels. Its national interests and realisation policy may contradict with the interests of some other countries, (not coincide with them).

It is, therefore, important not to disregard possible political attempts to interfere with the internal affairs of the state, military-political pressure, intelligence-subversive activity on the territory of Ukraine, the limitation of access to life-sustaining resources (in particular energy, which could be well illustrated through the Ukrainian-Russian "gas crisis" (December 2005 – January 2006), the application of military force and the igniting of regional separatism, ethnic and regional confrontations, etc.

The delimitation and demarcation of the state border, which has not yet been finalised, may stimulate territorial claims to Ukraine by some political forces of adjacent countries, which could increase mutual tensions.

Except for purely external factors influencing the military security of Ukraine, there is also a wide spectrum of internal factors: the slow reform of the armed forces; a drastic deterioration in the condition of arms and military equipment; the significant volume of arms, ammunition and other property surplus unsuitable for use; the unsatisfactory level of social protection for servicemen and their families, and the absence of improvements in the restructuring of the defence-industrial complex.

The emergence of new threats and the increase in their probability has induced Ukraine to reconsider existing security concepts, to find adequate forms and capabilities to react to these modern threats, to define military threats, functions, tasks, structures of the armed forces and priorities for their development.

Defence Analysis: Priorities for Ukraine

In recognition of the importance of the optimisation process of the numerical and fighting strength of the armed forces, as well as its structural reconstruction, the National Security and Defence Council of Ukraine undertook a programme of defence analysis. This decision entered into force following the decree of the President of Ukraine dated 4 July 2005 No. 565 "On conducting the defence analysis." The development of the Armed Forces of Ukraine, other military

formations and arms and military equipment took place in accordance with both the decree and events of 2003-2004, which were documented and regulated by a list of main events established by the State Commission.

Defence analyses have been conducted by Belgium, Finland, Germany, Greece, Italy, Japan, Norway and Spain. A strategic document titled "Priority tasks in spreading the armed forces of the Russian Federation" has also been produced. Defence analyses were also conducted in 1998 by Lithuania, Latvia and Estonia, in 1999 by Bulgaria and Romania, in 2000 by Slovenia, Slovakia, Croatia, Macedonia, Albania and Georgia as well as by Poland, the Czech Republic and Hungary in 2001.

Each state embarked on a similar path of security sector reform. The first step involved the creation of a **White Book** and/or plans to commence defence analysis in accordance with the state's domestic circumstances. A white book contains defence sector analysis, means assessments and agenda projections while also addressing plans for reform.

Most of the countries which have conducted defence analysis have aimed to achieve the following:
— creation of comprehensive and detailed plans for reform of the defence sector;
— confirming and enhancing existing individual reform plans;
— assistance in realising the Action Plan regarding NATO membership;
— a more effective use of resource aid, received within the framework of the Security Co-operation Programme.

Among the defence analysis tasks which were conducted in Ukraine, the most important ones in the field of security sector reform are as follows:

— distinct articulation of existing and potential challenges and threats to the security of Ukraine within the next 10-15 years;

— definition of an optimal military organisation reaction model to potential challenges and threats;

— rational distribution of functions and tasks among the ministries and departments of Ukraine within the national defence system;

— defining the optimal level of defence resource management in general and each of the military organisation's constituents;

— balancing the expenses for the military state organisation with its capabilities regarding resource management;

— developing and implementing long, middle and short-term programmes of structural reorganisation of the armed forces and other military formations;

— preparing the modernisation and development programmes of Ukraine's Armed Forces.

Defence analysis is a defence-building mechanism applied by developed democratic states. It is an important component of security sector reform. Democratic control of the military is not merely a checking devise or an element of revision. It is the responsibility of the civilian authority to define the tasks and conditions of the armed forces, its size, structure and the bases of its functioning.

The result of this analysis is an analytical document which reflects the nature and planning of the transformation processes of the defence sector, including

its armed forces, in the context of challenges, dangers and threats, whether they are of a global, regional or domestic nature.

The aim of defence analysis is to bring the organisational structure, size, material and technical equipment of the armed forces into compliance with the specific requirements defined by levels of military danger, tasks conducted by the armed forces, resources, financial capabilities and the demands of operative compatibility with the armed forces of NATO for undertaking peacemaking operations.

Furthermore, defence analysis promotes the strengthening of democratic control in the defence sphere, transparency of military policy as well as public awareness of the prospective structure of the armed forces and its tasks.

The aims and tasks of defence analysis are formulated in the Law of Ukraine "On the organisation of the defence planning" which was adopted on 18 November 2004, No.2198-IV. The law defines the state and preparedness of the Armed Forces of Ukraine and other military formations with respect to the fulfilment of tasks in the defence sphere. The results are used to create "a Strategic Defence Bulletin" and undertake activities aimed at strengthening the military capability of the state.

The Cabinet of Ministers organises and controls the execution of defence analysis by the central executive organs and other interested state organs.

To maintain the security of a state, protection measures, organisational structures and resources, as well as adequate actions aimed at countering threats

to the state, must be defined. Security measures should correspond to the economic capabilities of the state.

The rationale for establishing concrete parameters within the military organisation should reflect the concrete parameters of real or potential threats. In the area of military security, the organisational parameters are defined by the structure of the major arms of a potential foe.

The set task defines the structure of significant individual arms and the nature of the military force. It is the basic carrier of its fighting potential and, therefore, the subordinating factor of all its main parameters, including the structure of the armed forces, its size, etc. This structure provides the basis for defence planning, which facilitates the development of military programmes, armaments, equipment as well as the concept of the Ukrainian defence-industrial complex.

Defence planning, or the planning of reforms in the area of defence should therefore reflect all of the knots of the present chain: threats (the structure of the main arms of the hypothetical enemy), goals and tasks of the military organisation, the necessary structure of individual major arms, the typological structure and size of the armed forces and its development programmes.

The role of democratic civil control

Within the context of Ukraine-NATO relations, the Alliance pays special attention to the issue of democratic civil control.

The significant experiences of Western democracies and NATO in the field of defence analysis have significantly contributed to the development of civil control: "If defence ministry personnel lack qualified civil experts capable of speaking to military personnel; if the parliament lacks an adequate understanding of the needs of the armed forces, while civil society cannot define the quantity of tasks which are necessary to protect the state; if there are no ways of informing the electorate regarding defence affairs or helping with clarifications, and, most importantly, if there is no distinct organisation of the state control's over the defence sphere..." (Donelli K. Transformation in the defence sphere within the new democratic states// Nauka i Oborona, 1997, No.1-2).

In speaking of competence, it is only through gaining a deep understanding of the issues that their contextual analysis and the possibility of managing them can be ensured.

The informal realisation of the constitutional powers of the Verkhovna Rada, for example, in relation to defining the functions and/or size of the Armed Forces, requires an adequate understanding of resource maintenance and budgetary appropriation. Both the current and long-term needs of the army should be understood, along with the military budget as a whole, as well as most of its components. Each financial injection, both according to orientation and volume, including any necessary adjustment, should represent an adequate response. Discrepancies should form the basis of "subject and detail" control.

However, the requirement of competence in the issues that concern Verkhovna Rada contains a principle contradiction. Owing to the specificity of the

organisational aspect of the state organ (in particular, the rotating staff), it is difficult to fulfil the demands of, or even consider, the corresponding maintenance services which are required by parliament. On the question of national security and defence, the Verkhovna Rada Committee lacks scientific expertise and public council. As a consequence, the "subject and detail" aspect of parliamentary control over the armed forces, once considered a practical necessity, involves a superfluous analysis of questions. This is reflected by the issue of legislative approval of the size of the armed forces as well as the narrowing of the "interference" sector, which has further complicated the approval process.

These contradictions have been aggravated by the fact that resolutions on defence policy issues and control over them have become necessary.

The Cabinet of Ministers suffers from similar contradictions. A change in the government means a change in high-ranking government officials, which has the potential to undermine the accumulation of special knowledge in the Cabinet and affect the continuity of administrative decisions.

Thus, neither the parliament nor the government have the capacity to effectively resolve issues concerning defence policy in full. The chief decision-makers, the developers of reform issues and the counsellors of defence building are the servicemen. According to K. Donelli, this is unacceptable for any NATO country. Consequently, the army and not the government or the parliament characterise the way in which the conceptual issues involving defence building, related legislation and the state of the army itself are developed.

Carrying out Defence Analysis in Ukraine

Defence analysis involves all levels of leadership within the state. Regular sessions on questions of reform, the development of the armed forces, other military formations and arms and military equipment are conducted under the leadership of the Prime Minister of Ukraine within the framework of the State Commission. Working group meetings and corresponding expert commissions within the various ministries and departments are also involved in defence analysis.

To create an effective system of management and interaction within the framework of defence analysis, the Ministry of Defence undertook the following actions:

— created working subgroups and operative commands under the IR expert commission;

— analysed the state of the Armed Forces of Ukraine and established models for its prospective structure taking into consideration financial rationale;

— established information processing centres for defence planning at the General Headquarters, as well as major command and operative command centres.

In 2003, the expert commission of the Defence Ministry of Ukraine contributed to the following developments:

— The Presidential Decree "On conducting defence oversight," which was signed on 4 July 2003;

— With the Ministry of Foreign Affairs and the Security Service of Ukraine an "analysis of potential threats to the military security of Ukraine for the period

until 2015," was completed, which was later sent for consideration to the National Security and Defence Council of Ukraine following amendments by the State Commission on the Reform and Development of the Armed Forces, other military formations, arms and military equipment.

— Projections on defence budget indicators for the period until 2015;

— A list of the main tasks for the Armed Forces on the issues of reform, development, other military formations, arms and military equipment was developed. This list was endorsed by the State Commission and sent to the National Security and Defence Council of Ukraine for consideration.

— The organisational structure and the fighting and numerical staff of the Armed Forces (model 2015) were assessed in compliance with the so-called ambition levels.

— The draft law "On organising defence planning in Ukraine" (adopted by Verkhovna Rada) and the order of the Cabinet of Ministers was developed. *"On regulating the organisation and involvement of international experts (firms) in conducting Defence Analysis in Ukraine;"*

— A catalogue of data cards of nearly 3000 military units, whose initial data facilitate an evaluation of the current state of the Armed Forces and the modelling of their future structure.

— Calculations, quantitative and fiscal indexes of resource maintenance for the Armed Forces were deduced according to armaments and military equipment nomenclature for the period for 2005 - 2015.

— In 2004, the Ministry of Defence, in coordination with other central authority organs, developed "a strategic defence bulletin for the period until 2015." A process of optimization for the future structure of the Armed Forces was established.

— In an effort to support the process of defence analysis in Ukraine, the Ministry of Defence organised bilateral consultations with NATO whereby problematic issues were addressed. The Ministry enlisted in the expertise of NATO member states and partners.

Activities in 2003:

— April — seminar on defence planning, which was held by the National Defence Academy of Ukraine with the assistance of the department for regional evaluations and the U.S. Ministry of Defence.

— June — international conference on the question of defence planning involving the representatives from defence ministries of the Baltic states.

— Four working group meetings with NATO experts committed to the elaboration of documents which were developed within the framework of the defence analysis process during 20 bilateral meetings.

Completed in 2004:

— defining the directions and pathways to achieve the 2015 model of Ukraine's Armed Forces;

— developing "The Strategic Defence Bulletin of Ukraine until 2015;"

— planning the development of Ukraine's Armed Forces until 2015 through the creation of an adequate targeted programme related to certain vectors.

To assist in the execution of the defence analysis process in Ukraine, the General Staff of the Armed Forces, in cooperation with NATO military staff, commenced a Ukraine-NATO pilot project titled "The defence reform plans and the future structure of the Armed Forces of Ukraine" in March 2003.

A number of meetings were conducted during the **first stage** of the pilot phase (November 2003-February 2004), the aim of which was to receive advice and assistance defining and developing the structure of Ukraine's Armed Forces.

The result of these meetings was an assembly of the Ukrainian Armed Forces, international military NATO staff representatives and defence planning experts, which was held in Kiev from 17-19 November 2003. During the assembly, the experiences of NATO member states were taken into consideration with respect to the possible risks and threats to national security. The assembly also defined the tasks and specified the structure, parts, units, size and financing of Ukraine's Armed Forces. The progress made during these meetings assisted in the development of Ukraine's defence analysis programme. Furthermore, the Assembly established a framework for obtaining expertise and aid from NATO and for establishing bilateral cooperation initiatives with partner states.

During the **second stage** of the pilot phase (February 2004 - completing the formation of divisions and units) special attention was paid to the practical question of reforming the structure of Ukraine's Armed Forces.

Political, economic, social and legal meaning of the defence analysis programme that is being conducted within the framework of the implementation of national military reform goals turned out so important that its revision became an absolute priority.

The deputy heads of various ministries and other central organs of the executive were made responsible for the organisation and execution of activities within the framework of defence analysis.

The Governmental Commission was comprised of two working groups:

— Organisational – analytical - on the permanent basis, dealing with the necessary working materials related to the activity of the Commission;

— Experts, who were involved in the analysis and resolution of the most complex issues.

Essential documents for conducting defence analysis are the *calendar plan for conducting defence analysis and methodological recommendations regarding the execution of the envisaged activities.*

Defence analysis became the basis for a proposal made by the National Security and Defence Council's Apparatus on Amendments to the Concept of National Security of Ukraine, Military Doctrine, the Concept for the Armed Forces 2010 Model, State Programme on the Reform and Development of the Armed Forces of Ukraine until 2005, as well as other acts of the legislative and normative base in the area of state defence. Most of its objectives have already been realised.

Defence analysis, in the military sense, should correspond to the requirements of national defence.

First, the system of state defence should correspond to new geopolitical

realities and domestic political conditions. The tasks and activities of all state structures, organisations and departments, ensuring military security of the state, should be defined.

Ukraine's military build-up should ensure effective defence under any conditions and circumstances in accordance with the principle of defence sufficiency. Attention should especially be paid to ensuring that the size, staffing and structure of Ukraine's Armed Forces and its other military formations complies with the predicted levels of military threat and the country's financial-economic capabilities.

Second, the system of defence should be adjusted to the economic conditions.

Third, the major characteristics of Ukraine's Armed Forces and other military formations should be revised from the point of view of interdependence in terms of opportunities and enhancement in terms of coordination.

Major tasks, in relation to the country's military build-up, are as follows:
— working out the conceptual bases of Ukraine's military policy and adjusting the Military Doctrine of Ukraine accordingly.
— specifying the role and function of the Armed Forces and other military formations, adjusting its size staffing and structure for functional purposes within a uniform system to ensure the state's security;

— enhancement of the military's legal base; specification of the place, role and competences of different state organs in resolving the problems associated with military build-up and strengthening civil control over the defence sphere;

— building an effective system of economic maintenance in relation to the needs of the Armed Forces and other elements of the military organisation of the state both in peace and wartime.

— Ensuring that the mobilisation plans of the state are in full conformity with the conditions of the market economy, rapid territorial arrangement of the state and the development of the military infrastructure, particularly in light of new military-strategic realities;

— developing a uniform military-scientific research base specialising in theoretical and technical areas;

— enhancing the system of staff training in the Armed Forces and other military formations;

— applying effective measures to build the prestige of the military service and strengthen the authority of the Armed Forces and other military formations;

— resolving the problems associated with strengthening the social protection of servicemen and their family members;

The main conceptual and practical issues of Ukraine's military build-up were resolved during the process of devising and deciding on the state programmes, including the State Programme on the Reform and Development of the Armed Forces of Ukraine until 2011.

It was envisaged that defence analysis and military planning would be addressed according to the following vectors:

— the international situation - major tendencies, challenges, threats and risks within the context of national and coalition interests;

— defining the major parameters of defence analysis;

— composition, structure of the state's military organisation, evaluation of its state/condition, the development forecast, as well as the functions and tasks it performs;

— the size and structure of Ukraine's Armed Forces as well as its conformity with the resource capabilities of the state;

— the condition and vectors for enhancing the normative-legal base in the area of national security and defence of the state;

— the condition and prospects for development of the defence-industrial complex, its capability to ensure the defence needs of the state on the individual and co-operative basis;

— the condition and vectors of technical and rear maintenance of national defence needs, growth, co-operation and inter-adaptation of the logistics services;

— the condition and possibilities for further enhancement of the moral-psychological system in terms of maintenance and prestige of the military service in the state, motivational grounds for social management, the level of patriotism as reflected by the upbringing of staff;

— the level of military scientific development in the state and mechanisms of its influence in terms of maintaining the needs for national defence;

— staffing problems in the Armed Forces and in other enforcement structures of the state, as well as the level of education development;

— participation of Ukraine's Armed Forces in international military efforts and in the execution of peacemaking and humanitarian tasks;

— the condition, problems and prospects for the development of civil-military relations in the state and the level of democratic civil control over the military sphere.

Analysis of the vectors concerned demonstrates that defence analysis is an instrument for defining initial data, directions and tasks in the context of military reform, as well as a means for ensuring control over their execution in defence policy. Defence analysis defines the volume and logic of strategic planning in the area of security and defence as well as the reform of the armed forces of NATO member states.

From the defence oversight point of view, the vectors deal with the composition and structure of Ukraine's Armed Forces as well as their conformity with the resource capabilities of the state.

A uniform approach to resolving the problem by referring to the reform experiences of participating NATO states is the acceptance, on the political level, of the decision regarding the significant increase of assignments for defence or reduction of the tasks, which the Armed Forces should perform and the decrease of their size.

Since the first vector is unrealistic in the mid and even short-term, the only way forward is to define the minimal quantity of tasks for the Armed Forces and adjust their structure and size in accordance with the economic capabilities of the state.

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It is obvious that reforming Ukraine's Armed Forces should be oriented towards providing the opportunity to realise the tasks that have been set. The Armed Forces should correspond to the requirements and standards used within the armed forces of western countries, firstly those belonging to NATO member states.

Thus, referring to the experience of candidate NATO states which have conducted defence analysis is an integral prerequisite for Ukraine in its preparations to join NATO.

The reform of Ukraine's Armed Forces depends on the state's efforts to reform the security and defence sector as a whole, which impacts society directly. Referring to the experience of developed democratic states, the decision to reform Ukraine's Armed Forces should be taken at the national level. This process firstly involves defining the level of financing and other kinds of resource maintenance allocated by the state to reform and develop the defence sector. Long-term forecasts should take into consideration the internal and foreign policy situation, real or potential threats to the development of national interests and projections of the future condition (no less than 10-20 years) of the Armed Forces. In keeping with the experience of western states, Ukraine's priority is to ensure that the national security sector reform and development process is implemented while balancing the structure of the Armed Forces and the number of its personnel in accordance with assigned tasks.

What did Defence Analysis Offer Ukraine?

According to the results of Ukraine's defence analysis, the following national programs have been determined: optimisation of the structure of the Armed

Forces, enhancing the management structure, professionalisation, modernisation and purchase of arms, military equipment, staff training, comprehensive maintenance, peacemaking activity and social sphere development. Thus, one can assert that defence analysis has expedited the reform process.

The Ministry of Defence is planning to develop a programme for the reform of the military structures of the MoI of Ukraine, the State Border Service and the Ministry for Emergency Situations.

The results of the defence oversight process, which was conducted in Ukraine in 2003-2004, are reflected in the Strategic Defence Bulletin of Ukraine for the period until 2015" (the White Book of Ukraine, from this point onwards — the Strategic Defence Bulletin), which was presented at NATO Headquarters in 2004.

In the Strategic Defence Bulletin, a prototype of the Armed Forces of 2015 was presented and its functions, tasks and defence capabilities were defined.

The Strategic Defence Bulletin comprises of three chapters:

First: Common conditions for reforming the Armed Forces and other military formations of Ukraine.

Second: Projections of the Armed Forces and other military formations of Ukraine in 2015.

Third: Vectors and ways of achieving the future image of the Armed Forces of Ukraine.

In the Strategic Defence Bulletin, an optimal structure of the Armed Forces of Ukraine dated 2015 has been defined in accordance with the standards of the leading European states. Calculations of the cost of maintenance in all the parameters of activity of the Armed Forces are carried out according to the predicted parameters of expenses drawn from the common fund for defence needs for the period until 2015.

Ways to achieve Defence Analysis goals

With respect to the main goals of Ukraine's Armed Forces - the defence of the national territory; participation in multinational peacemaking and humanitarian operations, operations in response to crisis situations; support of law enforcement bodies in the struggle against international terrorism, illegal arms trafficking, granting of support to civil organs of the government in overcoming the consequences of technological and natural accidents, including aid to the population, etc., — it is possible to assert that the Armed Forces is not entirely ready to execute the tasks and functions assigned to it.

To move from the 2015 model of the Armed Forces of Ukraine one should resolve the following tasks:
— drastically reduce the numerical staff of the Armed Forces without losing its fighting potential or liquidate surplus infrastructure and resolve social issues;
— gradually staff the Armed Forces with contract-based servicemen and enhance military training without reducing the quantitative and qualitative parameters of the Armed Forces;

— bring Ukraine's Armed Forces into line with NATO standards and achieve the necessary compatibility with the military forces of other states, which will promote the Euro-Atlantic integration of Ukraine.

To fulfil these tasks, it is necessary to carry out the reform not only of Ukraine's Armed Forces, but of all the constituents of the military organisation of the state, such as, the defence-industrial complex and other structures which work to protect and defend the national security of the state. The reform process is being undertaken in two stages:

During the first stage (2004-2009), it is important that the defence reform process is completed and the foundations set for the development of the Armed Forces in the future.

It is important to note that the State Programme for the Development of Ukraine's Armed Forces 2006-2011 was drafted in 2005 (approved 9 December 2005 during the session of the National Security and Defence Council of Ukraine). The programme entails major tasks for the development of the Armed Forces in the upcoming years:

— modernizing the system of management, ensuring its integration into the uniform nation-wide system of management and creating the conditions for inter-compatibility with the information structures of NATO and the EU;

— decreasing the density of the Armed Forces by reforming the maintenance systems;

— ensuring the multifunctional use of the existing set of military units;

— devising solutions for staffing and policy issues;

— integrating the military education system into the state education system;

— balancing staff structures and ensuring their conformity with common norms;

— hiring personnel on a contractual basis, raising salaries, improving accommodation facilities and the personal security of personnel, as well as providing other social guarantees.

— introducing NATO standards into Ukraine's military training systems, operative capacity and fighting skills;

— equipping Ukraine's Armed Forces with military equipment that is compatible with the military equipment supplied to NATO and EU member states;

— expanding the large-scale utilisation (liquidation) and realisation of rockets, ammunition and military equipment surplus.

— incorporating a modern system of force maintenance and offering services on a commercial basis;

— developing military infrastructure, resolving the accommodation problem and providing prospective servicemen with accommodation;

— increasing the qualitative parameters to ensure the participation of Ukraine's Armed Forces in peacemaking activities;

— optimising the structure of the budget in the Department of Foreign Affairs and creating a transparent mechanism for the distribution of state funds.

As noted in the Strategic Defence Bulletin, the second stage of the process (2010-2015) marks the completion of the reform of Ukraine's Armed Forces. Major efforts will concentrate on the development of the Armed Forces, which entails a full transition from quantitative to qualitative indexes in the management

of the forces, its equipping, training and maintenance. It is hoped that Ukraine's Armed Forces in 2015 will reflect full compatibility with NATO standards.

The conclusions articulated in the Strategic Defence Bulletin confirm the reasoning and necessity for the state's active approach to the optimisation of the structure and size of Ukraine's Armed Forces.

On the priorities of Ukraine's national security policy:

In the domestic political sphere, the peculiarities of Ukraine's development after the "orange" revolution indicate that the state's national defence policy aims to achieve national unity and consolidation in an effort to overcome both the objective and artificial disagreements among the political elite in areas of socio-cultural, confessional, ethnic, linguistic and religious development.

This requires the formation of public, political mechanisms to co-ordinate the positions of the leading political elite and civil society institutions on the principles indicated in the Universal of National Unity (3 August 2006). It is important to expedite the reform of the political system within the framework of democratic process, pluralism, European values, freedom of speech and the strengthening of civil society.

Within the framework of development, this timely issue becomes more important in terms of the efficiency of state management. It is important to unite the efforts of the state organs which are participating in the domestic and external policy spheres, to form a permanent system of mid and long-term monitoring of the defining tendencies. This process should strengthen

internal and international security and enhance national security priorities in the mid and long-term.

It is important to develop and master the existing system of interaction between the state organs and civil society institutions.

The present task of the state and society is to overcome the negative ramifications of the demographic crisis. Coherent action must be undertaken to strengthen the physical health of the nation and adjust national standards (the quality of life) to European levels. Maintaining ecologically and technologically safe living conditions, creating favourable conditions to enhance the quality of the environment, the rational use of natural resources required to ensure the sustainability of the country and, particularly, the supply of potable water, are pressing issues for Ukrainians.

The most important vector in the state's security policy is the maintenance of Ukraine's energy security. Energy sector reform is being achieved by significant reductions in the cost of energy to the economy, diversification of the ways in which the state supplies its energy resources, development of Ukraine's mines and deep energy raw material refineries, expansion in the scale of alternative types of fuel and new energy sources, as well as wide regional cooperation on the issues of energy supply, transportation and the refining of raw materials.

The reform of Ukraine's security sector and its judicial system is in the interest of those who are fighting against the corruption which exists among

the upper echelons of power and international criminal groups. Special attention is being paid to establishing democratic civil control over the military organisation of the state and its unconditional de-politisation.

In the external policy sphere, national priorities are directed towards the following criteria:

— Establishing a safe international environment around Ukraine by strengthening the system of collective security in the European and transatlantic area and developing co-operative ties in the political, economic, humanitarian, information and military spheres within the global and regional dimensions.

— Integrating Ukraine into the European and Euro-Atlantic security systems through the wide development of relations with NATO, creation of the necessary conditions for Ukraine's entry into NATO, participation in the EU's and OSCE's security programmes, while maintaining friendly terms and a strategic partnership with the Russian Federation and the Commonwealth of Independent States (CIS). Developing co-operation in the security sphere with other international organisations and nations. At the same time, the most important vector in the foreign policy of the state is to protect and support the citizens of Ukraine and their interests abroad.

— Sustaining international peace and security. Ukraine will continue to support a policy of active participation in peacemaking operations at the regional and global levels. The state will continue to direct its efforts towards the realisation of priority tasks that stand before the international community, specifically in the areas of WMD non-proliferation, the fight against terrorism, trans-national organised crime, human and drugs trafficking, the fight against corruption and money laundering.

— Developing the Ukraine-Russian strategic partnership on the basis of pragmatism and openness. Given the critical interdependence of these two states, particularly in economic and humanitarian terms, maintaining good neighbourly relations is a key element to internal and regional security.

— Forming a comprehensive regional policy approach within the context of the Euro-Atlantic orientation of the state. Ukraine should become an "effective manager" and a reliable partner in resolving foreign policy issues in a timely manner for the sake of security, stability and co-operation. Major vectors of this approach include: forming sub-regional security structures, which would form a common platform for co-operation with a maximum consideration of interests of all the countries of the region; establishing democracy in the Baltic-Black Sea-Caspian region; managing alternative sources of energy and intensifying bilateral co-operation among the countries of the South Caucasus.

— Responsibility and a high degree of sensitivity to the issues of security and stability require that Ukraine should actively participate in the processes of regulating regional conflicts in the post-Soviet area. Since the break-up of the former Soviet Union serious transformation have taken place, (Transdnestria, Abkhasia, South Osetia and Nagorny Karabakh). Significant attention should be paid to forming an effective system to counteract newly-emerging threats in conflict zones (such as illegal migration, drug trafficking, etc.).

In light of the state's rapid integration into the global and European information structures, the sovereignty of national information must be preserved. The methods and technology used for the protection of information resources and telecommunications of all types of ownership should be improved.

Confronting the Needs of Security Sector Reform in Ukraine

by Alex G W Dowling and Philipp H. Fluri

Introduction

The so-called Orange Revolution that saw Viktor Yushchenko ascend to the Presidency in January 2005 initiated a predictable wave of optimism about the potential for democratic reform. President Yushchenko unequivocally pronounced his intention to set the country on the long road to membership of both the EU and NATO, thus orienting the country away from Russia's sphere of influence. Such ambitions for Euro-Atlantic integration have in the past proved to be the most effective drivers for security sector reform (SSR) in transition countries, improving security sector governance and effectiveness in order to fulfil membership criteria. However, early promise failed to achieve tangible results. The failures of the new authorities in their first year in power were punished in Parliamentary elections in March 2006, where Yushchenko's Our Ukraine bloc was defeated by Viktor Yanukovych's Party of Regions. Yanukovych, Yushchenko's rival in the December 2004 presidential race, took the post of Prime Minister in a coalition government after protracted and contentious negotiations.

An uneasy alliance has emerged between the two blocs, reflected in the political direction of the country. Despite the signing of the Universal of National Unity of 3 August 2006, committing the leadership to maintaining key priorities

of the Orange authorities, the power struggle between Yushchenko and Yanukovyych has since dominated the political landscape, paralysing foreign policy and reform initiatives. Equivocation over NATO and EU membership threatens to undermine key incentives for SSR. The security sector and the broader democratic architecture surrounding it are in need of large scale, systemic reform, in order to overcome the Soviet legacies that still prevail. Despite advancements, budgetary restrictions render fulfilment of projected defence reforms unrealistic. Internal security services remain almost entirely untouched since Ukraine's post-Soviet independence, still deeply mistrusted by the population. Corruption is yet to be seriously tackled whilst governing structures remain opaque and unaccountable. Justice institutions are ineffective, inefficient, politicised and corrupt.

Ukraine's internal politics must be viewed in symbiosis with its foreign policy. Those promoting a western-oriented course externally must confront the needs for democratic reforms at home. On the other hand, support for the status quo of 'neutrality' and conceding to Russian authority implies a greater tendency towards post-Soviet imperatives of power and control. Navigating a course between these divergent interests lies at the heart of the country's current predicament.

Ukraine's Foreign Policy

The tensions evident in the foreign policy of Ukraine tend to reflect those of domestic politics. The vision of Ukraine as a European state, as supported predominantly by the political right and the western half of the country, implies

a natural destiny in Euro-Atlantic integration, thus embracing the political ideals of the West. This was a view confidently championed by the new authorities under President Yushchenko after the Orange Revolution. On the other hand, the east and political left of the country, represented by Yanukovych, foresees Ukraine's natural allies amongst the Eastern Slavic countries of Belarus and, crucially, Russia. These tensions have been exacerbated by the formation of the new government dominated by the eastern-inclined Party of the Regions.

Additional to internal determinants of foreign policy, Ukraine's location in the Black Sea region places it at the heart of geo-strategic manoeuvring in the post-9/11 world. A convergence of interests amongst international actors renders Ukraine a natural centre of gravity, a strategic corridor for the movement of resources between east and west and a buffer between expanding Euro-Atlantic institutions and a resurgent Russia. The region lies on the frontier between Western, Orthodox and Muslim societies.[1]

The US, Russia, EU and NATO have all sought to assert their interests in the wider region and particularly in Ukraine, though with varying degrees of clarity. Kyiv must maintain a careful balancing act, lacking the means to assert itself independently on the international scene. Whilst displaying a clear interest in closer integration with Euro-Atlantic structures, intimate cultural links as well as a reliance on Russian energy and trade has limited the degree to which Ukraine

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[1] On the geopolitical importance of the Black Sea region, see: Goncharenko, Alexander, 'The Wider Black Sea Area: New Geopolitical Realities, Regional Security Structures and Democratic Control' in 'The Role of the Wider Black Sea Area in a Future European Security Space', *NATO Defence College*, Occasional Paper No. 11, Vol. 2, December 2005

can orbit away from Moscow's sphere of influence. One of the principal tests for the new authorities after the Orange Revolution was how it could manage these opposing interests, carving out a course towards the stated aim of NATO and EU membership, whilst avoiding excessive antagonism of Russia.

Despite the rhetorical abandonment under Yushchenko's leadership of *mnogovektornost*, a 'multi-vector' foreign policy that balanced relations with the West and Russia in equal measure, the reality of leadership demonstrated the challenges associated with a more concise foreign policy. The period immediately following the revolution created a favourable climate for those embracing a Western posture for Ukraine, focusing the attention of European and American policy-makers on the benefits of integrating the country; it was believed that a democratised Ukraine could act as a model for others in the region, notably Belarus.

Since the parliamentary elections of July 2006, *mnogovektornost* has returned as the guiding principle of the new government under Prime Minister Yanukovych. The primary components of Ukrainian foreign policy are thus: relations with Russia, regional initiatives, relations with the US, and Euro-Atlantic integration.

Relations between Ukraine and Russia have remained tumultuous from the outset of the Orange Revolution, when Russia publicly demonstrated a readiness to interfere in the political trajectory of the country. Perceiving a zero-sum game of Moscow's loss being the equivalent gain in Washington and Brussels, Yushchenko's victory was seen as a further loss of influence in Russia's near

abroad. Ukraine's new independent foreign policy predictably antagonised Moscow yet no effective means of managing this fallout was devised in Kyiv.[2] This left Ukraine vulnerable to renewed attempts by Russia to reassert its influence in the country, as happened most notably in the gas crisis of January 2006. Following accusations that Ukraine had been siphoning gas off from transit pipelines carrying gas from Russia to Europe, Gazprom cut the supply on January 1, demanding that Ukraine pay $230 per thousand cubic metres of gas, instead of the $50 it was then paying. Despite Russia's insistence to the contrary, there appeared to be a political, as opposed to strictly economic, motivation.[3] Although a deal was eventually reached, the incident highlighted the asymmetry in Ukraine's relations with Russia, with the country possessing few means in resisting Moscow's will. In exchange for a manageable gas price, Kyiv has made considerable political concessions to Moscow.[4] As has been the case since Ukraine's independence, in the reorientation towards a pro-Western foreign policy, relations with Russia remain the key problem to overcome.

The current structures for interstate cooperation between Russia and Ukraine appear to be inadequate to facilitate improved relations, whilst there have been a number of new flashpoints to add to the existing list of grievances between the two countries.[5] Ultimately, Russia remains reluctant to accept Ukraine's status

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[2] 'The New Government's Performance in 2005: A View of Non-Governmental Think-Tanks', *National Security and Defence*, Ukrainian Centre for Economic and Political Studies, Vol. 72, No. 12, 2005, p. 69

[3] 'Russia turns off the gas taps', *The Economist*, January 2, 2006

[4] Gavrish, Oleg, 'Low price for natural gas depends on Kiev agreeing to a package of Moscow's economic and political demands', *Kommersant*, Moscow, 20 October 2006, quoted in *CEPS European Neighbourhood Watch*, Issue 20, October 2006, p.12

[5] The New Government's Performance in 2005, pp.70-1

as an independent state, with a right to make its own policy decisions. The extensive personal, cultural and linguistic ties between the countries, combined with Ukraine's reliance on Russian energy (despite attempts to diversify sources) ensure that the reorientation must be carefully managed. From the outset of his presidency, Yushchenko sought to reassure the West of Ukraine's intention to retain a strategic relationship with its eastern neighbour. Under the Yanukovych government, naturally more inclined towards Russia, no breakthrough in relations has occurred. Russia remains wary of the new government's commitment to an equal balance between relations with east and west and it remains unlikely that a return to the Leonid Kuchma years will occur in the near future.[6]

One of the key policies of the new authorities that stirred resentment in Russia has been the reorientation of Ukraine's regional diplomacy, reflecting its broader international realignment. They have distanced Ukraine from participation in Russian-dominated fora, such as the Single Economic Space (SES) and the Commonwealth of Independent States (CIS). In parallel, Ukraine has sought to position itself as a regional leader amongst those countries seeking to define themselves in terms agreeable to the West. The August 2005 'Borjomi Declaration', signed by Georgia and Ukraine, led to the establishment of the Community of Democratic Choice (CDC), with the intention of promoting democratic values, regional stability, and economic prosperity. Despite denials, the grouping was seen as an attempt to establish an alternative to Russian domination of the post-Soviet space.[7]

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[6] Moshes, Arkady, 'Ukraine's Strategic Security: Crossroads Passed, Bumpy Road Ahead or an Optimistic View?', in: *Quid Ukraine's Strategic Security?,* ESF Working Paper 24, January 2007, p.27

[7] 'Ukraine: Regional Leaders Set Up Community Of Democratic Choice', *Radio Free Europe/Radio Liberty,* December 2, 2005

Additionally, the loss of Uzbekistan from the GUUAM grouping provided new impetus in transforming the forum into a credible advocate of democratic ideals. At the GUAM summit in Chisinau in April 2005, Ukraine took a lead role in developing initiatives to contribute to stability in the region, again challenging Russian domination. It remains to be seen however, if the grouping can become an effective actor, in view of its limited financing and the tightening grip of resurgent Russian influence in its near abroad. Yanukovych's government is also unlikely to pursue a strategy in the region quite so challenging to Russian interests.

Attempts by the authorities under President Yushchenko to present Ukraine as a model for regional democratic transformation were well received in Washington, dovetailing with the Bush administration's doctrine for the global promotion of democracy. The US has attempted to counter Russian influence in the region and was supportive of the new authorities, with both President Bush and Secretary of State Condoleeza Rice visiting the country in 2005. During President Yushenko's visit to Washington in April 2005, a joint statement was signed proclaiming 'A New Century Agenda for Ukrainian-American Strategic Partnership'. Although this partnership is symbolically valuable, significant benefits for Ukraine beyond the diplomatic sphere are not yet apparent.[8] Additionally, the formation of the new government and the resulting tensions evident in Ukraine's foreign policy has cooled relations with Washington. The primary component of the US strategy in the region remains Euro-Atlantic integration, which, even if successful for Ukraine, will be a lengthy and highly conditional process.

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[8] The New Government's Performance in 2005, pp.67-9

Attempts by the new authorities to establish a clear path towards Euro-Atlantic integration initially made progress, though primarily at the declaratory level. In NATO, US preponderance facilitated a sharp acceleration in cooperation, following the difficult relations of the Kuchma years. A genuine prospect of eventual Ukrainian membership of the Alliance emerged in the aftermath of the Orange Revolution. At the April 2005 Summit of NATO Foreign Ministers in Vilnius, Ukraine was invited to commence an 'Intensified Dialogue on Membership', generally regarded as a precursor to a Membership Action Plan (MAP). At the same meeting, there was joint agreement on a document for 'Enhancing NATO-Ukraine Cooperation'.[9] At the operational level, the Ukrainian Armed Forces took part in various joint exercises with NATO forces, partly as a means of improving interoperability with NATO forces. Ukraine has also contributed to NATO missions such the NATO Training Mission in Iraq and Operation Active Endeavour in the Mediterranean,[10] Whilst a Memorandum of Understanding on NATO's use of Ukraine's valuable strategic airlift capabilities was approved by the Verkhovna Rada.[11] The Ukraine-NATO Target Plan 2006 in the Framework of the NATO-Ukraine Action Plan is being implemented yet, despite these positive developments, significant impediments to NATO membership are evident. The new authorities failed to convince the Ukrainian public of the merits of NATO membership and have done little to improve popular understanding of the Alliance. Support for membership declined over

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[9] Kozlovska, Oksana, 'A Roadmap for Ukraine's Integration into Transatlantic Structures', *NATO Defence College*, Occasional Paper No. 16, June 2006, p.18

[10] For an overview of NATO-Ukraine relations, see: 'NATO-Ukraine: An Intensified Dialogue', *NATO Public Diplomacy Division*, May 2006. Available at: http://www.nato.int/docu/nato-ukraine/nato-ukraine-e.pdf

[11] '100 Days of the Coalition Government: A View of Non-Governmental Think-Tanks', *National Security and Defence*, Ukrainian Centre for Economic and Political Studies, Vol. 82, No. 10, 2006, p. 50

the course of 2005 as support for the new authorities diminished, with only 16% saying that they would vote in favour of membership by December 2005.[12] This trend continued into 2006 with 17.2% declaring support in October of that year,[13] with little sign of abating as the new government has cut funding for NATO public information campaigns. More pertinently, Prime Minister Yanukoych's statement in September 2006 that Ukraine was not ready to join MAP indicated the degree to which internal political consensus is absent, effectively putting NATO-Ukraine relations 'on ice'.[14] Yet the greatest challenge to membership will be in undertaking the internal reforms required to attain NATO membership standards. The Target Plan for 2006 demonstrates the degree to which the Alliance demands standards to be met not only in the defence and security sectors but also in wider democratic and economic terms.[15]

Fulfilling internal reform commitments will also be the key to advancing Ukraine's EU membership aspirations. Whilst US support has played a significant role in advancing NATO-Ukraine relations, there is no comparable driver in EU-Ukraine relations. The institutional malaise that has characterised the EU since the failure to ratify the new constitution in 2005 has unavoidably impacted upon its response to changes in Ukraine. Despite strong pressure to respond to the Orange Revolution by offering the prospect of membership, doubts about absorption capacity have made Brussels hesitant to commit

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[12] The New Government's Performance in 2005, p.64

[13] 100 Days of the Coalition Government, p.51

[14] Lobjakas, Ahto, 'Yanukovych Blows Hot And Cold In Brussels', *Radio Free Europe/Radio Liberty*, 14 September 2006

[15] For the full text, see 'NATO-Ukraine 2006 Target Plan in the Framework of the NATO-Ukraine Action Plan'. Available at: http://www.nato.int/docu/update/2006/04-april/e0407a.htm

to the prospect. Since the July 2006 election, tensions between the foreign policy inclinations of Yushchenko and Yanukovych have provided Brussels with a justification for its hesitancy. However, both Prime Minister Yanukovych and President Yushchenko have committed Ukraine to EU integration as a policy objective. Critics see the European Neighbourhood Policy (ENP), the forum through which EU-Ukraine relations are conducted, as a means of managing expectations whilst avoiding hard choices.[16] Unfortunately, this has given the impression to Ukrainians that, despite popular support for EU membership, they remain unwanted, with comparable status to North African and Middle Eastern ENP participants that have no stated interest in membership.

Although the EU has so far declined to offer a clear path to membership for Ukraine, there have been various positive developments in EU-Ukraine relations. As well as numerous agreements in the economic, financial, scientific-technological and humanitarian spheres, the EU-Ukraine Action Plan 2005-2007 was signed as a framework legal basis for relations between Kyiv and Brussels.[17] The EU also acknowledged that Ukraine had met the technical criteria to attain market economy status in December 2005, which, although primarily of symbolic importance, ensures that Ukraine will now be better protected against charges of illegally dumping goods on the European market.[18] Diplomatically, high level engagement with the EU institutions and member states

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[16] Smith, Karen E. 'The Outsiders: the European Neighbourhood Policy', *International Affairs*, 81:4, 2005, p.768

[17] For an overview of EU-Ukraine agreements and activities in 2005, see 'The New Government's Performance in 2005', pp.65-6

[18] 'EU Grants Ukraine "Market Economy" Status', *Radio Free Europe/Radio Liberty*, December 1, 2005

intensified considerably after the Orange Revolution, whilst Ukraine has enjoyed the support of Eastern European new member countries in seeking membership. However, these activities will prove largely futile unless a genuine potential for membership is demonstrated. Implementation of the Ukraine-EU Action Plan has not occurred, as political wrangling impedes progress.[19] Critics assert that the EU should establish a coherent policy towards Ukraine and manage expectations accordingly, before the window of opportunity closes. The October 2006 EU-Ukraine Summit provided little of strategic substance and mixed signals continue to emanate from Brussels regarding membership. The combined internal paralysis and fear of antagonising Russia on the part of the EU will need to be overcome to achieve this end.

For its part, Ukraine has not managed public expectations regarding Euro-Atlantic integration well, often demanding signals from both the EU and NATO as to the likelihood of membership, which only serves to raise expectations without basis. Educating the public on foreign policy goals will be important to carry popular support for decisions. Additionally, the necessary bureaucratic structures must be put in place to coordinate the mammoth task of reform that is the *sine qua non* of fulfilling membership aspirations.[20] Neither task is likely to occur whilst strategic priorities remain uncertain in Kyiv.

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[19] 100 Days of the Coalition Government, p.50

[20] For discussions on the bureaucratic structures required for Euro-Atlantic integration, see: Pifer, Steven et al., 'Ukraine's Euro-Atlantic Ambitions: Building an Effective Policy Coordination Process', *Atlantic Council Bulletin*, Vol. XVII, No. 1, February 2006. For analysis from an ENP perspective, see Popescu, Nicu, 'The EU and South Caucasus: learning lessons from Moldova and Ukraine', *IPF Policy Brief 2*, March 2006 at: http://www.policy.hu/npopescu/publications/caucasus.pdf

Reviewing Ukraine's Security Sector

In the field of SSR, Ukraine faces significant challenges in order to achieve Euro-Atlantic standards of efficiency, accountability and transparency. A review of the current state of the security sector reveals that the most significant reform efforts have occurred in the defence sector, a process which have been underway in one form or another since independence, but that internal security forces, mainly the Security Service of Ukraine (SBU) and the Ministry of Internal Affairs (MIA), have remained largely untouched since their initial creation in the early 1990s. This has ensured that Soviet structures and attitudes dominate. The security forces that Ukraine inherited from the USSR were instruments of a war on civil society, as opposed to its guardian; the security services have been primarily a tool for the reinforcement of presidential authority, as opposed to a public service.[21] Beyond narrow technical defence reforms, the principal areas of deficiency remain de-politicisation, legal reform, transparency, and democratic accountability. What is needed therefore is nothing short of an overhaul of internal security in order to foster effective democratic control and public trust. This also applies to the power structures charged with coordinating national security policy.

As mentioned, the defence sector has undergone the most reform of all Ukraine's security agencies. The first reforms were initiated in the immediate post-Soviet period with vigour but essentially along Soviet lines, merely with downsized force numbers. Defence reforms gained a conceptual underpinning

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[21] Sherr, James, 'Ukraine: The Pursuit of Defence Reform in an Unfavourable Context', *Conflict Studies Research Centre, Central and Eastern Europe Series*, 04/08, June 2004, pp.2-5

with the undertaking of a Defence Review and the adoption of the State Programme of Armed Forces Reform and Development 2001-2005.[22] NATO, a principal driver for defence reform in the country, has supported these efforts, primarily through the Joint Working Group on Defence Reform (JWGDR). The politically significant adoption of the NATO-Ukraine Action Plan at the Prague NATO Summit in 2002 included various SSR objectives, of which the military dimensions have been actively pursued by Ukraine.

Reforms were designed to increase defence efficiency in line with economic capacity. The creation of a Rapid Reaction Force and the proportional reduction of conscripted personnel were priorities that reflected the wider goals of structural and force optimisation[23], downsizing to a force profile that would eventually less of a burden on state resources. The eventual target of the Ministry of Defence is to reach a force level of around 200,000.[24] Under the new authorities, the second phase of the state reform programme for 2006-2011 was approved, outlining the envisaged model of the Ukrainian Armed Forces. It acknowledges necessary measures to improve civilian democratic control, in particular strengthening accountability of the Ministry of Defence to the executive and legislative branches and increasing the number and status of civilian personnel in the ministry.[25] Further proposals were made and actions taken to optimise the functions, equipment and materiel of the military.

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[22] Ibid., p.6

[23] Bonn International Centre for Conversion, 'Security Sector Reform in Ukraine', *Brief Country Studies*. Available at: http://www.bicc.de/ssr_gtz/pdf/ukraine.pdf, p.2

[24] Ibid., p.3

[25] Oksana, A Roadmap for Ukraine's Integration into Transatlantic Structures, p.32

Additionally new conscription terms were introduced and plans drawn up to establish a social security service and a centre for the retraining of retired personnel.[26] Despite these developments, it is clear that the major initiatives in the ongoing reform process remain economically unfeasible, the main obstacle to further progress in defence reform, compounded by the decision of the Yanukovych government to halve the armed forces reform budget.

Beyond the armed forces, there was a failure to confront seriously issues of security governance in the country before the Orange Revolution. The SBU, Ukraine's intelligence agency, has owed *de facto* loyalty to the president and no effective oversight mechanism exists through which its activities and resources can be monitored, an unsatisfactory arrangement that has contributed historically to numerous scandals and ensured disconnect between the SBU and the general population. The system of law enforcement agencies remains inefficient and corrupt. The acting Head of the SBU, Ihor Drizhchanyi, himself acknowledged in October 2005 that 'Ukraine does not have a fully-fledged rational system of law machinery', but rather competing agencies that duplicate in certain areas whilst others remain neglected.[27] In November 2005, President Yushchenko signed the Law 'On the Overall Structure and Strength of the Security Service of Ukraine', followed by the Presidential Decree of December 2005 on 'Issues Pertaining to the Security Service'. This first reform phase regulated internal divisions of the SBU, removed intermediary links and reduced the quantity of executive positions, whilst increasing the number of civilian positions.[28] Another

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[26] The New Government's Performance in 2005, p.75

[27] Oksana, A Roadmap for Ukraine's Integration into Transatlantic Structures, p.34

[28] The New Government's Performance in 2005, pp.40-1

initiative unveiled early in 2005 by the new authorities was the establishment of a National Investigation Bureau, to handle pre-trial investigation functions within the SBU. However, the bill 'On the National Investigation Bureau' has so far not reached parliament.

In his election manifesto, Yushchenko pledged to reorient the role of law enforcement bodies towards the security of each citizen, as opposed to political interest groups. While it was an important rhetorical step, suggesting that the political will to engage seriously in reform of the law enforcement agencies now exists, a great deal needs to be done in order to realise this goal. The Interdepartmental Commission for the Reform of Law Enforcement Bodies was established in May 2005 through a presidential decree. Although it completed a draft concept, the process was blighted by the pursuit of departmental and personal interests. The draft Concept of Reforming Law Enforcement Bodies was finally presented to the National Security and Defence Council (NSDC) in March 2006 — as the political community turned its attention to the parliamentary elections — and is still being finalised. As a result, efforts to review and reform the law enforcement agencies to date have occurred outside of a clear and approved conceptual framework.[29]

The various police forces of Ukraine fall under the authority of the MIA, which has been the subject of numerous laws, edicts and decrees in the last decade to reform it. Regardless, little changed in the practices of the MIA and its militia (state police) in that time. It has remained a Soviet-inspired institution, characterised by military domination, centralisation, authoritarian decision-

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[29] Ibid., p.39

making and excessive bureaucracy.[30] The militia inspire very little public confidence in their activities and remain well beyond any genuine public or institutional oversight, despite laws and declarations to the contrary. Numerous bad practices are reported, such as the use of violence against detainees to extract confessions or even money.[31] Nonetheless, the new authorities did take first steps to begin the reform of the MIA. This mainly concerned the reshuffling of personnel and attempts at de-politicisation, yet they did so outside of the strategic reform Concept of Reforming Law Enforcement Bodies. However, Yuriy Lutsenko, President Yushchenko's interior minister who survived the grand coalition bargaining in August 2006, is the first civilian head of the MIA and has voiced his determination to increase civilian control and to tackle corruption. In July 2005, a presidential decree ordered the disbandment of the Traffic Police (DAI) within 24 hours, due to its pervasive corruption and unpopularity. This hasty action illustrated both the encouraging determination to enact reforms and yet the lack of a strategic framework through which to pursue them. In the short term, it left the country, already known for its high road accident rate, with no traffic law enforcement at all and by year's end media reports suggested that the DAI was operational again.[32]

Ukraine's State Border Service also developed a reform agenda outside of the general framework of the Concept of Reforming Law Enforcement Bodies. The 'Concept for the Border Service Reform for 2005-2015', now approved,

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[30] Security Sector Reform in Ukraine, p.6

[31] 'Country Report on Human Rights Practices 2005: Ukraine', *US State Department Bureau of Democracy, Human Rights and Labor*, Section 1d, March 8, 2006. Available at: http://www.state.gov/g/drl/rls/hrrpt/2005/61682.htm

[32] Ibid., Section 1d

foresees an end to the use of conscripted forces by 2008 and an increase in civilian personnel at the expense of 15% of military personnel, downsizing the force to 40,000 personnel.[33] Ukraine's border guards are politically important in the context of the expansion of the EU's Schengen area, which will eventually place the country at the EU's eastern border. For that reason, the EU has supported its reform and launched an ESDP mission on the Ukraine-Moldova border on 30 November 2005, intended to curb smuggling along the 400 kilometre border with Moldova's separatist region of Transdniester. The mission, deployed at the request of President Yushchenko and his Moldovan counterpart, Vladimir Voronin, has a two year mandate, involving some 70 border policemen and customs officers from 16 EU countries and 50 local staffers.[34]

Beyond the security institutions themselves, the overarching governance architecture falls considerably short of providing genuine civilian democratic control. Nonetheless, it is again evident and encouraging that the concepts of security governance have now been engaged with and the benefits recognised.[35]

The preponderance of the President and the NSDC in coordinating security policy has been a central deficiency in security governance standards. The excessive centralisation of power in the hands of civilian leaders is another

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[33] The New Government's Performance in 2005, p.41

[34] 'EU Operation Begins Monitoring Ukrainian-Moldovan Border', *Radio Free Europe/Radio Liberty*, November 30, 2005

[35] Cole, Eden, 'The Status of Current Security Sector Governance in the CIS and its Relevance to Parliamentarians', in Cole, Eden and Karen Kinzelbach (eds.), *Democratising Security in Transition States* (Bratislava: UNDP/DCAF, 2006)

recognisable Soviet legacy. Although the Constitution of Ukraine stipulates that the NSDC and Presidential Secretariat (which replaced the Presidential Administration under Yushchenko) exist not in the executive branch of government but under the Cabinet, the *de facto* control of the security services is clearly in the hands of the executive.[36] The Presidential Administration underwent substantial reform in its transformation from the Secretariat, creating a new institution of presidential advisors to head each of the 'Main Services' in areas including foreign, defence and legal policy. This has been viewed favourably as a means of diversifying information and analysis to the President. In the same period however, reforms of the NSDC through Presidential decree occurred in violation of the Constitution and law, granting the institution illegally excessive authorities in areas such as the coordination of presidential acts in the field of defence and security and the proposal of candidates to law enforcement bodies, seemingly in an attempt to circumvent the Cabinet of Ministers. The reforms to the presidential Secretariat were also legally dubious, partly because the planned law to specify its status was not adopted.[37]

The Rada Verkhovna is gradually developing capacity in scrutinising the policy, practice and laws of the executive. Parliamentary committees may theoretically request access to classified documents, though such actions are severely restricted.[38] Nevertheless, the formal approval of military and militia budgets and the review of bills relating to security structure operations are largely the limits of parliamentary activity, in some part due to the lack of

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[36] Sherr, James, The Pursuit of Defence Reform in an Unfavourable Context, p.2

[37] The New Government's Performance in 2005, p.34

[38] Cole, The Status of Current Security Sector Governance in the CIS, p.31

expertise both amongst members themselves and their staffers;[39] although awareness of the issues surrounding security sector governance is growing, there is a corresponding need to increase the capacity of the Rada to execute these functions. Despite the limits of its security sector oversight function, the Rada has considerably increased its political prominence in Ukraine since the Orange Revolution. While this is partly the result of its role in negotiating with the MIA to prevent violence against protesters during the contested presidential election, it is more significantly the result of the Constitutional amendments agreed during the same period. Following the March 2006 Rada elections, Ukraine became a genuine parliamentary democracy with increased checks and balances in government, making important decisions dependent on consensus between the presidency, the legislature, and the cabinet. This inevitably increased the importance of the March 2006 vote, deemed by the Parliamentary Assembly of Europe to be the most free and fair since independence.[40] The need for strong coordination and working practices has obviously increased, thus the Presidential decree to establish a Political Council advisory body containing faction leaders in the Rada in October 2005 was encouraging, yet the Razumkov Centre has observed that work practices between government and parliament have yet to change much.[41]

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[39] Security Sector Reform in Ukraine, p.10

[40] 'Free local and regional elections in Ukraine, though overshadowed by parliamentary voting', *PACE Press Release*, 27 March 2006. Available at: https://wcd.coe.int/ ViewDoc.jsp?Ref=PR170(2006)&Sector = sec DC&Language=lanEnglish&Ver=original&Back ColorInternet=F5CA75&BackColorIntranet= F5CA75&Back ColorLogged=A9BACE

[41] The New Government's Performance in 2005, p.34

The Rule of Law and Democratic Accountability

It is clear that some democratic structures and practices in Ukraine have taken a significant step forward since the Orange Revolution; important indicators, such as press freedom, showed marked improvement.[42] Civil society is becoming stronger, more independent and more informed, with various institutes specialising in defence and security issues. Expectations were particularly high in the area of government transparency following the Orange Revolution, although so far the legal basis for reform in this area has not been established. The head of the Kharkiv Human Rights Protection Group, Yevhen Zakharov noted in October 2005 that 'the promises to ensure openness of information, transparency, and accountability of the government to society made on Independence Square during the Orange Revolution have largely not been kept.'[43] The Universal of National Unity, establishing the framework of the 'orange' and 'blue' grand coalition, included commitments to freedom of speech and expression, public accountability and transparency, yet such declarations have yet to be matched with action.[44]

A review of the rule of law mechanisms demonstrates numerous further shortcomings in areas that concern security sector governance. The judiciary is supposed to operate independently of political influence according to the

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[42] See Freedom House report for 2005. Ukraine's revised rating of 3.00 puts it at the standard of countries further advanced in Euro-Atlantic integration, such as Croatia. Available at: http://www.freedomhouse.org/template.cfm?page=22&year=2005&country=6855

[43] Country Report on Human Rights Practices 2005: Ukraine, Section 3

[44] 100 Days of the Coalition Government, pp.22-5

Constitution of Ukraine, but this has not been the case in practice. As well as a vulnerability to political and administrative interference from the executive branch, it traditionally has been plagued by inefficiency and corruption.[45] Executive pressure has diminished considerably under Yushchenko's Presidency, particularly regarding the Supreme Court, although Yushchenko's stated commitment to ensure accessibility, independence and fairness of courts was not ultimately fulfilled through legislative action. The Concept of Perfection of the Judiciary gained Presidential approval two months before the Universal committed the new coalition to the reform targets that it stipulated. Little has been achieved in the meantime to implement its provisions, aiming to establish a fair court system in Ukraine.[46] The threat of reform itself was at times used to exert executive influence. Increased budget allocation to the judicial branch was an important step in overcoming shortcomings, and yet raising of judges' pay appeared to be used to reward favourable court rulings in the government's favour. Another important reform, the creation of administrative courts, faced a complicated and protracted passage through Parliament and must now be implemented.[47]

Trial procedures also remain deficient in many areas: high conviction rates suggest that presumed innocence before the law is not well enforced; the jury system has not been implemented; some defendants are denied private access to a lawyer; detainees are abused in order to secure signatures confirming they

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[45] European Commission 'European Neighbourhood Policy Country Report: Ukraine', SEC(2004) 566, Brussels, 12 May 2004, p.7

[46] 100 Days of the Coalition Government, pp.21-2

[47] The New Government's Performance in 2005, p.36-7

have been informed of their rights; a witness protection law is in abeyance due to funding shortfalls; and a planned police unit to protect judges, witnesses and defendants has not been operationalised.[48] Additionally, detention facilities are over-crowded and under-staffed, whilst abuse of prisoners is still reported and prisons continue to be governed by military staff. Nonetheless, with international support, efforts have been undertaken to confront these issues.[49]

In President Yushchenko's elections pledges, confronting rule of law deficiencies was a significant and popular element, in light of years of official corruption and illegality and a sense that the law was a conditional concept. One of the major disappointments with the new authorities' performance was the perceived failure to truly pursue justice. The murder of Heorhiy Gongadze, an investigative journalist critical of the Kuchma administration in 2000, became a symbol of official illegality. Although trials have occurred of police officers, no senior officials have ever been brought to trial over the affair, even though President Kuchma himself was originally implicated. This served to reinforce the impression that officials are beyond the law. The new authorities were themselves implicated in illegality in September 2005, a crisis month which saw State Secretary Oleksandr Zinchenko resign and accuse Petro Poroshenko, Secretary of the NSDC and Oleksandr Tretyakov, Head of the President's Office, of bribery and corruption. Although the accusations may have been politically motivated, they were a high profile reminder of the ongoing problem of corruption in the country and helped in undermining the moral authority of the Orange authorities.[50]

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[48] Country Report on Human Rights Practices 2005: Ukraine, Section 1e

[49] Security Sector Reform in Ukraine, p.10

[50] 'Ukraine: Corruption Allegations Abound', *Radio Free Europe/Radio Liberty*, September 8, 2005

In line with the President's pledges, various efforts have been undertaken to tackle corruption. The Public Prosecutor's Office (PSO) began criminal investigations against various senior figures of the previous regime, though high profile cases failed to reach trial, mainly due to poor law enforcement agency coordination. Again, efforts to improve legislation in the field of anti-corruption have been disappointing, often for bureaucratic reasons.[51] Various measures to begin removing the motives for corruption have also been undertaken, primarily in the field of state-business relations, whilst the creation of a 'one-stop' customs clearance practice influenced state registration bodies to adopt a similar strategy. An interdepartmental coordinating body on the fight against corruption was also established.[52] In September 2006, Yushchenko approved the Concept of Eradicating Corruption in Ukraine 'On the Road to Honesty' and submitted to Parliament a series of bills to fulfil its provisions. However, Parliament returned most for finalisation.[53] The Presidential initiatives in fighting corruption and fulfilling the commitments of Council of Europe membership have been subject to the political tensions of the coalition government. Despite Yushchenko's efforts, there has so far been little notable impact on corruption, a fact recognised by the population. Public opinion in November 2005 was such that 55 percent of respondents believed the government to be 'seriously corrupt', whilst 59 percent came to the same judgement about the parliament.[54]

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[51] The New Government's Performance in 2005, p.42

[52] Ibid, p.43

[53] 100 Days of the Coalition Government, pp.21

[54] Country Report on Human Rights Practices 2005: Ukraine, Section 2d

Conclusion

Ukraine stands at a crossroads in SSR and more broadly. The current situation may be seen either as a cup half empty or a cup half full. Most encouragingly, there is an emerging recognition of the benefits of SSR and the issues involved in security governance. This is reinforced by the country's commitments to become integrated into Euro-Atlantic structures. The key requirement for membership of both the EU and NATO will be the attainment of western governance standards. Although political practices after the Orange Revolution showed improvement in a number of areas, this progression must ultimately be ensured by a strategically managed legislative framework. The early days of the new authorities failed to make sufficient headway in that respect, whilst the Anti-Crisis Coalition formed after the 2006 Parliamentary elections has further slowed progress. The starting point for SSR is also low, due to the legacy of Soviet notions and practices, which remain pervasive in security structures. With the advent of a new government dominated by Prime Minister Yanukovych's Party of Regions, the brief window of opportunity may already have passed. The revised constitution, shifting powers from president to prime minister, adds to this sense, despite its democratic importance. Much will depend on the outcome of the battle for supremacy being waged between President and Prime Minister. The current symptom of that struggle is a distinct lack of political direction, making any coherent reform programme impossible to pursue.

The same question marks arise in Ukraine's foreign policy. The new authorities that emerged from the Orange Revolution were determined to do away with the traditional 'multi-vector' strategy of balancing Russian relations with western

engagement, adopting a more overtly western stance, predicated on eventual membership of NATO and the EU. The reality of that decision proved hard to manage. Russia's renewed assertiveness has reminded Ukraine of its reliance on its eastern neighbour whilst NATO and the EU offer a highly conditional and challenging alternative. Although the new government under Prime Minister Yanukovych appears provisionally to have consented to this Euro-Atlantic policy, albeit within a concept of neutrality between east and west, only time will tell whether a durable coalition emerges between the Party of the Regions and pro-western forces, currently led by President Yushchenko. Such grand bargaining will ultimately determine how Ukraine's reform agenda fairs in the coming years.

Statement
by the Deputy Secretary of the Council for National Security and Defence of Ukraine S.I. PYROZHKOV at the opening session of the high-level international conference "Ukraine's Security Sector Reform: Experience Gained"

18 May, 2006, Kyiv

Dear Mr. Colston,

Dear participants of the conference,

This international conference represents an important stage in the implementation of Ukraine's policy of Euro-Atlantic integration. We are glad to welcome to Kiev the representatives of the NATO allies, experts from the European Union (EU), Finland, Switzerland and Sweden who have expressed their wish to participate in the discussion of Ukrainian defence sector reform. It should be noted that this conference is taking place during a momentous period in the development of the state of Ukraine – a coalition majority is in the process of its formation and a new government is being established.

It can be said with full confidence that over the past year, from the commencement of the Intensified Dialogue in Vilnius where Ukraine expressed its desire to gain NATO membership, the country has demonstrated significant progress in implementing democratic reform.

Vivid examples of the above-mentioned statement are the free and fair parliamentary elections, the emergence of a competitive environment for political forces in the mass media, the development of European approaches to judicial reform, the systemic reorganization of the national security and defence sectors and the enhancement of democratic and civilian control over the country's military organization.

The position of Ukraine's President has provided the impetus to activate all the processes that insure the invariability and consistency of Ukrainian foreign policy which is aimed at European and Euro-Atlantic integration. The President delivered his statement on May 5 at the conference of the Democratic Choice Community in Vilnius.

At the same time, the integration processes fall within the scope of the duty of the Government, Parliament and society as a whole. I am confident that Ukraine's accession to the trans-Atlantic alliance of states will be considered a most dignified challenge for the country's political elite.

Real evidence of the priority attached to the course of deepening cooperation between Ukraine and NATO has been witnessed in the establishment of the Intergovernmental Commission responsible for Ukraine's preparations for accession to NATO, which is headed by the First Deputy Minister of Foreign Affairs, Mr. A.D. Buteiko, as well as the resumption of activities at the Institute of National Coordinators following the decision of the Council for National Security and Defence of Ukraine dated 25 October, 2005. This development has not only enhanced the interaction between the central bodies of the

executive in the area of Euro-Atlantic integration but has also allowed for the January launching of the NATO-Ukraine Target Plan for 2007.

Moreover, under the aegis of the Council for National Security and Defence of Ukraine and in cooperation with other relevant ministries and agencies, a comprehensive review of Ukraine's security sector has recently been launched with the first stage already completed.

In this context, I would like to focus your attention on the principles that form the basis of defence sector reform in Ukraine. *Firstly,* the purpose of this process is to reorganize the security sector institutions of Ukraine in compliance with Euro-Atlantic standards. *Secondly,* it includes the complex reform of elements of the national security sector, such as the Ministry of Defence, the Main Intelligence Department, interior troops under the Ministry of Interior, National Security Service, Foreign Intelligence Service and the State Border Guards Service.

For this reason, we consider today's conference as an important event that will allow us to produce a detailed evaluation of the first stage of the comprehensive review. It will also become a necessary prerequisite for the success of tomorrow's fifth meeting of the Joint High-Level NATO-Ukraine Working Group for Defence Reform.

In this respect, the efforts of the Ministry of Defence whose experts have prepared a draft of the first annual national program of the Membership Action Plan for 2006-2007, should be highly praised.

In addition to this, following the Law "On democratic and civilian control over the military and law enforcement bodies of the state" and with the aim of systematically keeping the public informed on the activities of the Armed Forces, the defence policy of the state as well as the problems arising in this area and means of addressing such problems, the MOD of Ukraine has prepared the first annual edition of the "White Book -2005: Defence Policy of Ukraine." The book primarily deals with the reform and development of Ukraine's Armed Forces, its current status and main directions for further development, which are outlined in the updated State Program for the Development of the Armed Forces from 2006 – 2011.

I would also like to emphasize the fact that on May 12 during the meeting of the State Commission for the reform of Ukraine's Armed Forces and other military formations as well as the military-industrial complex, a decision was made to finalize, by the end of this year, the elaboration of the concept of development of the military organization of the state. The decision was also made to submit a draft of the relevant decree for consideration by the President of Ukraine.

This document will evaluate the trends of military and political developments from a long-term perspective and will specify potential external and internal threats to Ukraine's national security. It will also analyze the status of the military organization as well as the compliance of its structures, functions and tasks in light of modern challenges.

The activities of consultative and advisory bodies under the President have been revised and systematized: namely, the Interagency Commission for the

reform of law enforcement bodies has been liquidated, with a view to streamline the system of bodies and services established to promote the execution of the authority of the President. It does not mean, however, that Ukraine has refused to further conduct the comprehensive national security sector review.

Following presidential approval, the Interagency Working Group on Security Sector Reform and Civilian Control headed by the national coordinator, Deputy Secretary of the Council for National Security and Defence of Ukraine, who is also a member of the Interagency Commission for Ukraine's preparation for accession to NATO, will be in charge of the Comprehensive National Security Sector Review.

I strongly believe that the potential of the aforementioned working group will be sufficient to further develop the instruments elaborated in the course of implementation of the first stage of the review.

This process will remain transparent and open for constructive cooperation with our partners within the Alliance through the existing mechanism of the Joint NATO-Ukraine Working Group for Defence Reform.

I would like to inform the participants of the fact that the Interagency Working Group under the Council for National Security and Defence of Ukraine has completed its preparation of the draft National Security Strategy of Ukraine, the main provisions of which will be promulgated today by the first Deputy Secretary of the Council for National Security and Defence of Ukraine, Mr. V. Krutov.

One of the priority tasks of the strategy will be securing Ukraine's full-fledged participation in the trans-Atlantic and regional systems of collective defence.

Dear participants,

Ukraine has, in fact, reached a new stage in the implementation of the most important tasks necessary for its preparation for accession to NATO.

At the same time, we are aware of the fact that progress in achieving this strategic aim will depend on the outcome of the reform process in the area of security and defence and gaining public support for this course of action. With this end in mind, efforts should be focused on implementing the key directions that will promote internal transformations in Ukrainian society and develop its awareness of Euro-Atlantic values.

I mean the following:

Firstly: the establishment of a viable parliamentary coalition and government that would secure the implementation of the President's stand on an unchanged direction of the Euro-Atlantic vector in Ukraine foreign policy.

Secondly, comprehensive and unconditional fulfillment of the Target Action Plan in 2006 and elaboration of the 2007 Target Action Plan as a draft of the first annual national program within the framework of the Membership Action Plan.

Thirdly: active participation of Ukraine's Armed Forces in a wide range of NATO operations and initiatives, including peacekeeping missions, delivering humanitarian aid and combating terrorism.

Fourthly: In-depth and systematic reform of the national security sector, further development of civil-military relationships and enhancement of the democratic civilian control over the military.

Fifthly: Legislative support for NATO-Ukrainian cooperation which will help the country achieve the standards of the Alliance members. Should the format of our relationship reach a higher level, i.e. accession to the Membership Action Plan, this direction will gain a priority status.

Sixthly: boosting the defence reform process in the context of implementation of the provisions of Ukraine's strategic defence bulletin up until 2015 as well as an intensification of the measures which are outlined in the State Program for the Reform and Development of Ukraine's Armed Forces from 2006 – 2011.

Seventhly: raising public awareness on the activities of the authorities in the area of Ukraine's Euro-Atlantic integration.

The last point I would like to make is the following one: It is extremely important that Ukraine continues to comprehensively learn and effectively use the NATO accession experience of new members and aspirant countries. This will allow the country to avoid many mistakes and properly systematize its work in the area of Euro-Atlantic integration.

The Joint Working Group on Defence Reform will play a greater role in this context. That is why the practical conclusions reached at this conference and during tomorrow's meeting of the Joint High-Level NATO-Ukraine Working Group on Defence Reform are of great importance, particularly given the significance of our relations with the North-Atlantic Alliance.

In summary, I would like to stress the fact that Ukraine's consistent implementation of democratic reforms and the invariable nature of its European choice provide a real opportunity to take Ukrainian-NATO relations to a new level. The fact that we are hosting today's conference as well as the fifth meeting of the Joint High-Level NATO-Ukraine Working Group on Defence Reform is evidence of the unconditional support that is being offered to us by the Alliance, especially in relation to our leadership's policies and the President who, in terms of our country's foreign policy, acts as a guarantor of stability.

Thank you for your attention.

Statement by the Minister of Foreign Affairs of Ukraine, Mr. B.I. TARASYUK at the high-level international conference "Ukraine's Security Sector Reform: Experience Gained"

18 May, 2006, Kyiv

Dear participants of the conference,

Dear Mr. Chairman,

I am glad to welcome you all to Kiev.

Before proceeding with the issue of security in Ukraine I would like to present a short account of the modern security environment. Current mechanisms of international relations should take into consideration **the whole range of factors that make a direct impact on the security of any country,** including Ukraine.

The first factor is globalization, which means fast growth of interdependence between the problems of national, regional and world security. With globalization, the social and economic gap between poor and rich nations will widen, which, in its turn, will sharpen such dangerous developments as international terrorism, extremism, xenophobia, fundamentalism and intolerance.

The second factor: the process of **NATO and EU enlargement** has significantly accelerated over the past 10 years, which has drastically changed the architecture of European security, including its social and cultural dimensions.

The third factor: the 9/11 2001 terrorist acts have become a critical point in the international security environment. Figuratively speaking, a sand clock was turned upside down. The fight against **international terrorism** has become the number one priority for the world community. First conclusions have shown that radical means, namely the use of military force against terrorists, can be successful only on the condition of its unanimous support by international community.

The last factor evidently pushes NATO towards necessary transformations and probably updating the founding treaty. Before the failure of the whole range of referenda on the EU Constitution the optimistic forecast, with regards to the treaty, was based on the necessity to build a newly formatted trans-Atlantic relationship between the US and the EU and to take into account the EU's institutionalized status as a subject of international relations. I believe that, over time, the main European affiliates will revisit this subject.

Globalization has also been stimulating plans for an enhanced policy of NATO partnership. The US, which has been the initiator of these plans, has proposed to focus attention on the Asia-Pacific region, in the first place and on partnerships with democratic countries with strong economic potential, namely Australia, New Zealand, South Korea and Japan. The extension of a partnership policy in this region will enhance the potential of the Alliance to conduct operations of an expeditionary nature.

Dear Ladies and Gentlemen,

Threats to the national security of Ukraine have been spelled out in the "classical" Law of 2003 "On the Foundations of National Security

of Ukraine." Both the existing and potential threats have their roots in the internal problems of our country, which has been reflected in choosing a model for ensuring the national security of Ukraine. The above-mentioned factors in terms of international security together with the nature of threats arising before our state **have stipulated the choice of the European model of security, at the core of which is the EU and NATO membership.**

The President of Ukraine and his political "orange team" are dedicated to the course of accession to these two organizations **as the most optimal version of social development and ensuring Ukraine's security.**

As was repeatedly emphasized, the Alliance has been pursuing the policy of open doors and it will be ready to accept our state when Ukraine is ready. Currently, the speed of internal reform in the country gives us **grounds to expect an invitation for participation in accession talks in 2008** at the NATO summit which is dedicated to the issue of enlargement. With this end, Ukraine should undertake the final stage of preparation to membership and assess the compliance of both state and society according to the criteria for aspirant countries.

Taking into consideration the above-mentioned perspective, the Ukrainian ministries and agencies have already **started elaboration of the draft of the first annual program within the framework of the NATO Membership Action Plan.** We expect that the Alliance's decision to invite Ukraine to participate in the Membership Action Plan will be taken after the new coalition government has been formed. Accordingly, the fulfillment of this program will commence in September.

Enhancement of democratic transformations in the society, defence reform, security sector reform, reform of the military-industrial complex as well as the public's growing awareness of the Alliance, its benefits and challenges, continue to be the **main priorities** in the context of Ukraine's preparation for NATO membership.

I would like to note that formally there is no i**nterdependency between accession to NATO and the EU.** However, it is clear that the reforms that we implement in the course of preparation to NATO accession actually accelerate our progress to the EU, and the ability of the country to guarantee its own security will be, without any doubt, taken into account when considering the readiness of Ukraine for EU membership. Therefore, for us, it does not mean that NATO is "a backyard door" to the EU, though by their essence European and the Euro-Atlantic integration are closely interconnected, as the experience of Central and Eastern European countries has clearly showed.

However, NATO membership is not an end in itself. This process, without any doubt, will promote the process of ensuring national security, but threats will not disappear automatically by gaining NATO membership.

In the future, problems and challenges of a more global character will come to the foreground. These will involve demographic changes, the reorientation of energy flows to South and South-East Asia, the expansion of high technologies, the prevalence of corporate interests over national interests, as well as environmental and technological changes.

In order to adequately respond to these challenges and prevent new ones, Ukraine **should comprehensively develop political and security-oriented studies.** Regrettably, we have to admit that at present there is a lack of adequate support for this area on the part of the state. Moreover, relations between state institutions and research establishments have not been sufficiently developed. A vivid example of such discrepancies is the participation of Ukraine in the NATO program "Security through Science." Due to a passive attitude, it just so happens that some state officials learn about this aspect of the Alliance from the mass media rather than by virtue of their official duties. A large number of companies and institutions, which gain knowledge, experience and funds from within the framework of this program, are situated in regions with the lowest popular support for Ukraine's Euro-Atlantic integration. The public is not even aware of the joint NATO-Ukraine research projects which have been launched within the framework of the program, such as projects involving the use of alternative types of solid oxide fuel, which is of vital value for Ukraine given its excessive use of huge volumes of energy.

Also, the wider public knows little of the work that is being conducted by the joint working group on science and environmental protection.

Dear participants,

Developing awareness of our national interests, intensifying relations with NATO and the EU, deepening cooperation with those countries whose geopolitical interests coincide with the interests of Ukraine together with profound internal democratic transformations have created the necessary pre-conditions for pursuing an independent policy in the post-Soviet era.

The tangible steps taken by Ukraine to advance the course of a united Europe leave no space for old-style reintegration processes within the post-Soviet era, though many of those who have failed to terms with the logic of the historical process hope to restore the old ways.

Ukraine is not interested in the restoration of the stand-off between the opposing blocs in the region characteristic of the "Cold War" period. Rather, it is interested in the enhancement of cooperation between the most important subjects of security, which, without a doubt, NATO, the EU, Russia and Ukraine have become. It is the deepening of cooperation between NATO and Russia, membership of Ukraine in the Alliance and its interaction with Russia that will create the most optimum fabric for the renewed security architecture, which would go beyond Europe. Taking into consideration the fact that the strategic interests of Ukraine do not always coincide with the views of other influential factors, our policy in the area of security should be well weighted and at the same time uncompromising and aimed at the consistent advocacy of one's own interests while taking into account the interests of those countries whose geopolitical aims coincide with Ukraine's. Only such a stand will enable us to achieve the most optimal results in the area of security and to withstand the threats and challenges that are posed by a new period of globalization.

I am certain that my colleagues, who will shortly take the floor, will add to my thinking by outlining the other elements of Ukraine's national security in the 21st century.

As I come to the end of my speech, I would like to wish this conference and its aspirations every success.

Thank you for your attention.

Statement by the Presidential Advisor Mr. V.P. GORBULIN at the high level international conference "Ukraine's Security Sector Reform: Experience Gained"

18 May, 2006, Kyiv

National Security of Ukraine: Threats and Challenges

Dear participants of the conference,

First of all, let me welcome the participants of this forum and express my gratitude to its organizers for their useful initiative to hold this conference which is dedicated to one of the most topical issues – the problem of **security** in modern times.

The issues related to national security as a condition for protecting the vital interests of the individual, society and state against internal and external threats confronted Ukraine at the end of the 20th century. New prospects for the development of Ukraine's statehood **have caused** multi-faceted and complicated problems that require **reviewing** of the old approaches and stereotypes as well as the search for non-traditional solutions.

It should also be noted that the process of forming a general vision of national security and the need for it **as an attribute** of a mature political nation and modern European state is not over yet. It can be explained by **several factors.**

Firstly, the establishment of Ukrainian statehood has **coincided** with complicated democratic transformations, the formation of a market economy and a re-structuring of society with relevant interests and values. These reforms have been **slow-going** and have **lagged behind** the changes in the world. This has resulted in the political **de-fragmentation** of society and its significant **stratification** in terms of living standards and the quality of life.

Secondly, the internal situation in Ukraine, despite the positive impact of political reforms, has been **characterized by negative consequences** of the long-term systemic crisis, the **unfinished processes** of economic transformations as well as by social and political polarization. **The lack** of clear-cut long-term goals for the country's development **impedes** the consolidation of society as well as formulation and implementation of state policy in the area of national security, including the process of drafting legislation. It has to be admitted that the majority of legislative and regulatory acts in this area are **not within the scope** of direct action.

Thirdly, Ukrainian society still **lives through** the process of defining and identifying its national interests and establishing new social relationships within society, which is typical for a democratic and rule-of-law state, **stabilizing** the situation and **creating** conditions for development. All this leads **to changes in the legal space,** which, coupled with changes in the state system and geopolitical situation of Ukraine, has brought about a **widening** of the vision on legal regulations of the national security of our country.

In this context, it is worth mentioning the **historical significance** of adopting the basic and systemic legal act: **the Law** "On Foundations of the National Security of Ukraine." The Law envisages that the **main directions** of foreign policy shall be a full-fledged participation of Ukraine in the all-European and regional systems of collective security, gaining membership in the EU and NATO and maintaining good neighborly relations and strategic partnership with the Russian Federation and other CIS countries as well as with other states of the world.

The core provision of the Law is that security sector reform should be **continued and implemented** within the framework of the National Security Strategy. The draft Strategy is elaborated by the interagency working group established by the President of Ukraine.

The Strategy should become **a set of instruments** for practical actions with respect to the timely detection, prevention and neutralization of real and potential threats to the national interests of Ukraine. It should be the basis for planning the coordinated activities of bodies of state power and elaborating specific programs according to specific components of the state policy for national security.

The **success** of security sector reform will depend, to a large extent, on the **elaboration** of the unified comprehensive approach with respect to bringing all its components in compliance with the universally accepted **European** norms and standards.

Therefore, the first strategy of Ukraine's national security, in terms of its goals, tasks, conditions, terms and methods of realization, **should not only be** a long-term comprehensive **program** of protecting national interests but also an organizational foundation for **building** a system of normative and legal regulation and **establishing** definitive and founding norms for guaranteeing the national security of Ukraine.

In the context of geopolitical transformations in the world and globalization of the economy, the **issue** of ensuring security of the individual, society and the state **encompasses** military, economic, political, social, environmental and humanitarian **aspects** as well as **issues** of historic, national and religious identity.

Overall, the main problems causing risks and threats to the national security of Ukraine are the following ones:

Firstly, these are certain phenomena characteristic of many countries, underlying which are fighting for energy, man-made disasters, inter-ethnic and inter-denominational conflicts, terrorism, drug trafficking, organized crime and corruption, illegal migration, human trafficking, demographic challenges, etc.

A special threat is the growing **trend** towards the consolidation of national and international criminal groupings and the amalgamation of criminal elements with nationalistic and extremist formations.

The activation of **terrorist activity,** which acquires a more global character, creates **dangers** for any country and is mostly related to inter-ethnic and inter-

denominational conflicts as well as separatist movements. Terrorist organizations have become **an instrument for achieving** certain political goals and, which happens more frequently, an instrument for pursuing highly profitable **criminal ventures.** The continuing **threat** of international terrorism is one of the **main challenges** to civilization.

Secondly, the geopolitical situation of Ukraine, which determines its high **dependency** on **external factors** (controversial by nature and requiring significant **efforts** to allow for their harmonization) and the objective socio-political and socio-economic **challenges** of the country's development as a sovereign state.

At present, the main **potential threats** to Ukraine in the international arena are **connected** to economic, political, cultural and informational **pressures.** The **lack** of public **consensus** in key strategic issues of state building, the lack of relevant **experience** in the area of state building and leadership, and the resulting **vulnerability** vis-a-vis external pressure, do not allow for the state's effective implementation of external and internal policy.

In addition, **the trends** of socio-political, military-political and socio-economic development in the world **generate** a significant range of **contradictions** of different natures both within some states and between them which, with respect to Ukraine's national security, complicates the settlement of existing problems.

Speculation over certain political forces on national, language and religious issues coupled with **obstruction** of the adoption of critical management

decisions in the area of national security and objective economic **disproportions** in the development of Ukraine's regions **lead to** dangerous trends of inter-regional alienation and to the **formation** of potential threats to the integrity of the state.

The political games around "federalism" which were played during the two recent election campaigns resulted in adverse consequences. The country's integrity has since become an issue of utmost national interest and demands continuing close attention by both the public and the state.

Such **tendencies** hamper coordinated and quick actions of the state authorities aimed at the **weakening and neutralization** of the economic, political, informational challenges, among others, which face the national security of Ukraine.

Though the Ukrainian political nation **has preserved** its identity, integrity and ability for further development and the scope of the above-mentioned challenges has a **certain local dimension,** failure to take into consideration the existing risks is extremely **dangerous.**

With respect to the **military** risks, the assessments that were conducted testify to the **lack** of direct military threats to Ukraine in the sense of a large-scale use of military force against it by any state or by a coalition of states. At the same time, the potential sources of military threats **remain** radical **Islamic** groups from the Muslim countries, which attempt to spread their influence over Ukraine, **negative** consequences of armed conflicts in the vicinity of

Ukrainians borders, **threat** of terrorist acts against Ukraine and potential territorial **claims** from some neighboring countries.

In order to meet the challenges of transformational processes that are focused on a whole range of security problems, Ukraine should build a highly competitive economy, **enhance** its defence capabilities, **raise** the welfare of its people, **develop** the Ukrainian political nationhood and **obtain** a status of a worthy country in the system of international relations.

Without a clear **understanding** of national values, which are forming a legal, moral and philosophical basis for ensuring Ukraine's perspective development, it is impossible to **comprehend** national interests and, respectively, the material and spiritual needs of the population as an integrated society. Nor is it possible to comprehend the active participation of the state in events of world importance. It is through the prism of a clear understanding of fundamental values, their **realization and protection** that there should be determined strategic goals for forming and implementing the policy of national security.

By its nature, the Ukrainian **system** of national values belongs to the European system, which explains the **unity** approach to ensuring **national security.**

Ukraine cannot stand aside from settling acute problems both on its territory and beyond. Ukraine's policy of national security should be **aimed** at realizing modern forms of the world civilized process taking into account both the historic heritage of Ukraine and modern global processes.

Multi-vector and non-aligned policy, in its own time, has been at the **core** of Ukraine's foreign policy and has helped to **establish** it as an independent subject of international relations. At this stage, this policy is **losing** its efficiency. Anyway, the above-mentioned **status** has nothing in common with the **forms** of neutrality inherent in Europe. Neutral European countries have acquired this status, in the first place, owing to their **long-term** traditions but not as a result of **quick** procedures. Ukraine has neither the **procedures** for acquiring neutrality, **nor the traditions** for keeping it.

Though the **guarantees of security** provided to Ukraine by leading world countries as well as by international organizations have played a positive role in establishing Ukraine as an independent state, **at this stage,** they cannot be considered **as sufficient** for addressing national security problems.

Dynamic geopolitical **changes** taking place around Ukraine have determined its **foreign policy course** towards the EU and Euro-Atlantic integration. The EU and NATO make a **solid** basis for the European security system. In perspective, this process should **establish** a joint European **political and economic** area within the framework of which Ukraine should realize its interests.

On its way to Europe, it is critically important that Ukraine should have an intention to ensure not only its **own** security but also to make a contribution to the establishment of a **common Euro-Atlantic** security space.

As in any multifaceted process, the **implementation** by Ukraine of the course of EU and Euro-Atlantic integration is **connected** with risks, the elimination of which requires taking relevant actions.

Firstly, there are the geopolitical risks and challenges related to the **deepening** of political rivalry between the West (NATO) and East (Russia) with regards to **influence** in the region of Central and Eastern Europe, and which manifests itself in the form of **political, economic and informational pressure on Ukraine** from the side of Russia.

I am not referring only to the whole range of economic **pressures,** in particular in the area of natural gas supply, restrictions on agricultural exports to consumers in the Russian Federation and so-called anti-dumping restrictions on the supply of metal pipes.

In order to **eliminate** the above-mentioned pressures it would be appropriate to **harmonize** the Euro-Atlantic and Euro-Asian political processes, **develop** regional organizations such as GUAM, Black Sea Economic Cooperation Organization and **establish** the all-European Single Economic Space (Europe-Russia) within the framework of the free trade area.

Ukraine has faced a new challenge that is related to its interests, namely the counter-action of the Russian Federation to NATO initiatives on the periphery of vital interests of the Alliance and this requires responses.

An example of such action is the i**ntensification** of **activities** of the Russian Black Sea Navy within the framework of Turkey's initiative "Black Sea

Harmony," as opposed to the NATO operation "Active Endeavor," which actually leads to the **pushing out of** Ukraine from the circle of active participants and guarantors of regional security.

Secondly, these are certain socio-economic, military-political as well as military-technical **risks** related to the reform of Ukraine's security sector and the implementation of norms and standards of the Alliance. There is a tendency to **reduce** military and technical cooperation between Ukraine and Russia which was initiated by the latter as a response to Ukraine's foreign policy.

Regrettably, the fact has to be stated that the recent actions of Russia's leadership with regards to military-technical cooperation with Ukraine bear more political connotations than rational and economic pragmatism. Thus, Russian defence industry companies have been strictly instructed to wrap up scientific and industrial cooperation with relevant companies in Ukraine.

In order to substitute for the aforementioned cooperation with Ukraine, Russian authorities have given recommendations to their companies to cooperate with the companies of NATO **allies.**

As an example, one can refer to an attempt to develop a competitive product for modern and effective engines built within the framework of Ukrainian-Russian cooperation. This is Д-436 (for Tupolev-334 aircraft, Бе-200, Antonov-148). The alternative is a joint French-Russian design of the SaM-146 engine (designed for the Russian-European aircraft RRJ, which, in turn, is a rival of the Ukrainian-Russian aircraft Antonov-148).

Ukraine is doing everything possible to ensure that the military-technical cooperation between itself and the Russian Federation **does not become a myth.** In reality, Ukraine cooperates and, at the same time, competes only in the area of repairing (refurbishing) the old models of armaments and military equipment manufactured in the former USSR. The exception is cooperation in the sphere of some air and space and aircraft design projects. However, such exceptions are rare. Therefore, Ukraine should look for a new "face" in the new format, specifically in the area of models of the **sixth generation of armaments** where the country has achieved some developments that might be of interest to both Russia and NATO countries. Therefore, "the death of the Ukrainian military-industrial complex," should it join NATO, is another myth that was created not without help of the Russian political establishment.

Thirdly, the significant risk in the area of orientations and aspirations of Ukrainian society involves internal resistance to the country's Euro-Atlantic involvement. **Non-acceptance** by part of the society and the political elite to the idea of NATO membership is a product of **conservative** political perceptions and stereotyped images of the North-Atlantic Alliance stemming from the "Cold War" period as well as from **fears** of worsening relations with the Russian Federation.

The accelerated **tempo** of Ukraine's integration to NATO, without any clear-cut **benchmarks and time-frame** for accession to the EU, in our view, has the potential to threaten internal **stability** and national **consensus** and to augment the growing **polarization** within Ukrainian society.

The process of joining the North-Atlantic Alliance should not be **politicized.** The development of the modern world testifies to the fact that **integration** processes will prevail and existing borders are not a barrier for viable international organizations and structures. Moreover, integration itself has **real positive** potential. It **contributes** directly and indirectly to the **expansion** of opportunities for economic development and international cooperation, to the **establishment of** a favorable investment climate and to the **development of research-intensive** high-tech production. Euro-Atlantic integration also **promotes** the building of Armed Forces and the whole security sector which can **effectively** counter existing and potential threats.

Lastly, security sector reform in Ukraine is a key condition for Euro-Atlantic **integration.** It is an important factor for **addressing** the vital problems of our country, **ensuring** its national interests and also **eliminating** real and potential risks and threats.

Addressing the whole range of problems that are associated with external and internal policy in the area of security **envisages**, in addition to political will-power, the **fulfillment** of economic reform and reform of the organization of the military and law enforcement bodies, as well as **agreement** over the fundamental principles of legal regimentation of the different elements of national security, including the development of civil society, **the strengthening** of democratic institutions and the **securing** of human rights and freedoms.

The state policy of national security can only be considered **effective** if it allows, within a comparatively short period of time, for the engraining in the

public mind the idea of stable democratic development as a basis for consensus on critical issues of state building. It must also **confirm** the identity of Ukraine as a European democratic state.

Without a doubt, the policy of national security should, in the first place, be **aimed** at ensuring the geopolitical interests of Ukraine, its independence, political stability and progressive socio-economic development.

Thank you for your attention.

Statement by the First Deputy Secretary of Ukraine's National Security and Defence Council V.V. KRUTOV at the high-level international conference "Ukraine's Security Sector Reform: Experience Gained"

16 May, 2006, Kyiv

"Ukraine's National Security Strategy as "a Roadmap" for State Building at the Present Stage"

Mr. Chairman,

Ladies and Gentlemen,

Allow me to sincerely welcome all the participants of this conference. I hope that this forum will draw the attention of both Ukrainians and our friends from abroad who support Ukrainian statehood and democracy.

I think you would agree that the contemporary world is developing in an extremely dynamic way. Therefore, while conducting a strategic analysis of the topical issues of state building and social development we have no right to be guided by the approaches, criteria and standards of the past and we have already felt the negative implications of such policies.

For a long period of time, the consolidation of Ukraine's independence was accompanied by two interconnected and rather controversial processes. On the one hand, it involved addressing the challenges in the context of the nation

and state building and, on the other hand, it meant developing awareness of the role and place of Ukraine as a young democracy in the new architecture of international relations.

The events of recent times have become a powerful social signal of the urgent need to more clearly define the strategic priorities and goals for the further development of Ukraine.

It is for this reason that the President of Ukraine has supported the proposal of Ukraine's National Security and Defence Council regarding the need to elaborate Ukraine's strategy of national security within a fairly short period of time. I consider it my honor to inform all those present here that the task was fulfilled in time and that on May 16th of this year the draft Strategy was sent to the President of Ukraine.

Overall, the drafters of the strategy have arrived at the conclusion that the current status and the prospects for the elaboration of Ukraine's national security strategy in the 21st century are determined by the two major sets of factors.

The first set of factors represents inherently comprehensive challenges and threats confronted by all the countries of the present-day world. At the time of globalization they are connected with phenomena such as natural and man-made disasters, regional and ethnic conflicts, international terrorism and organized crime, uncontrolled migration, environmental issues, spread of weapons of mass annihilation, etc.

The second set of factors has a more specific and urgent character for us. Firstly, it is connected with the problems of the emergence of Ukraine as a sovereign nation and the difficulties of the transformation processes of the post-communist period, specific features of the geopolitical situation, etc.

It has become quite evident today that national security is mainly impacted by internal factors, which, if ignored, can thwart any attempts to conduct radical reforms in the country. They are of particular importance in the context of political reform in Ukraine.

Distinguished participants of the conference,

Given that within the years of independence such a normative and legal paper as Ukraine's National Security Strategy has been elaborated for the first time, the drafting group included leading experts and academics on the issues of national security, representatives of all ministries and government departments as well as NGOs and civic organizations. Such an approach has made it possible not only to accumulate the national intellectual potential but also to take into account the experience gained by other countries in the area of the strategic planning of state building and social development.

The underlying principles of the strategy are based on the need to adequately respond to the threats and challenges of modern times and the need to form the national security system at a fundamentally higher level in the interests of individual citizens, society and the state. The strategy confirms the dedication of the people of Ukraine to democratic values and

their desire to gain full-fledged membership to the European community of nations.

The drafters proceeded from the principle that the strategy is a unique "roadmap" for reaching the country's national goals. Therefore, it is only natural that the draft strategy defines the system of organizational and management decisions aimed at meeting the national objectives. In the process of work and heated discussions, the working group reached a consensus: the strategy must cover the medium-term perspective, up until 2010, i.e. the term of office of the President of Ukraine.

The results of the analysis are presented in a concise form in the second section of the draft strategy. The essence of the general conclusion lies in the fact that:

Firstly, Ukraine is facing some real threats that are dynamically changing under the impact of internal and external factors but in the medium-term perspective they are not likely to turn into an armed stand-off. Even if there is a danger of escalating armed conflicts in the near vicinity of Ukraine, large-scale military aggression against the country is not projected. At the same time, modern challenges and threats make it an objective necessity for Ukraine to actively participate in systems of collective security.

Secondly, the state of things in the country demands maximum concentration of available resources for its self-preservation and the development of suitable conditions for its transition to a digital society. Identification and attainment

of its strategic objectives by 2010 is dictated by the need for national consolidation and for the systemic advance of Ukraine towards pursuing vital and crucial interests for citizens, society and the state.

On this basis and in accordance with the draft strategy:

1. The policy of Ukraine must be directed towards ensuring the sovereignty, territorial integrity and inviolability of its borders, consolidation of its course of integration into the European community. At the same time, Ukraine must develop its foreign economic and foreign policy cooperation based on the principles of mutually beneficial partnerships with other countries irrespective of the indicated vector.

Ukraine considers its own security as an integral part of the international security system and makes its own contribution to its consolidation.

2. By its content the draft strategy confirms the dedication of the people of Ukraine to democratic values, the rule of law, protection of human rights and liberties and it reflects the aspirations of the citizens to create adequate conditions for the improvement of people's well-being, as well as the protection of national identity and cultural heritage.

3. By protecting its material and spiritual values, Ukraine creates the pre-conditions for its progressive national development, implementation of socio-political and socio-economic reforms, safeguarding rights and freedoms for its citizens.

The draft strategy has identified the priorities of state policy with respect to the issue of national security, which envisages the following:

• Development of harmonious and mutually beneficial relations with all countries, consolidation of Ukraine's regional leadership, expansion of its visibility on the world markets of capital, goods and services as well as in the world information space;

• Protection of state sovereignty and constitutional order, life, honor and dignity, rights and freedoms of Ukraine's citizens and improvement of the judicial system in accordance with European standards;

• Ensuring the effectiveness of the system of state power and its productive interaction with the institutions of civil society;

• Protection of territorial integrity and inviolability of state borders, non-admission of pressure and interference into the internal affairs of Ukraine, integration of Ukraine into the EU and Euro-Atlantic security space, development of mutually beneficial military-political relations with other countries;

• Realization of the principle of the rule of law in all spheres of social life; development of democratic institutions and civil society;

• Consolidation of the society, fostering a sense of the unified political nation, reaching an inter-denominational and inter-ethnic harmony;

• Ensuring the sustainable development and enhancement of competitiveness of the national economy, finding its niche in the international division of labor and economic relations, which would be in line with the unique natural and intellectual resources of Ukraine;

• Raising the level of energy security; effective use of industrial resources,

raw materials and transit potential of Ukraine, adequate protection of the national economy against internal and external threats;

• Preservation of spiritual values, overcoming a demographic crisis, strengthening the health of the nation; bringing the national standards of quality of life in line with European standards;

• Implementation of the intellectual and creative potential of the Ukrainian people; formation of the effective structure of education; eliminating the technological gap vis-?-vis the finest international expertise, development and protection of the internal market of high-tech products;

• Ensuring environmentally and technologically safe living conditions for its citizens; creation of favorable conditions for the improvement of the environment and rational use of natural resources;

• Ensuring the constitutional rights of Ukraine's citizens in terms of access to information and its use;

• Reliable protection of the informational space of Ukraine;

The strategic goals and mechanisms for reaching such goals have been identified according to these priorities. Due to the time limit, I am not in a position to dwell on these issues in greater detail. I will, however, draw your attention to the goal, which is directly related to this conference, i.e. the comprehensive review and reform of the security sector, including its intelligence, counter-intelligence and law enforcement bodies; conducting judicial reform as well as implementing some other institutional transformations, which guarantee democracy and the rule of law, protection of the lawful interests of natural persons and legal entities as well as the state. At the same time, given the international format of this conference, I

think it appropriate to focus your attention on the strategic goals in the foreign policy area. They are as follows:

• Formation of a safe and secure international environment around Ukraine; protection of the rights, freedoms and interests of Ukraine's citizens abroad; ensuring optimal conditions for the full-fledged participation of Ukraine in the pan-European and regional systems of collective security, gaining NATO membership and associated membership in the EU;

• Promotion of the Ukrainian-Russian strategic partnership within a system of bilateral relations, including the improvement of a legal base regarding the temporary stationing of the Russian Black Sea Navy in the Crimea, formation of the sustainable system of delivery and transit of energy;

• Formation of new approaches to the regional policy, namely: settlement of conflicts, primarily those in the trans-Dniestria region, intensification of bilateral cooperation with the countries of the Southern Caucasus; final and complete resolution of the problems regarding the legal-treaty settlement of the state borders;

Last but not the least, I would like to note that fundamentally important for ensuring the national security of Ukraine is the improvement of civilian control over the system of national security.

The draft strategy envisages the promotion of legality and transparency in the activities of the bodies of state power, specifically with regards to the ensuring of national security which will be pursued according to the following guidelines:

• Taking into account public opinion, suggestions and proposals of individual citizens and civil organizations expressed by them during discussions; approval of administrative decisions on issues of national security by promoting the activities of expert and public councils under the Cabinet of Ministers of Ukraine, National Security and Defence Council, Ukraine's ministries and government departments;

• Introducing the mechanisms of engaging the public in addressing issues of poverty, unemployment, formation of the individual as a patriotic citizen of the Ukrainian state and promoting the principles of a healthy lifestyle;

• Launching awareness campaigns by state bodies and civic organizations among the grassroots aimed at the promulgation of Ukraine's policy of EU and Euro-Atlantic integration.

Dear colleagues,

In my opinion, the improvement of strategic planning, where the centerpiece is the national security strategy, will help us focus the efforts of society on the establishment of Ukraine as a rule of law and democratic nation, and it will also become a tangible element of stability in the region.

Thank you for your attention.

Statement made by the Advisor to the Head of the Security Service of Ukraine O. BYELOV at the high level international conference "Ukraine's Security Sector Reform: Experience Gained"

18 May, 2006, Kyiv

Problems Associated with the Elaboration and Implementation of Ukraine's National Security Strategy

Distinguished chairman,

Dear colleagues,

I would like to commence by saying that I am not going to speak as an advisor to the Chairman of Ukraine's Security Service but rather I will be expressing my opinion as an expert. I share the opinion of my colleague Vasyl Krutov that we are currently witnessing an important event in the area of ensuring the national security of Ukraine. The draft National Security Strategy of Ukraine has been submitted for consideration to the President of Ukraine.

The discussion of this document at the international conference testifies to the fact that as Ukraine is a crucial contributor to the improved climate of global and regional security as it pursues an open and predictable policy in this area.

We should pay tribute to our colleagues who have drafted the National Security Strategy of Ukraine, and their work, undoubtedly, deserves a

positive evaluation. We all know that this is a hard, challenging and demanding task.

At the same time, all those present would agree that the ideas embodied in the draft of any strategic document demand a well-meaning critical analysis.

I will be brave enough to make such an analysis because I have taken part in the elaboration of the last version of the draft. The proposed decision of the President carries a lot of weight. Being aware of this weight, we must engage as many experts as possible in the evaluation of the strategy and put it, time and again, to test.

I believe that the experts will be guided by moral principles that have been formulated by a well-known expert in the area of political analysis, our colleague from Canada, Lesley A. Pal. These principles will be moderate but resolute, sympathetic but not weak in character, skeptical but not cynical, confident about the possibility of improving the situation, favorable towards political pluralism and civic cooperation.

Guided by these principles, I will express several personal considerations, which are based on the analysis of methodology and practice of strategic planning in different countries and societies as well as on my own experience.

I am certain that the issues of methodology or philosophy, which are laid down in the foundations of the strategic paper at the national level, are most

important. The previous speaker, Mr. Marku, convincingly spoke about it and I subscribe to his point of view.

So, the strategic level paper must clearly define reference points or goals of the national security policy for a specific period: in the given case – up until 2010. It is very much desirable that such strategic goals should have a specific dimension, which would make their attainment more verifiable and their ways of realization more substantive.

In particular, this refers to such a goal identified in the draft strategy, as promotion of the Ukrainian-Russian strategic partnership on a bilateral level. Such a goal should be made more specific. I will remind you that in 2007, the period of validity of the inter-governmental program for economic cooperation between Ukraine and Russia, which was signed in 1998, will expire. It would be worthwhile to specify the above-mentioned goal in the form of Ukraine's initiative to renew the program of economic cooperation with the Russian Federation.

The strategic goal of creating a national innovation system, in my opinion, can also be specified in terms of real indicators. According to the data of the report "On the internal and external situation in Ukraine in 2005" prepared by the National Institute of Strategic Studies, the innovation activities of industrial companies in 2005 have been cut down more than three times as compared with 1994.

By identifying the level to which this indicator has to grow in 2010 (which is the task of in-depth expert evaluation) we will have a clear policy target

regarding the establishment of the national innovation system and its achievement can become the subject matter of a special program.

Such an approach will make it possible to intelligently choose the means of achieving strategic targets which can be reliably controlled and monitored. Metaphorically speaking, "calls to quit smoking are nothing more but vague and unclear attempts to reduce health risks from cigarette smoking while the order to cigarette manufacturers to reduce the content of the tar in them is an effective and direct way to reduce health risks."

I believe that in the strategic level papers it is worthwhile to formulate such goals, which are embodied in integral indicators, so the achievement of such goals will have a significant systemic impact on the state of things. Such an approach was applied in the elaboration of the program "Ukraine 2010" in 1998 – 1999.

One of the strategic and ambitious goals identified by the drafters of the project "Ukraine 2010"has been to reach such a level of GDP per capita by the year of 2010, which can be comparable with the level of a similar indicator in the post-communist countries of Europe that aspire to join the EU.

I think that such a policy task is also relevant today. The selection of a strategic goal as an indicator will make it possible to bring almost all the components and directions of the national security policy towards achieving this goal in an integral way.

It is clear that the current level of GDP per capita (4350 USD in 2001) does not seem to have a favorable impact on our EU and Euro-Atlantic integration policy, regional cooperation, social and demographic policy, defence and national security policy.

When elaborating the strategy of accession to the EU, our colleagues from Poland in the late 1990s also set a similar strategic aim in their relevant documents.

It should be mentioned that, in case of the President of Ukraine's approval of such a system of strategic goals, they could serve as clear-cut guidelines for the new government and the Parliament and, most likely, will find support and acceptance from different political forces in our society.

I would like to stress that making the strategic goals in the draft national security strategy more specific will allow us to identify more substantively the priorities of state policy in the area of national security for the period up until 2010, since these priorities are much too general in the current draft.

By the way, I was hesitant for a long time over whether it would be worthwhile to express a thought that had struck me while I was preparing for the conference. My hesitation ended after I heard the statement made by our colleague James Sherr who is well known to us not only for his fundamental knowledge but also for his original theoretical ideas.

There is a strange paradox: the more dynamic the changes, the more stable the content of strategic goals must become and, in this case, achieving them

will mean further stabilization and improvement of the situation. We have all, in fact, agreed with the opinion of Dr. Sherr that one of the strategic goals both for the EU and Ukraine is the stabilization of the situation in the energy field. The dynamic geopolitical changes will, most likely, play a secondary role here.

Finally, the National Security Strategy should, in a concentrated form, carry an assessment of the national security policy starting from the time when Ukraine gained its independence. There is a great deal to be said here, and such an assessment would serve as an initial point of reference for us to decide what is next on the agenda.

At present, the assessment of what has been achieved is available in numerous scholarly publications and in the media but there is no single unifying and summarised assessment in the documents at the state level.

The participants of the conference today have expressed many interesting ideas and thoughts, which will be useful for finalizing Ukraine's draft National Security Strategy.

Thank you for attention.

Statement by the Deputy Secretary of the National Security and Defence Council (in charge of national security issues) Yu. PETROCHENKO at the high level international conference "Ukraine's Security Sector Reform: Experience Gained"

18 May, 2006, Kyiv

The reform of the security sector has become a key task in the realization of Ukraine's Euro-Atlantic aspirations. The solution to this issue implies the implementation of consistent and focused actions which will be pursued along several major lines. First of all, the draft National Security Strategy has been elaborated in line with the instructions of the President of Ukraine. This document identifies the main points of the state policy of national security.

The second area where the activities were launched in November 2005 is the comprehensive security sector review. The first stage of this review has already been conducted in order to fulfill the presidential decrees of 28 December, 2005, No. 1861, "On the enactment of the decision of the National Security and Defence Council of Ukraine of 25 November, 2005 "About urgent measures regarding further development of the relations between Ukraine and the North Atlantic Treaty Organization (NATO)" and of 7 April, 2006, No. 295, "On NATO – Ukraine target plan for 2006 elaborated within the framework of NATO – Ukraine Action Plan." This was also in line with the mandate of the President of Ukraine issued on 21 October, 2005, No.1-1/1138 and the

decision of NATO-Ukraine Commission of 22 February, 2005, and in line with Methodological Recommendations on the organization and conducting of the security sector comprehensive review approved by the Interagency Commission on the reform of law enforcement bodies.

The security sector comprehensive review is deemed as a generalized analytical assessment of the status and components of the security sector, with a view to identify the strategy and tactics for the transformation of the security sector in the period until 2015 in order to meet the demands of effective counter-action to real and potential threats to national security and in line with Ukraine's resource capabilities as well as modern European and Euro-Atlantic standards.

The following central bodies of executive power and state authorities are conducting the review:

• The Ministry of Internal Affairs of Ukraine;
• The Security Service of Ukraine;
• The Prosecutor's office;
• The State Department for the execution of punishments;
• The Foreign Intelligence Service of Ukraine;
• The Main Intelligence Department under the Ministry of Defence of Ukraine;
• The State Border Service of Ukraine;
• The State Customs Service;
• The Department of State Guard of Ukraine;

• The State Service for Special Communications and the Protection of Information.

In order to conduct the comprehensive review, permanent working groups have been established at each of these government departments and such groups are headed by the deputy chief executives of the relevant departments.

Prior to May 2006, coordination of the review was exercised through the Interagency Commission for the reform of the law enforcement bodies. A new mechanism has been formed, which puts to good use the capacities of the staff of the National Security and Defence Council, the Cabinet of Ministers and national coordinators, etc.

The first stage of the review has already been conducted and some analytical materials have been elaborated based on its results. At this stage, the state policy in the area of national security, risks and threats as well as the effectiveness of civilian and democratic control mechanisms have already been addressed.

State policy in the area of national security

The national security policy that is pursued by Ukraine from the time it gained its independence has been focused on preserving its state sovereignty, territorial integrity of the country, supporting its democratic development, ensuring the observance of principles of the rule of law and improving the living standards of the Ukrainian people.

With this view, an effective system of protection of national interests against external and internal threats has been established on the basis of generally-recognized principles and norms of international law.

Ukraine as a member of the UN and OSCE:

• Acceded to all international legal documents related to international security within the framework of the UN and OSCE;

• Has been developing Euro-Atlantic cooperation in the area of security within the framework of the NATO-Ukraine Distinctive Partnership Charter (1997), the NATO-Ukraine Action Plan (2002), respective annual target plans, items of the NATO-Ukraine Intensified Dialogue and is pursuing the goal of gaining full-fledged membership in the Alliance;

• Has become a participant to the international regime of export controls: Vassenaar Agreement, Control Regime over rocket technologies, the Nuclear Suppliers Group (NSG) and the Australia Group (AG);

• Maintains bilateral and multilateral relations with the CIS countries on the issues of non-proliferation of weapons of mass destruction, control over the spread of conventional armaments, combating terrorism, drug trafficking, etc.

• Actively participates in peace-keeping operations within international security structures;

• Has elaborated and is consistently developing the legislative basis for ensuring national and state security on the basis of the Constitution of Ukraine (1996), the Laws of Ukraine, "On the fundamentals of the national security of Ukraine" (2003), "On the National Security and Defence Council of Ukraine" (1998), "On the Defence of Ukraine" (1993), "On the Security Service of Ukraine" (1992), "On the intelligence bodies of Ukraine" (2001),

"On the counter-intelligence activities" (2002) and other acts of national legislation (over 120);

• Has set up and improved the system for ensuring national security whose major subjects are the President of Ukraine as the head of state, Supreme Commander-in-Chief of Ukraine, the Parliament of Ukraine, National Security and Defence Council of Ukraine, the Cabinet of Ministers of Ukraine, the Armed Forces, ministries and government departments, law enforcement bodies;

• Has been developing the system of exercising democratic civilian control over the system for ensuring national security, in particular, on the basis of the Law "On democratic civilian control over the military organization and law enforcement bodies of Ukraine"(2003);

• Has carried out the reform of the Armed Forces of Ukraine as well as law enforcement and intelligence bodies with a view to bring their tasks, structure, authorized strength and other functional parameters in line with modern demands and economic capacities of the state, gradual demilitarization of the law enforcement structures, building democratic civilian-military relationships in society.

Today, Ukraine is considered by the world community as a significant factor for safeguarding global and regional security and as a country that is pursuing an open and predictable policy in this area.

According to the legislation, the overall system of subjects that safeguard national security, which has been formed over the years of Ukraine's independence, includes:

• The President of Ukraine;

- The Verkhovna Rada of Ukraine (National Parliament);
- National Security and Defence Council of Ukraine;
- The Cabinet of Ministers of Ukraine;
- Security Service of Ukraine;
- Ministries and other central bodies of executive power;
- External Intelligence Service of Ukraine;
- The National Bank of Ukraine;
- Local state administrations and local government bodies;
- Prosecutor's office authorities;
- Judicial bodies;
- Civic organizations and citizens of Ukraine.

Thus, the state component of Ukraine's security sector that has been established in its present format, overall, ensures the practical coordination of all kinds of activities of state and public institutions with a view to avert, identify and eliminate the real and potential internal and external threats.

The state of things and trends in the area of politics, economics and crime in Ukraine and the world; the main real and potential threats to the national security of Ukraine

When elaborating Ukraine's national security policy, one of the priorities should be the assessment and prognosis of real and potential threats. The security sector must ensure that the threats are prevented and eliminated. Secondly, it has to adequately respond to such threats and be in line with the

principle of self-sufficiency. If it fails to meet such demands, this sector will be ineffective and may become a separate source of threat.

The process of building up the security sector, supporting EU integration and Ukraine's Euro-Atlantic aspirations make rethinking the threats to Ukraine's national security necessary. The desire to gain full NATO membership, the deepening of relations between Ukraine, the Alliance and its partners, capitalizing on the potential of multilateral cooperation projects between Ukraine, NATO and the Russian Federation, participation of our country in the security structures of the CIS and the development of partnerships with the non-allied countries, will help Ukraine move closer to the security standards of European nations. At the same time, it should be noted that the threats identified in the Law "On the fundamentals of national security and defence of Ukraine" remain in force. Also, the biggest threats to Ukraine's national security for the foreseeable future will come from within the country itself.

Taking into account the status and trends of development of the political, economic and criminal situation in Ukraine and in the world at large as well as the results of the implemented measures of the Defence Review in 2003-2004, the main and the most topical threats to the national interests, which must be neutralized by the state bodies of the security sector, include the following:

• Territorial claims to Ukraine by other countries, encroachments on its state sovereignty and territorial integrity;

• The possibility of creating local and regional sources of instability near the borders of Ukraine, etc.

One can predict that these and other threats will remain topical up until 2015. But the list of threats and the forms and methods of their neutralization will be adjusted in accordance with changes in the political, economic and criminal situation in Ukraine and in the world.

The organization of activities for their neutralization must take into consideration the trends in the policy of the EU countries and the countries of the Euro-Atlantic community in ensuring national security, which are characterized by the following:

• Transformation of the role of the state and its security institutions which carry the main burden of the fight against global and other threats to security of the state;

• Strengthening of cooperation with neighboring and other countries in the area of regional and global security in order to promote the national interests of Ukraine;

• Giving priority to the preventive strategies put forward by security sector authorities;

• Enhancement of effectiveness of the intelligence activities in the interests of protection and realization of Ukraine's national interests, receiving preemptive information about threats to national security and creating a favorable impact by effectively using such information;

• Consistent implementation of the concept of armed democracy as the

basis of activities for safeguarding the democratic and constitutional order in Ukraine;

• Improvement of anti-terrorist, anti-corruption, counter-intelligence and national border regimes as a system of legislative, regulatory, organizational and other measures;

• Concentration of financial, intellectual and other resources in priority areas to ensure state security by implementing appropriate doctrines, strategies and programs;

• Enhancement of democratic civilian control over activities related to state security.

Democratic civilian control over the bodies of the security sector

Main provisions

The improvement of the system of democratic civilian control over the security sector of Ukraine and bringing it into compliance with European principles, which are specifically materialized in the Recommendations of the Parliamentary Assembly of the Council of Europe (PACE) 1713 (2005), requires the comparison of the recommendations issued to member countries of the Council of Europe, which are contained in the mentioned document, with the existing models of civilian control over the security sector in the European countries, primarily in the EU, and with the actual state of things in Ukraine.

At the same time, the results of analysis of the above-mentioned recommendations of PACE and the study of the legislative regulation of activities

of **secret services and law enforcement bodies in the EU and NATO member countries,** ways of exercising civilian control over them, procedures for their establishment, chain of subordination and structural set-ups, indicate a number of variations among them. According to the system of activities and exercising control over such activities in the secret services in modern democratic countries, one can conventionally outline three major models: American (when secret services are subordinated to the President), British (subordinated to the Prime Minister) and French (subordinated to both the President and the Prime Minister). Different models objectively lead to variations in the organizational set-up of the system of civilian control in different countries.

When addressing the problems in the security sector, the EU and NATO countries are primarily guided by their national interests, their own legislation, traditions and historical experience.

Effective systems of democratic civilian control

With a view to protect the national interests of Ukraine, to establish and consolidate the constitutional foundations of the democratic and rule of law state, to ensure individual rights and freedoms, and in line with its international commitments, **Ukraine has formed a system of democratic civilian control over the security sector** and has defined the legislative basis for its organization and practical realization.

Democratic civilian control (hereinafter – civilian control) over the state bodies of the security sector is a set of legal, organizational and informational

measures implemented in accordance with the Constitution and the Laws of Ukraine, with a view to ensuring an unswerving observance of legality and openness in activities, enhancement of efficiency, promotion of the execution of functions as well as the strengthening of the state and military discipline.

The legal foundations of civilian control over the security sector are the Constitution of Ukraine, the Law of Ukraine "On the democratic civilian control over the military organization and law enforcement bodies of the state" and other related laws as well as international treaties, which are ratified by the Verkhovna Rada (National Parliament) of Ukraine.

The system of civilian control over security sector bodies includes the following:

- Parliamentary and presidential control;
- Control by executive authorities and local government;
- Judicial control and supervision by the Prosecutor's Office;
- Public control.

The entities exercising civilian control over security sector bodies are:
- The Verkhovna Rada (National Parliament);
- The Parliamentary Ombudsman;
- The President of Ukraine;
- The National Security and Defence Council;
- The Cabinet of Ministers of Ukraine;
- Central and local executive authorities (within the powers defined by the law);

• Local government bodies (within the powers defined by the law);

• The Prosecutor's Office;

• The judicial authorities;

• Citizens of Ukraine and civic organizations set up in accordance with the Constitution of Ukraine with a view to safeguard the rights and freedoms of citizens and to meet their political, economic, social and cultural interests;

• Media.

As seen today, **the main weaknesses of the system of democratic civilian control over the security sector** are:

• Firstly, low public activity and insufficient civil responsibility of both officials and civic organizations as well as grassroots for the status of components in this area;

• Secondly, bureaucracy and inadequacy in comparison to the demands of time, standards and assessment criteria of the controlled security entities and their functional activities;

• Thirdly, insufficient transparency for the civilian control of many aspects concerning the internal activities of controlled security entities, in particular, personnel policy and the social and legal protection of their employees, etc.

• Fourthly, the formalistic character of legal acts, lack of clear-cut principles concerning the observance of procedures for exercising controls, primarily, parliamentary and civic control.

With a view to raise the effectiveness of civilian control over the security sector and to resolve the above-mentioned institutional issues (establishment in the new Parliament of the Committee for legal support of reforms in security, intelligence

and counter-intelligence bodies; preparation of the draft law on non-state security services, etc.), it is necessary to improve the legislative basis towards setting clear-cut, transparent and regular procedures for exercising democratic civilian control. In the process of reforming the security sector and, in particular, law enforcement bodies, it would be appropriate to address the following issues:

• Elaborate European-style standards and tasks that are normally assigned to law enforcement authorities and put in place the scientifically substantiated internal and external criteria as well as the methods required for assessment of their functional activities and the results of such activities (first of all, it is necessary to eliminate or make adjustments to some parameters of statistical reporting);

• Elaborate normative, legal and organizational proposals regarding the improvement of the system and mechanisms of democratic civilian control over the law enforcement bodies of the country, develop the normative, legal and institutional foundations of parliamentary, presidential, governmental, judiciary and public control. In this respect, it would be appropriate to promote the establishment of a Coordination Council for exercising democratic civilian control over the state security and law enforcement activities, and it should be a non-state democratic organ;

• To consolidate, in the regulatory norms, clear-cut and regulated compulsory procedures for exercising democratic civilian control over the activities of security bodies by envisaging the regularity and specific time-schedule for the implementation of such procedures;

• In the interests of achieving democratic standards in the management of activities of law enforcement bodies, it is necessary to define the normative,

legal and organizational procedures for the separation of political and professional-administrative management of such bodies as well as the partial de-militarization of their personnel, i.e. maintaining military positions only in structures that are directly involved in the organization and execution of law enforcement functions as well as envisaging the possible replacement of such positions by the civilian personnel.

In addition to the elaboration of conceptual materials, some practical measures are also being pursued in relation to the reform of the security sector. In particular, it is worth pointing out the adoption on February 23, 2006 by the National Parliament of Ukraine of the Law "On the State service for special-purpose communication and protection of information in Ukraine" according to which a separate non-military service is created on the basis of units for government communication and information protection, which are currently under the jurisdiction of the SBU (Security Service of Ukraine).

Thus, over the past year, Ukraine has implemented a number of measures aimed at reforming the security sector and bringing it into compliance with NATO standards.

Thank you for your attention.

Statement by the First Deputy Head of the Security Service V. TYMOSHENKO at the high level international conference "Reform of the Security Sector of Ukraine: Experience Gained"

18 May, 2006, Kyiv

From Theory to Practice: Reform of Specific Sectors

The national security policy pursued by Ukraine from the time of gaining its independence has been aimed at the establishment of an effective system for protection of national interests based on the universally recognized principles and norms of international law.

Therefore, Ukraine is considered by the world community today as an essential factor for improving the climate of global and regional security.

At the same time, the existing system of ensuring the state security of Ukraine, on the whole, is oriented towards the prevention, detection and elimination of evident and potential internal and external threats.

The specific role of the Security Service lies in the fact that the law-makers have tasked it to protect very specific things, which make up a systemic core of the nation-state: sovereignty, constitutional order and territorial integrity.

Security Service tasks also include prevention, detection and disclosure of crimes against the peace and security of human beings, against terrorism, corruption and organized crime in the administration and economy arenas, as well as other illegal actions, which create a direct threat to vital interests of Ukraine.

The essence of reforming the Security Service of Ukraine lies in the improvement of all components of its activities, its refusal to perform non-inherent functions, raising effectiveness of accomplishment of the tasks prescribed by the legislation.

Thus, given the functional diversity of the activities of intelligence and counter-intelligence bodies, intelligence was separated into an independent area with its relevant organizational structure.

The tasks for ensuring the functioning and development of the state system of government communication, the national system for confidential communication, protection of state informational resources in the digital telecommunications systems and cryptographic and technical protection of information have been assigned to the authorized central executive authority, i.e. the State Service for special communication and protection of information. The establishment of this Service is envisaged by the Law of Ukraine of 23 February, 2006 "On the State Service for special communication and protection of information in Ukraine" making use of the employees of the Department for special telecommunication systems and protection of information and the relevant units of the Security Service of Ukraine.

The development of civic society and its democratic institutions in transition countries, including Ukraine, inadvertently demands the elaboration and implementation of the effective civilian control over the internal security services of Ukraine, which by its form, content and practice would follow the established approaches adopted in democratic countries.

The main principles of building the system of control over the internal security services and law enforcement bodies have been identified in the recommendations of the Parliamentary Assembly of the Council of Europe No. 1402 (issued in 1999) and No. 1713 (issued in 2005). The key provisions of these recommendations have been incorporated by us into the draft laws concerning reform of the security sector. They provide for the following:

1. Executive bodies shall elaborate clear-cut and adequate laws, which identify the types of operative activities, the conditions under which they can be pursued, and the requirements regarding the observance of legality. These bodies shall also control the budget of special services, in particular, by conducting random checks and providing annual reports on the use of budget funds.

2. Executive bodies shall exercise consistent control over the activities of special services by obligating them to provide annual reports on their activities. The person in charge must be politically responsible for supervision over the special services and his/her staff must possess opportunities for effective control. The person in charge shall deliver annual reports to the Parliament on internal security activities.

3. Judicial bodies shall have the right to conduct a preliminary and follow-up control, in particular, the right to give clearance to pursue some special measures which may lead to the violation of human rights. The main principle of follow-up control is consideration in a court of law of the appeals of citizens concerning the violation of their rights by a security body.

4. Other authorities (for example, the ombudsman, and the authorized person for the protection of information) must have the right to exercise on-going control (on any matters) over special services.

5. Private individuals shall have the right of access to information collected by the security services. The exceptions to the exercising of this right must be connected with the interests of national security and shall be defined by the law.

It should be emphasized that, for most part, the above-mentioned principles established for the system of civilian control over the activities of internal security services have been taken into account by Ukrainian laws.

At the same time, analysis of the system of democratic control over the Security Service of Ukraine points to the need to take additional measures for its improvement, namely:

• According to the recommendations of PACE No. 1713 (issued in 2005), control over the activities of security services should be exercised by a special committee of the parliament, which is yet to be established in the Ukrainian National Parliament;

• In the new version of the Law of Ukraine "On the Security Service of Ukraine" it would be appropriate to keep the office of the President's authorized person for exercising control over the activities of Ukraine's security service as it has proven to be an effective institution in the past;

• Taking into account the experience of EU and NATO countries, it would be appropriate to refer part of the information on specific components of the budget of Ukraine's security service to the category of state secrets but keep the control functions for the execution of the budget with the Accounting Chamber of Ukraine;

• Public control over the Security Service of Ukraine requires improvement. With this view in mind, it has been suggested that the regulation of activities of the Public Advisory Board, which was recently established under the Head of the Security Service, should be incorporated into the legislation.

A conceptual vision of the reform of the Security Service of Ukraine in the long-term has been put forward in the new draft Law "On the Security Service of Ukraine," which was elaborated to fulfill the Decree of the President of Ukraine dated 20 January, 2006, No. 39/2006 "On the Plan of measures to meet the commitments of Ukraine that stem from its membership in the Council of Europe." It was placed on the website of Ukraine's Security Service with a view to involve the wider public in the development of the draft.

The draft provides for improvements in the tasks, institutional structure and activities of the Security Service, as well as for a reduction of personnel numbers and increase in the civilian component of its employees.

The Security Service will participate in the prevention, disclosure and combating of crimes against national security and other illegal actions which threaten Ukraine.

At the same time, it has been suggested that the Security Service should gradually discontinue functions that are not inherent to its character and purpose. However, the Service will continue to fulfill these functions until the relevant state bodies have been established.

In conclusion, I would like to mention the fact that Ukraine's Security Service is in the process of active reform with a view to bring its tasks, functions, powers and organizational structure into compliance with real and potential threats in the area of state security and economic potential of the state. It is also recognising the need to raise respect for human rights and freedoms as well as common European standards.

To improve the system of administration, the Security Service envisages reductions in the administrative chain and a partial delegation of head office functions to subordinate bodies and units.

In conclusion, I would like to emphasize the fact that the introduction and improvement of the mechanism of effective democratic civilian control over the activities of security services and law enforcement bodies, in general and, the Security Service, specifically, based on the recommendations of the Parliamentary Assembly of the Council of Europe, have formed the basis for our Comprehensive Review of the security sector, which is being conducted following the decision of the President of Ukraine.

Thank you for your attention.

Statement by the Deputy Head of the External Intelligence Service of Ukraine P. MOROZOV at the international conference: "Reform of the Security Sector of Ukraine: Experience Gained"

18 May, 2006, Kyiv

From Theory to Practice: Reform of Specific Sectors

Dear participants of the conference,

The questions put forward for discussion today are most topical for our country in the context of the implementation of Euro-Atlantic strategy in Ukraine.

By actively forming and developing the system for national security, which is adapted to international requirements, our state is taking an active part in developing the universal approach towards regional, European and international systems of security at all stages of this process: beginning with the development of the security model of the 21st century to practical participation in specific joint actions, in particular, in peace-keeping and anti-terrorist measures.

At the same time, among the priority tasks tied to Euro-Atlantic integration is reform of the security sector. The successful implementation of security sector reform in Ukraine will promote not only the process of reform in all other areas of public life but will also confirm the steady course of Ukraine's

top state leadership towards the transatlantic security structures. In terms of Ukraine's internal and external policy, it also demonstrates the country's dedication to the principles of democracy, openness and transparency.

Ukraine has had positive achievements in its intelligence community. On 1 December, 2005, the National Parliament of Ukraine adopted the Law "On the external intelligence service of Ukraine." This step testified to the practical implementation in our country of the principle of separation of external intelligence from law enforcement activities, which is a common practice in Europe. The adoption by the Parliament of Ukraine of the laws, which regulate the activities of Ukraine's external intelligence service, has finalized an important stage in the development of the intelligence sector as an independent state body.

The legislative consolidation of an external intelligence service as a state body creates significant organizational and legal checks and balances against the unlawful use of intelligence bodies in the internal political struggle. I can confidently say that the activities of the Ukrainian intelligence sector are aimed exclusively at creating a counter-balance to external threats and challenges to the national security of the state. The external intelligence service of Ukraine does not and will not work against the citizens of its own country.

Ukraine's external intelligence service is an entirely new special purpose body, which is deprived of law enforcement functions and is called upon to ensure that the country's national interests are protected at the foreign policy level. It actively promotes the implementation of reforms and creates conditions for maintaining bilateral and multilateral relations with foreign nations.

Given the modern realities of the development of the situation in the world and the recent transformations in our country, the President of Ukraine has set the task of creating an effective European-style intelligence service, which is capable of forecasting affairs in a timely fashion and preventing external threats. The leaders of the country have embarked on a consistent course that is aimed at reform of the security sector, including the external intelligence service, in line with NATO and EU standards.

In order to fulfill the mandate of the President of Ukraine dated 21 October, 2005, No 1/1138, a working group has been established and a plan of measures for the intelligence service has been elaborated with a view to organize and conduct a comprehensive review of Ukraine's security sector.

Throughout 2005-2006, the intelligence sector has collaborated on the elaboration of draft pieces of legislation, which regulate the activity of the newly established state body. This work covers the preparation of drafts on changes and amendments to the effective legislation of the President of Ukraine and the Cabinet of Ministers as well as the creation of new (over 70) acts, which are currently under consideration by the Secretariat of the President and the Cabinet. On the basis of effective legislation, work is underway to create a departmental legal and regulatory basis of the Service, which is built on the principles of unswerving observance of the Constitution and the laws of Ukraine, uppermost respect for human rights and civil freedoms, as well as the creation of conditions to exercise democratic civilian control over the activities of intelligence bodies.

We consider the creation of the effective system of democratic civilian control over the intelligence community as one of the key aspects of reform of the intelligence bodies of Ukraine.

The analysis of the international practice of exercising civilian democratic control over the intelligence community indicates that the monopoly of one single branch of power in exercising control over the intelligence activities is ineffective and, after all, inadmissible.

The very fact that the controlling entities must have different powers, which are identified by their place and role in the system of public administration, is, in our opinion, self-evident.

It is worth mentioning that, according to the effective legislation, control over the activities of the intelligence bodies is exercised by the President of Ukraine and the Verkhovna Rada (the National Parliament). Also, relevant controlling functions have been assigned to the Accounting Chamber of Ukraine, and oversight by the Prosecutor's Office has also been stipulated. In Ukraine, there is the Office of the Parliamentary Ombudsman for Human Rights as a subject of civilian control over the military structures and law enforcement authorities.

With respect to parliamentary control, let me draw your attention to the following. The Verkhovna Rada has adopted the law "On democratic civilian control over the military and law enforcement bodies," which creates legal conditions for the maximum possible openness in the activities of the state concerning the issues of national security and defense.

However, the leading experts in this area converge in their opinion that the mechanism of implementation of this law in such a delicate area as intelligence activities has not been fully structured. Therefore, as experts have repeatedly suggested, one of the means for improving parliamentary control over the security sector in general and the activities of intelligence bodies, in particular, should be through a parliamentary sub-committee with powers over the intelligence community. In our opinion, this idea deserves consideration and its implementation by the new Parliament will provide for more effective parliamentary control over the security sector.

An important area of reform in the intelligence sector, in the opinion of the top decision-makers of the external intelligence service of Ukraine, involves the creation of necessary pre-conditions for the gradual (stage-by-stage) de-militarization of intelligence bodies, all of which are military formations at present. It should be noted that work along these lines is already underway: a number of civilians have already been appointed to key positions in the external intelligence service. At the same time, the overriding problem here is the elimination of disproportionate salaries and pensions between the military servicemen and civil servants in intelligence.

It is also necessary to stress that under current conditions, national security cannot be guaranteed without close cooperation with other countries, international and regional structures. In this context, it is important to establish cooperation and operative interaction among the intelligence services internationally.

Being conscious of this demand, the external intelligence service maintains official relations with 107 intelligence and secret services as well as police from 67 countries. Recently, there has been intensification of dialogue between the secret and intelligence services of the US and NATO countries. Ukraine's external intelligence service was invited to cooperate with the secret services of NATO countries in a new format, which had previously been closed to the country. Also, for the first time, the external intelligence service was offered to join a number of European regional intelligence forums represented by countries of South-Eastern and Central Europe as well as to participate in a multilateral regional consortium of intelligence services from Rumania, Bulgaria and Moldova.

In addition, the media has raised the public's awareness of Ukraine's intelligence service and assisted in developing a positive image of the sector as well as providing for an adequate understanding of its place in society, its main tasks and functions. An external intelligence service website has been placed on the internet and a set of materials on the activities of the service, as well as interviews with intelligence veterans, have been made available to the public.

The leadership in the intelligence service believes that reform must sustain a considered and consistent approach and reflect on the experiences of leading countries in an effort to advance the successful development of Ukraine's intelligence bodies.

In conclusion, I would like to take advantage of this occasion to thank the organizers of the conference for providing me with an opportunity to express my thoughts on the vision of Ukraine's external intelligence service and the ways in which the model of the national service is being adapted to European standards and modern conditions.

Thank you for your attention.

Statement by the First Deputy of the Head of the State Border Service P. SHISHOLIN at the high-level international conference "Reform of Ukraine's Security Sector: Experience Gained"

18 May, 2006, Kyiv

From Theory to Practice: Reform of Specific Sectors

The experience of reforming Ukraine's State Border Service

Dear participants of the conference,

Ladies and gentlemen,

Allow me on behalf of Ukraine's State Border Service to welcome the participants of the conference and thank the organizers for the invitation.

It was suggested that I should speak about the Ukrainian experience of reform of the border management system.

The relevance of this issue is, first and foremost, due to the fact that with the enlargement of the European Union, Ukraine's borders play a very important role in the overall system of European security.

Ukraine's State Border Service is a special law enforcement authority, which, according to the effective legislation of Ukraine, is tasked with ensuring the inviolability of state borders and protection of the sovereign rights of Ukraine in its exclusive (maritime) economic zone.

It is important to stress that in 2001 Ukrainian border guards were positioned in the first rank to launch the process of reform in the context of implementation of the strategic course of the country towards Euro-Atlantic integration. As of today, Ukraine is successfully pursuing a number of measures to properly manage the borders and to undergo transition from the military structure to the law enforcement body.

This activity by its content and essence:
• Is in line with EU standards and NATO demands;
• Envisages the realization of strategic goals identified by the country's leadership.

It should be particularly stressed that our reform is a planned process, which is carried out on the basis of the **State Program of Actions aimed at the development of the border troops up until 2005** elaborated by the government of Viktor Yuschenko and approved by Presidential Decree in 2000 (November 2000, No. 1241/2000).

In the course of the implementation of this program:
• **A new legislative field** has been elaborated for carrying out reform and regulating the activities of the department. The functions and powers of the border guards in the law enforcement area have been considerably extended.

Memorandum: The underlying laws have been adopted: "On the state border service of Ukraine" and "On making changes into some legislative acts in connection with the adoption of the law "On the state border service of Ukraine." Amendments have been made into five legal codes, 48 laws,

31 presidential decrees, 131 rulings and executive orders of the government. Over 1000 departmental regulatory documents have been processed.

The powers of the State Border Service of Ukraine as a law enforcement authority are related mainly to the following areas of activities:

1) Countering illegal migration:

Registration of foreigners;

Acceptance of applications on the granting of the refugee status;

Interviewing travelers at the border-crossing points;

Denying entry into Ukraine;

Bringing foreigners to administrative liability for violating the rules of stay in Ukraine;

Bringing air carriers to liability for violating the rules of transportation of passengers across borders;

Deportation of foreigners and stateless persons from Ukraine;

2) Protection of the green corridor:

Exercising border control procedures, imposing border area regime and bringing the perpetrators to liability for violations of such regime;

Interrogation on criminal cases for illegal crossing of borders;

Interrogation on criminal cases for smuggling of aliens across borders;

3) Services at border-crossing points:

Enforcement and control of the procedures at border-crossing points, bringing the perpetrators to liability for violations of such procedures;

Utilizing judicial expertise in relation to passport documents;

Bringing to liability captains of foreign ships for violating the rules of disembarkation on land by crew members;

Creation and use of security dossiers with respect to border-crossing perpetrators and those who have committed violations of law;

4) Protection of natural resources:

Independent and joint control over the conservation of natural resources;
Drawing up protocols on violations of the rules of the use of fauna

• **Systemic organizational and structural transformations** aimed at bringing the structure of the department into compliance with the tasks identified by the legislation, redistribution of forces and resources in the interests of border protection, specifically:

- a new system of administration has been set up: the administrative head office, five regional offices, units for the protection of borders;

- a number of border commandant offices, as a main element of border protection, have been improved;

- the most feasible ratio of numbers of servicemen in structural elements (head office -1.05%, regional offices – 1.15%, border protection bodies – 81.1%, support structures – 16.7%) has been achieved;

- the ratio of numbers of positions has been brought into compliance with European standards: general's posts have been cut by 39.6% (23 positions), colonels' – by 24.5% (173 positions), lieutenant-colonels' – by 13% (142 positions), majors' – by 27.8% (722 positions);

- the replacement of over 40% of military officer positions by civilian employees has been envisaged.

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• **New approaches to border protection** have been introduced in line with European standards (but taking into account the peculiarities of Ukraine).

The basic features of such approaches are:

- Departure from the linear principle;

- Expansion of the operative component;

- Coupling of border service and border control functions within the same organizational form;

- The system of border inspectors and the practice of the border patrol service have been put in place;

- Automated procedures of border protection;

- Introduction of European control technologies at border-crossing points, etc.

• A large amount of work has been carried out on the improvement of state borders and their technical re-equipment, through:

- Provision of **_modern technologies_** to the border units (thermo-visors, optical devices, radar stations, motor vehicles);

- Renewal of **_communication systems_** (provision of modern types of radio devices; building up of space and satellite communication means, introduction of automated digital systems);

- **_Engineering and technical management_** of the borders (identification of borders with appropriate signs, deployment of control systems and visual and technical surveillance systems, equipment of engineering facilities and structures, blocking of bypasses, etc.);

- Rehabilitation and maintenance in readiness **_of ships, speedboats and border aviation craft._**

• Appropriate measures have been implemented with regard to the reform of the <u>system of dealing with personnel, provision of the necessary means and expansion of international cooperation.</u>

Prospects for further development:

The tasks assigned to our agency by the State Program (for the period up until 2005) can be considered as fulfilled. *This is the first stage of our agency's transformation.*

However, we are not stuck at this point. The period of reform must be followed by *the period of development, i.e. gaining a new quality of border safety.*

This is in keeping, above all, with Ukraine's course of EU and Euro-Atlantic integration.

We are aware of the fact that <u>the effective system of the EU-style border management and readiness of Ukraine to protect the future external borders of the EU represent some of the major factors in this process.</u>

Proceeding from this assumption, the strategic tasks of the Ukrainian border protection agency, as a law enforcement structure, are deemed as follows:
• Introduction of EU laws in the area of border management;
• Promoting passenger and transport flows <u>across borders;</u>
• Participation in the fight against <u>transnational organized crime</u> and keeping crime-related activities in the border areas under control;

• Effective counter-action to the illegal spread of weapons of mass destruction and means of terror, drug trafficking, illegal migration, human trafficking and other <u>risks in the area of border security;</u>

• Improvements in the <u>existing system</u> of interaction and cooperation of law enforcement bodies both within Ukraine and from the international perspective.

Taking into consideration all these factors as well as the next stage of the reform, we have elaborated the concept for development of Ukraine's State Border Service for the period up until 2015.

Its chief aim is the creation of **legal foundations for further development** and establishment of the State Border Service as **a modern European-style border agency,** which will ensure the protection of Ukraine's national interests on its state borders.

The concept envisages a number of systemic measures from the short, medium and long-term perspective.

It was **elaborated** on the basis of **studying the experience** of the major border agencies of European countries. The provisions of this document are based on the **fundamental provisions of the EU-Ukraine Action Plan.**

The draft concept was presented and approved last year at the international conference **in Kiev** *("The security of European borders: realities and prospects," June 7-8, 2005)* attended by the ambassadors of European

countries, politicians, international institutions and a wide spectrum of experts and, subsequently, at the international seminar in London *("Counteracting illegal migration by using the territory of the EU neighboring countries," December 15-16, 2005).*

Development of the State Border Service envisages the accomplishment of the **following main tasks:**

• Improvement of legal regulation of the activities;

• Streamlining the structure of the agency and complete transition, by 2010, to contractual service as well as reform of the administrative system;

• Creation of a modern integrated system aimed at the protection of borders and Ukraine's sovereign rights in its exclusive (maritime) economic zone;

• Improvement of work with personnel;

• Creation of an effective system of logistics;

• Development of democratic civilian control.

Memorandum: The development of democratic civilian control envisages: 1) ensuring that the activities of the State Border Service is open for democratic civilian control on the following issues:

• Observance of the Constitution and laws of Ukraine with regard to the rights and freedoms of the citizens, military servicemen and employees of the State Border Service of Ukraine, the status of legal and social protection of individuals and family members;

• Validity of decisions in terms of their compliance with fundamental principles of the internal and external policy of Ukraine and international treaties ratified by the Verkhovna Rada (National parliament) of Ukraine;

• Fulfillment of the program for the development of the State Border Service

for the period up until 2015 as well as other programs, in particular, cooperation with other countries on providing technical assistance, creation and production of new types of technologies, alienation and sales of assets, formulation and realization of personnel policy;

• Formation, approval and disbursement of expenditures (defined by the Law on the State Budget of Ukraine) for the needs of state border protection and sovereign rights of Ukraine in its exclusive (maritime) economic zone;

• Other issues identified by the Law of Ukraine "On democratic civilian control over the military and law enforcement bodies of Ukraine;"

• Deployment of the network of public consultation rooms and hot lines as well as the establishment of the public board under the Head of the State Border Service.

The tasks of the concept will be administered **stage-by-stage:**
• **First stage** – 2006 – 2008;
• **Second (main) stage** – 2009 – 2012;
• **Third (final) stage** – 2013 – 2015.

<u>Implementation of the concept</u> will make it possible to:
• Create a self-sufficient European style border agency;
• Adapt the system of ensuring border safety to the norms of international law, requirements and standards of the European Union;
• Attain a quality level of border management;
• Improve cooperation with Ukraine's law enforcement bodies, the border agencies of foreign countries and international organizations.

Dear participants of the conference,

Security does not involve the monopoly of any single country or group of people. It is a joint social product and a common goal.

From this perspective, common threats and risks (terrorism, human trafficking, arms smuggling, etc.) demand joint and consolidated counter-actions.

An underlying factor here is, in our view, the enhanced effectiveness of border protection and international cooperation in this area.

Activities involving large-scale reform of the border service, together with steps directed towards the development of Ukraine's system of border security, in our view, will enhance the role of the state in countering cross-border and transnational crime and will contribute to the country's Euro-integration aspirations.

Thank you for attention.

Statement the Director of the Department of the Ministry of Emergencies and Protection of the Population against the after-effects of the Chernobyl disaster G. MARCHENKO at the high-level international conference "Reform of Ukraine's Security Sector: Experience Gained"

18 May, 2006, Kyiv

From Theory to Practice: Reform of Specific Sectors

Mr. Chairman,

Ladies and gentlemen,

Distinguished participants,

It is an honor for me to welcome all the participants of our conference on behalf of the Ministry of Emergencies and Protection of the Population against the after-effects of the Chernobyl disaster.

Ukraine's Ministry of Emergencies is the main authority in the system of central bodies of executive power responsible for the state program of civilian protection of the population and territories against man-made and natural disasters as well as liquidation of the after-effects of the Chernobyl disaster, treatment of radioactive waste, handling of industrial explosives, rescue operations, technological, fire and industrial safety, labor protection, state mine inspection, creation and functioning of insurance documentation and hydro-meteorological activities.

The chief task of the Ministry as specified by the government program of actions is the improvement of state administration in the area of protection of the population and territories against man-made and natural disasters, the streamlining of structures and the stage-by-stage re-tooling of means and forces for responding to emergencies, with a view to raise their effectiveness in the context of socio-economic development of the country and the growing probability of emergencies.

In line with its purpose, the Ministry forms and establishes relevant norms, standards, criteria, rules and requirements, which are the basis of procedures for the prevention of emergencies by the state, and for organizing and conducting measures for their liquidation.

According to the Law of Ukraine of 19 June, 2003, No. 964-IY "On fundamental principles of Ukraine's national security," the Ministry, within the limits of its powers, ensures the accomplishment of tasks envisaged by the Constitution and the laws of Ukraine, acts of the President of Ukraine and regulations of the Cabinet of Ministers, and maintains the available forces and means in a state of readiness.

According to the Law of Ukraine of 24 June, 2004, No. 1859-IY "On the legal foundations of civilian protection" and following the Presidential Decree of 19 December, 2003, No. 1467 "On the state program of transition of the civil defence troops and units of the state fire-safety service into the operative rescue service for civilian protection for the period up until 2005," the Ministry established a special unit, which is tasked to protect the population and

territories against man-made, natural and military disasters and to participate in international rescue and humanitarian operations.

Thus, from 2003-2005, the Ministry was demilitarized. Other forces under our jurisdiction were also subject to reform, the structure of which now includes the following elements:

An operative rescue service for civilian protection;

A special purpose emergency rescue service;

A aviation search and rescue service.

This structure includes about **1450** fire-safety and rescue units, five centrally subordinated emergency rescue teams, nine territorially subordinated emergency-rescue teams, a specialized maritime team, a specialized aviation team, a special logistical support team, a training center and two liaison points. The overall number of people employed by Ukraine's Ministry of Emergencies stands at approximately **87 000.**

In addition to emergency rescue, fire safety and engineering units, the Ministry also has in its composition medical units as well as radiological and chemical protection units. The Ministry has 18 aircraft and three sea vessels. It also includes the state aviation enterprise "Karpaty-Avia," which has 10 Mi-2 helicopters.

Important issues relating to the reform of the civil protection system and the forces under its jurisdiction for 2006-2007 are:

• Introduction by the Ministry of strategic, medium-term and short-term planning mechanisms and the creation of relevant expertise units;

• Making use of all available possibilities regarding the planned re-equipment of the units of the Operative Civilian Rescue Service with modern technologies and devices as well as manning the service with highly professional personnel;

• Completion of the reorganization of the State Specialized Emergency Rescue Service, in particular, a resumption of its mine rescue and emergency rescue team activities;

• Renewal of the capabilities of the Tourist Search and Rescue Service by fully manning emergency rescue points;

• Renewal of the capabilities of the Water Search and Rescue Service;

• Regeneration of the response force to deal with biological emergencies;

• Re-equipment of emergency rescue and fire rescue units and formations as well as auxiliary units with modern technologies, facilities and means in order to conduct search and rescue, emergency rescue and other urgent works;

• Improvement of the system and raising the level of training of emergency rescue and fire rescue formations, rescuers and their management;

• Organization of terms of duty into the unified state system for conducting aviation search and rescue operations by means and forces of the Ministry of Emergences and complementing them further with similar capabilities of other ministries and government departments;

• Optimization of stationing on the territory of Ukraine 24-hour duty aviation search and rescue capabilities according to technological and natural threats;

• Re-equipment of the Ministry of Emergencies with modern aviation search and rescue means, automation of the decision-making system regarding the organizational scheme for conducting aviation search and rescue operations and bringing it together into one single informational network with the relevant civil aviation services and the Ministry of Defence;

• Organization of training for flying crews and rescuers according to modern international standards in training centers and training for coordinators involved in aviation search and rescue operations.

The Ministry's main objectives in **2006 are:**

• The organization of operational and effective responses to all kinds of emergencies and events;

• The execution of measures aimed at the improvement of the structure of the Operative Rescue Service for Civilian Protection. Equipping the service with up-to-date specialized technologies and motor vehicles, fire rescue devices, means for searching, defusing and disposing of explosive devices, providing high-tech communication means through top-priority financing of the abovementioned measures and taking into account the execution of priority tasks;

• The separation of powers and functions of the chief departments at the Ministry of Emergencies and its main departments under state administration by making amendments to the effective regulatory acts;

• Creation in the cities of Dnipropetrovsk, Kyiv, Lviv, Rivne and Simferopol the Information and Coordination Services unit which provides assistance to the public on telephone number 112;

• The execution of measures, which are planned for 2006, are based on the realization of:

A program for elimination of the consequences of the emergency situation which occurred on the territory of the 275th artillery base in the village of Novobogdanivka;

A program for defusing and disposing of explosives that have existed from the time of the Second World War in the area of the cities of Sevastopol and Kerch (2006 – 2010);

Programs for the search and disposal of chemical weapons which were deposited in the exclusive (maritime) economic zone, territorial sea waters and internal waters of Ukraine;

A comprehensive program for the development of a communication, warning and information system at the Ministry of Emergencies (2004 – 2010);

Raising the level of state oversight on the observance of laws and regulatory acts related to the protection of the civilian population, technological threats to potentially hazardous facilities and territories as well as the state's mine and fire safety supervision practices;

Applying reforms to training programs for personnel at the Ministry of Emergencies as well as in education and research at the educational and methodological institutions of the Ministry (2003-2008).

Thus, the activities of the Ministry and the execution of reform measures are aimed at the fulfillment of the principal task, i.e. realization of state policy in the area of natural and technological security. This also takes into account the Ministry's duty to protect the civilian population by safeguarding the life and health of the people, land, water and air space, developing production and social infrastructure facilities and protecting the national wealth of the country against natural, technological and military emergencies.

Thank you for your attention.

Statement by the Deputy Chief of Staff – Head of the Operational Department of the Ministry of Interior of Ukraine S. SVYSTOVYCH at the high-level international conference: "Ukraine's Security Sector Reform: Experience Gained"

18 May, 2006, Kyiv

From Theory to Practice: Reform of Specific Sectors

Mr. Chairman,

Distinguished participants,

In my short statement, I would like to dwell on a certain aspect of **security sector reform** in Ukraine concerning the internal troops of the Ministry of Interior.

At present, Ukraine's **internal troops** maintain public order and combat crime. They protect and defend important state facilities, the list of which has been determined by the Cabinet of Ministers.

They also perform the following nine tasks:

1. Guarding and protecting the important state facilities, logistical and military support facilities of the Ministry of Interior.

2. Escorting special shipments and cargo.

3. Enforcing the security access regime at protected facilities.

4. Escorting arrested and convicted persons.

5. Guarding defendants during judicial procedures.

6. Pursuing and apprehending persons who have escaped custody.

7. Maintaining public order and combating crime.

8. Responding to emergencies at protected facilities.

9. Guarding diplomatic missions and consular offices on the territory of Ukraine.

The **urgent need** for internal troop reform stems from analysis of a situation that has emerged in the legal field in the area of ensuring national security and defence in terms of a departure from previous threat assessment which were made on the basis of past stereotypes and current efforts to adopt a clear-cut and realistic identification of tasks for Ukraine's military formations.

According to the Law of Ukraine **"On the overall structure and numbers of the Ministry of Internal Affairs of Ukraine"** (10 January, 2002, No.2925-III), a set of measures aimed at the reduction of overall internal troop numbers were recently adopted.

As a result, 20 military units have been disbanded, among them: four separate brigades, six regiments and 10 separate battalions. The overall number of troops has been cut by 10 836 servicemen, which accounts for approximately 24% of the existing number.

As of 1 May, 2006 the number of troops reached 33 000. Considerable attention is paid to **ensuring civilian democratic control over the military.**

With this view in mind, efforts are being made to **replace the maximum number** of officers (commanding officers) with civilians in central command and control bodies, in technical, logistical, medical and financial support institutions and in higher educational establishments.

The share of civilians makes up 5.6% of the overall number of troops.

As of 1 May, 2006 the number of civilians who worked in military service positions totaled at, approximately, 1 000 persons.

In the future, we are planning:

• To fill 20% of the military service positions in the Main Department of Internal Troops of the Ministry of Interior by civilians;

• To fill approximately 30% of military service positions in the logistical units by civilians;

• To raise the number of civilians engaged in the service to 9% of the overall number of troops.

Internal troops are pursuing measures which are aimed at a further increase of contracted personnel and the creation of preconditions for a transition to fully contractual military service commencing in 2010.

The current number of contracted military servicemen has been raised to 29% with respect to the overall number of troops.

From 1 May, 2006, the number of warrant officers and contracted servicemen made up 29% of the total number.

Internal troop training requirements are reviewed according to NATO standards. Resources and opportunities are provided by the Individual NATO – Ukraine Partnership Program.

In order to improve the training of personnel, the Military Institute of Internal Troops was reorganized and renamed the Academy of Internal Troops of Ukraine. (Executive order of the Cabinet of Ministers of Ukraine dated 10 April, 2006, No.198-p).

On 7 March, 2006 the Council for National Security and Defence of Ukraine at its session under the chairmanship of the President approved the conceptual foundations for the reform of law enforcement bodies of Ukraine.

One of the conditions of reform for the Ministry of Interior detailed the transformation of Ukraine's internal troops into the National Guard: a mobile military formation with certain law enforcement powers, associated with the maintenance of public order and other legislated tasks.

The draft law "On the National Guard under the Ministry of Interior of Ukraine" is in line with the European model and has been adapted to complement national legislation.

This new formation will create a positive balance of forces in the system of institutions which are responsible for maintaining public order and state security. It will also promote the democratization of Ukrainian society.

In conclusion, I would like to express my gratitude to NATO's international staff for their practical and methodological assistance, which has contributed to the restructuring of Ukraine's internal troops according to modern European standards.

Thank you for your attention.

Statement by the Director of the Department for Military Policy and Strategic Planning of the Ministry of Defence of Ukraine I.M. APARSHIN at the high level international conference: "The Reform of Ukraine's Security Sector: Experience Gained"

Dear Mr. Chairman,

Dear colleagues,

I would like to focus on the transformation of Ukraine's Ministry of Defence. At the same time, I would like to emphasize that the reform of Ukraine's Armed Forces is being undertaken within the overall system of reform of the entire security sector.

One can confidently assert today that the overall experience of such transformations has been positive.

A hallmark of the reform process has been the fact it has taken place in an environment which is being driven by an unswerving course aimed at gaining NATO membership.

Within its terms of reference, the Ministry of Defence (MOD) has taken the initiative and elaborated a draft of the first annual National Program which is aimed at the MAP format.

With a view to keep the military informed on the progress of Ukraine's state policy, which supports European and Euro-Atlantic integration, a periodical

print journal "Atlantic Panorama" was launched by the Ministry of Defence in April this year.

Speaking on the experience, I would like to focus on the following points:

Firstly, ensuring that the reforms are consistent and systemic:

The Ministry of Defence, with the support of NATO experts, has conducted a Defence Review. Its results were published in the Strategic Defence Bulletin, which has served as a methodological basis for drafting the State Program of Development for the Ukrainian Armed Forces from 2006 – 2011.

Our intentions have been confirmed by the practical actions and decisions which have since been implemented.

The reorganization of Ukraine's Armed Forces into functional structures has contributed to the intensification of the Rapid Reaction Joint Force's training program which fulfilled its annual plans for combat training by 45 – 50% in the first half of 2006.

The Army has completed tactical and firing training.

In the Air Force, the number of flying hours per crew member of the Rapid Reaction Joint Force has reached 21 hours (compared to seven hours in 2005).

The total amount of time spent at sea by Ukrainian naval vessels, which are assigned to the Rapid Reaction Joint Force, stands at approximately 25 days.

The increased intensity of combat training clearly points to the systemic nature in which combat readiness is being enhanced: to levels which are nearing NATO standards.

An effective instrument to help Ukraine's military structures achieve NATO standards is the Planning and Review Process (PARP). In early 2006, Ukraine's Armed Forces reinstituted vertical control over the process of participation in PARP. Powers and tasks were clearly delineated between structural units of the Ministry of Defence, General Staff and the services of the Armed Forces. With support from NATO experts, a renewed package of Partnership Goals for the Ukrainian Armed Forces for 2006-2007 was developed. The number of partnership goals increased from 54 to 76.

Secondly, ensuring that reforms are open and transparent for Ukrainian society and Ukraine's allies:

Ukraine's policy of reform is transparent and the publication of "The White Book" is proof of this fact. The White Book details the activities of Ukraine's Armed Forces in 2005 *(order of the Minister of Defence of Ukraine dated 23 February, 2006, No. 110 "On organization of the annual publication of "The White Book" on the activities of the Armed Forces (Ukraine's defence policy)."* This is the first publicized account of the status and prospects for development of Ukraine's Armed Forces. The White Book is a vivid example of effective democratic civilian control of the Armed Forces in the Ukraine.

Thirdly, prioritizing the reform of command and control systems, defence planning and resource support:

Ukraine is quickly establishing a clear-cut system of strategic and defence planning. In April, Ukraine's Cabinet of Ministers passed a resolution entitled "On the approval of the procedure for organizing and financing strategic planning in the area of defence and military building"

The relevant work is being completed by the Ministry of Defence. Our budget planning system is gradually adopting the procedures that are employed by NATO member countries. The Ministry has also prepared proposals on the resumption of mechanisms required for the preparation and follow-up of budget bidding.

The structure of Ukraine's Ministry of Defence and the General Staff of the Armed Forces are also being streamlined.

In 2006, the General Staff and command and control bodies of military formations and units launched a process of transition to J-structures, which are compatible with the structures utilized by NATO member states. The joint operational command will be formed by the end of 2008.

Beginning this year, the formation of the joint logistical forces will work on the basis of the support forces command.

We have intensified our work on the proper use and disposal of surplus arms and ammunitions as well as military equipment and military assets.

The NATO/PFP Trust Fund is assisting in the disposal of 133 000 tons of ammunitions *(11% of the total amount to be disposed),* 1.5 million pieces of

light weapons *(20% of the total amount to be disposed),* and 1 000 units of MANPAD-s (100%). This project is expected to last 12 years (total value of the project is 75.414 million euros; Ukraine's share of expenditures is 75% or 56.560 million euros). The project's official opening was scheduled in June 2006 at the testing grounds of the State Research and Development Institute in Shostka.

Reform in the area of personnel numbers has continued. At present, the number of military servicemen who are employed on a contractual basis accounts for nearly 40% of the authorized strength of soldiers and NCOs. The manning of military units engaged in trials with contracted servicemen on average makes up 68%.

The Ministry of Defence is enjoying optimal economic activity. Approximately 50 state enterprises will remain under the management and control of the MOD. The number of loss-making enterprises, in comparison to 2005, has been reduced this year by 25. The total volume of MOD enterprise production *(over the 1st quarter of 2006 in comparison to the first quarter of 2005)* has increased by 10.6 million Ukrainian hryvnias, i.e., by 3.5% which amounts to a total of 309.5 million hryvnias.

<u>Fourthly, Ukraine gains the image of a stable European country, which contributes to the regional and world security systems</u>

The participation of Ukrainian military contingents and Armed Forces personnel in international operations has created favorable conditions for the formation of a positive image of Ukraine in the world community.

Military servicemen are taking an active part in peacekeeping operations and initiatives under the auspices of the United Nations (UN) in Sudan, Congo, Liberia, Lebanon, Ethiopia, Eritrea, Georgia and Kosovo and under the auspices of the OSCE in the Trans-Dniestria region. *(681 servicemen from Ukraine's Armed Forces are taking part in 11 peace-keeping missions).*

Ukraine is taking part in the NATO training mission in Iraq. At present, 43 officers are involved in peacekeeping operations.

Ukraine is engaged in the ISAF (International Security Assistance Force) operation in Afghanistan. The state enterprise of the Ministry of Defence, "Ukrainian Air Transport Company," in January/February 2006 transported peacekeeping contingents and military cargo belonging to the multinational South-Eastern Europe Brigade, SEEBRIG (392 servicemen and 395 tons of cargo). In August/September 2006, it will provide the transportation of SEEBRIG personnel and assets. The draft Agreement between Ukraine and NATO on the transit of cargo and NATO personnel through Ukrainian territory has also been prepared. In its air space, Ukraine has provided for more than 8130 military aircraft flights from NATO countries.

Ukraine has been participating in the anti-terrorist NATO operation "Active Endeavor" in the Mediterranean Sea. Sevastopol is a contact point for the exchange of information within the framework of the operation. The Program for the Special Training of Officers at the contact point has been implemented according to NATO standards. The training of ship crews and inspection teams is also underway. Ukraine's Ministry of Defence has elaborated on the draft

resolution of the Cabinet of Ministers "On the creation and operation of Ukraine's contact point in the military-maritime operations in the Mediterranean Sea within the framework of the operation "Active Endeavor," which will be considered in the near future.

<u>Fifthly, the raising to a professional level all categories of military and civilian personnel is a pre-condition for the success of Ukraine's reform of both the Armed Forces and the whole security sector.</u>

An important step in the realization of Ukraine's state program has been the adoption of the Law "On universal military duty and military service," which provides for a reduction in the numbers of reserve personnel.

The Steering Committee of the international project for the professional training of civilian personnel was established by engaging representatives from the NATO Liaison Office. This year, seven seats were offered to Ukraine's Ministry of Defence for the purpose of retraining civil servants in NATO countries.

<u>Sixthly, providing social guarantees for military servicemen and their families:</u>

A three-year NATO/PFP Trust Fund project is underway. It offers a retraining program for servicemen who are to be released from the Armed Forces. We would like to thank all the countries and independent civil organizations that support the building of a democratic society and Armed Forces in Ukraine.

Thank you for your attention.