

## **Security Sector Reform in Ukraine<sup>1</sup>**

### *Introduction*

Progress in reform of the various security structures in Ukraine's depends predominantly on the level of democratization of the respective institution—transparency, accountability, and introduction of effective civilian democratic control. The most “successful example” of SSR in the Ukraine is seen by local experts in the Armed Forces, which exposed themselves “as more transparent and, consequently, more trusted by the population security institutions”. The major non-military security structures (the Ministry of Internal Affairs and the Security Service) remain basically unreformed from the time of their creation in the early 1990s. The result is a considerable gap in the development and reform of military and non-military security structures.<sup>2</sup>

### *Background*

The first attempts at SSR in the mid-1990s were hampered by a lack of experience in state building, a poor legislative basis, vague political objectives, a lack of qualified experts at the state level, and continued Soviet-style thinking. As a result, these first efforts at reform basically sought to rebuild Soviet-style forces and structures on a smaller scale. The principal focus of the Government's attention was on control of those non-military security sector institutions that were capable of influencing internal political and economic competition.<sup>3</sup> There is a great hope in Ukraine that the co-operation with NATO and intention to join Alliance will force Ukrainian the security sector to operate according to NATO countries standards and procedures.<sup>4</sup>

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<sup>1</sup> Ukraine's orange revolution in November 2004 was followed by power changes. The announcement that Viktor Yanukovich—the chosen successor to Leonid Kuchma and the Kremlin's favourite—had defeated Viktor Yushchenko, a former Prime Minister and advocate of market reforms, in the October 2004 presidential election brought thousands into the streets in Ukraine. The half a million demonstrators draped themselves in orange, the color of Yushchenko's Our Ukraine Party. Twelve days later, Ukraine's Supreme Court annulled the election results and called for a rerun. Yushchenko won the follow-up election on the promise he would reform Ukraine's notoriously corrupt government, improve the economy, and reorient the country toward Europe. [http://www.cfr.org/publication/9259/one\\_year\\_after\\_-\\_ukraines\\_orange\\_revolution.html](http://www.cfr.org/publication/9259/one_year_after_-_ukraines_orange_revolution.html)

<sup>2</sup> Melnyk and Polyakov, 2004

<sup>3</sup> Melnyk and Polyakov state that “after the dissolution of the USSR the number of Ministry of Internal Affairs personnel increased three fold, Internal Troops of the MIA four fold, and the Intelligence (SBU) six fold, while the Armed Forces were reduced to three times less. Ibid.

<sup>4</sup> In the area of democratic standards for NATO and EU membership, Ukraine will need to meet overall requirements for democracy, supremacy of law, and human rights, as well as more specific requirements for the security sector: democratic civil control, ensuring effective border regimes, and standards of law enforcement, Ibid.

*The state of Defence reform*<sup>5</sup>

In the 2000–2002 period the Ukrainian authorities took a number of strategic decisions: setting the creation of a Rapid Reaction Force as a priority and promoting a change to professional (i.e. contract) service. These changes have been accompanied by an accumulation of experience through participation in international peacekeeping operations and international military co-operation<sup>6</sup>. The decision to seek NATO membership was followed by creation of the NATO-Ukraine Action Plan/Target Plan (2002), which includes specific SSR objectives.<sup>7</sup> Ukraine's current approach is to train specific units to NATO standards in preparation for specific events. However, these standards conflict with the Soviet-era procedures still used for regular combat training.<sup>8</sup>

In early 2002, the Ukraine aimed to reform its Armed Forces based on the principles of defense efficiency and economy abilities. It was expected to go through a process of adjustment towards the 'European model', mobile, multifunctional, properly armed, supplied and trained armed forces capable of carrying out tasks set by the political leadership.<sup>9</sup> The most important element of the planning was to be the optimization of the number of personnel, structure and means of army and navy manning, including the release of troops from tasks not concomitant with their main functions. Force recruitment was to remain mixed, as mandated by legislation of the Ukraine, i.e. by conscription and by contract. The State Programme of the Armed Forces transition towards the manning on contract basis of 2002 was planned to be implemented by 2015 in three phases: 2002–2005, 2006–2010, 2011–2015. One of the main priorities of the first stage (2001–2005) was the addition of a hierarchical layer of petty officers, corresponding to sergeants in the US system.

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<sup>5</sup> The Joint Working Group on Defense Reform (JWGDR) of NATO is the primary focus for NATO-Ukraine cooperation in defense reform. It meets once a year at Senior Level, see <http://www.nato.int/docu/speech/2002/s021028a.htm>

<sup>6</sup> Since early independence, Ukraine has recognized the need for a multinational approach to security. This has included contribution to many UN peacekeeping operations, including NATO-led operations in the Balkans, as well as participation in NATO's PfP beginning in 1994. Ukraine also has reached a certain level of military co-operation through multinational efforts of the Polish-Ukrainian Battalion in Iraq; the Ukrainian-Romanian-Hungarian-Slovakian Tysa engineering battalion; NATO's Transcarpathian flood control pilot project; and BLACKSEAFOR. These multilateral efforts require the development of interoperability, which meant matching NATO standards, see *ibid*.

<sup>7</sup> However, the Action Plan/Target Plan's impact was limited, and has largely remained declaratory. Reality was marked by an approach of small, steps in the announced direction, rather than the systemic transformation foreseen. See Melnyk and Polyakov, 2004.

<sup>8</sup> While some initial steps have been taken—for example, the Ukrainian National Defence Academy has well-established Multinational Staff Officer's courses and is adding courses in Euro-Atlantic Integration—for the most part there has been no systemic review of curricula and training at military education institutions. The side-by-side existence of two standards—NATO and Soviet—causes systemic tensions and reduces overall effectiveness.

<sup>9</sup> [http://www.mil.gov.ua/index.php?lang=en&part=profession&sub=professional\\_armed\\_forces](http://www.mil.gov.ua/index.php?lang=en&part=profession&sub=professional_armed_forces)

Another priority were improvements in the system for evaluating candidates for careers as soldiers on contract—emphasizing education, professional skills and health. During the first stage, the number of military servicemen on contract was planned to be increased to 22 percent of the total number of the military servicemen, allowing the forces to fill most of the positions of junior commanders. The Program also foresaw the improvement of planning, organizational, financial, economic, educational activities as well as of the relevant executive and control bodies.<sup>10</sup> However, the lessons learned from defense reform efforts—as shown by the evolution of programs—the ‘State Programme of Reformation and Development of the Armed Forces of Ukraine through 2005’ (2000) to the ‘Concept for the Structure of the Armed Forces-2010’ (2001); and the ‘State Programme of Transition of the Armed Forces of Ukraine to Manning with Contracted Servicemen’ (2002)—have yet to address the need for systemic transformation, instead of reductions and shrinking targets. As a result, still-current plans remain unrealistic<sup>11</sup>.

*“New” Intelligence Services*

After the collapse of the Soviet Union, the Ukraine formed (rather ‘re’-formed) two Soviet-style intelligence institutions on a smaller scale: SBU (former KGB) and GUR (military intelligence). The SBU and the GRU have an uneasy and competing relationship. The SBU<sup>12</sup> was born with a powerful counterintelligence element, including the military one, and only modest intelligence capabilities, and it had to set up several new branches. It was present in every district and was therefore indispensable for whoever ran the country. At the beginning, the Military

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<sup>10</sup> For the second (2006-2010) and third (2011-2015) stages the gradual equipment of the Armed Forces with modern military equipment is planned, in order to improve the military’s power projection potential. Another reform element planned is the further increase of the share of personnel on contracts, see: <http://www.mil.gov.ua/index.php?lang=en&part=profession&sub=profession>

<sup>11</sup> Technological advance implies that the cost of military equipment for a given force unit doubles in price every 7-10 years, while the early stages of personnel reductions and all stages of professionalization also require considerable additional financial resources. The national defense budget never kept pace with such cost increases. As a result, even under the most optimistic scenario of economic development, Ukraine will not be able to afford 240,000 servicemen (as stipulated in the ‘Concept for the Armed Forces-2010’), or even 180,000-200,000 (according to the latest declarations of the MoD) if it also wishes to meet its goals for maintaining high level, combat-ready, professional Armed Forces. The goal of creating a professional Rapid Reaction Force (with about 40,000 servicemen) may be a realistic goal, but only if a more radical reduction of the remainder of the military - the Main Defence Forces - takes place in the very near term. See Melnyk and Polyakov, 2004.

<sup>12</sup> Until May 1991, when Russia set up its own republican KGB within the Soviet Union, the Ukrainian KGB was the largest and the most powerful republican Security Committee in the USSR. See Gordon, 2004.

Intelligence (GRU) existed only on paper and was build up from scratch<sup>13</sup>. The Law on the Security Services was adopted on 25 March 1992<sup>14</sup>. In theory the chief of the SBU is appointed by the Verkhovna Rada on the recommendation of the president of Ukraine. In reality the President can appoint and dismiss the head of the service as he wishes. Due in part to the remaining cumbersome structures but also due to the absence of outside oversight over the use of these resources the security services remain largely unreformed. The personal loyalty approach did not help in promoting public trust and support; rather, it resulted in a number of political scandals.<sup>15</sup> At the beginning of the process of the building a national intelligence apparatus in the Ukraine, the Russian special service openly regarded Ukrainian territory as its playground, mainly because problems concerning disputed territories, military and industrial assets, common borders and coastal waters were only resolved slowly. In August 1997, Ukraine and Russia signed an agreement on co-operation between the military intelligence services of the two countries<sup>16</sup>.

The role and place of the SBU in the Orange revolution is a subject of many speculations. In some foreign media sources, the SBU appears in the role of almost the savior of the revolution as well as a state body which kept the authorities and its hawks from organizing bloody battles in the streets of the capital city. Opposition politicians, however, who joined the new power, state that such claims are based on the SBU's attempt "to come off clear", to save its reputation and escape from retribution<sup>17</sup>.

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<sup>13</sup> Ibid.

<sup>14</sup> The SBU leaders and their supporters in the parliament and the presidential administration resisted fiercely, and for many years successfully, the introduction of a law on intelligence bodies, as this would have given a legal role to the GUR in the intelligence collection, analysis and dissemination process and would give it a leading role in some aspects of technical intelligence operations. After a long struggle, the law on intelligence was signed by President Kuchma in March 2001. On a smaller scale there was a similar problem with the law 'On Counterintelligence Activity', finally approved by the president on 26 December 2002, which in its Article 8 makes the SBU's Central Administration responsible for the organization and co-ordination of counterintelligence activity but allows, in Article 5, certain counterintelligence operations to be conducted by intelligence agencies of Ukraine and the Administration for the State Protection of Ukraine. See *ibid*.

<sup>15</sup> These have included the murders of journalists Georgiy Gongadze and Igor Alexandrov and accusations of assassinations of prominent opposition politicians (like Viacheslav Chornovil, the leader of the democratic party "Rukh", who was killed in a traffic accident prior to the presidential elections of 1999) and 'inconvenient' officials (like Valeriy Malev, head of the state arms-trading company *Ukrspetsexport*, who was killed in a traffic accident during the *Kolchuga* scandal, concerning the delivery of radar systems to Iraq, in fall 2002. See Melnyk and Polyakov, 2004.

<sup>16</sup> The agreement was ratified by the Ukrainian parliament only five years later (2002). See Gordon, 2004.

<sup>17</sup> After that the Orange revolution took place in November-December of 2004, power structures, including the Security Service of Ukraine (SBU), became subject to 'total reformation'. The extent of this 'reformation', however, is not openly reported and could be limited on the

*Border Service*

Since 2000, Ukrainian Border Troops have welcomed EU assistance dedicated to modernizing Ukraine's border management system and transforming this structure into a State Border Service along Euro-Atlantic lines<sup>18</sup>. EU SSR- efforts have largely been limited to supporting the reform of Ukraine's Border Service<sup>19</sup>. This dimension of common interests is reflected in Ukraine-EU documents and in practice. Both the EU TACIS program and the US government provide material and financial support to Ukraine's Border Service. Border control issues are expected to become crucial for Ukraine, particularly driven by Poland, Slovakia, Hungary, and—after 2007—Romania's implementation of the Schengen regime. This will firstly increase the need for Ukraine to co-operate effectively along its western frontier; secondly, it will also raise the need to strengthen Ukraine's border regime along its eastern frontier, in order to prevent the country from becoming the westernmost outpost of a Eurasian zone of illegality and cross-border crime: trafficking in humans, drugs, arms and WMD.

*Police Reform Efforts*

In the case of Ukraine's law-enforcement structures, the gap between public perceptions and official attitudes towards reform continues to widen. The evident lack of political will of the country's authorities to take real steps in democratizing the police and other law-enforcement bodies (Procurator Office, Tax Police, Customs) is one of the major factors contributing to the very low trust of the population in the law-enforcement structures<sup>20</sup>. The legacy of the Soviet Union continues to pervade all aspects of the militia<sup>21</sup> and the attempts to reform it since

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replacement of 2-3 dozens of 'top bosses' without changing much of the system. See Smeshko, 2005.

<sup>18</sup> Sherr, 2004

<sup>19</sup> The European Union wishes to contribute to the strengthening of border controls between Moldova and Ukraine which is the transit point for rampant smuggling. A protocol of agreement between the European Commission, Moldova and Ukraine was signed in October 2005. It will pave the way for the deployment on December 1, 2005 of an EU technical assistance mission for Ukrainian and Moldovan border guards. The purpose of the mission is to augment the capacity of the Moldovan and Ukrainian governments to monitor and patrol borders in order to reduce the risks linked to the expansion of cross-border criminal activities from Trans-Dniester. The EU mission has a two-year mandate, which could be extended if need be, and a community budget of 7 million euros. The political supervision of the mission will be handled by the European Union Council and the EU special representative for Moldova. <http://www.europaworld.org/week240/eusends71005.htm>

<sup>20</sup> In result, the military was reduced by its size and became, in personnel numbers, a third of what it had been in 1992. At the same time, the overall size of the police structures (Ministry of Interior, Security Service, Border Troops and Tax Police etc.) grew steadily and is currently twice as large as the still over-manned military. See Melnyk and Polyakov, 2004.

<sup>21</sup> Militia is the Soviet definition of the state police.

independence in 1991. Ukrainian authorities recognize the necessity for change but still lack the political will to reform these structures radically<sup>22</sup>. The 'Conception of the Development of the Ministry of Internal Affairs System of Ukraine' (1996) outlined the need for change, despite little political consensus within the Parliament. However, it was agreed that the structure of the Ministry of Internal Affairs (MIA) should be simple, flexible and cost-effective; that the work of the MIA should be focused at the local level; that the public should have free access to information about the work of the MIA. The key notions of democratic policing (legitimacy, accountability and professionalism) can be detected in these statements. However, these sentiments were not transformed into doctrine, training and practice. Since 2000 there have also been a number of other notable laws, presidential edicts and government decrees passed covering the work of the militia<sup>23</sup>. This plethora of legislative activity, however, has seen relatively little change in the day-to-day working practices of the militia and the way in which they are perceived by the public. For many commentators, the reform of the police in Ukraine has been piecemeal and partial, lacking a systematic approach. Much of the previous Soviet structure and organization, which is based upon a highly militarized authoritarian model of control and decision-making, remains dominant in the Ukrainian militia<sup>24</sup>. In addition, the militia remains a highly bureaucratic organization, with perhaps as few as one-quarter of its personnel directly engaged in the protection of public order or with crime prevention and investigation. Whilst a number of political moves have been attempted to develop a more decentralized militia structure, the overarching Soviet model of central control and command remains firmly entrenched<sup>25</sup>.

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<sup>22</sup> Reflections on Policing in Post-Soviet Ukraine: A Case Study of Continuity, <http://www.pipss.org/document294.html>

<sup>23</sup> These include laws on 'Public Participation in Maintaining Public Order and State Borders' (2000); 'the General Structure and Strength of the Ministry of Internal Affairs' (2002); and Presidential Edicts on 'a Complex Targeted Programme of Tackling Crime' (1996-2000); 'Concepts of Tackling Corruption' (1998-2005); 'Complex Programme of Crime Prevention' (2001-2005); 'Establishment of Local Militia' (2001); and 'Further Measures for Strengthening Law and Order, Securing the Rights and Freedoms of Citizens (2002). Ibid.

<sup>24</sup> In accordance with the Law of Ukraine on Militia (police) adopted on 20th December 1990 by the Parliament of Ukraine, the National Militia Organisation is a united system of bodies and a part of the Ministry of Defence of Ukraine. It fulfils administrative, preventive, operative-search, criminal-judicial, executive and guard functions. The Militia Organisation consists of the following services: Criminal Militia, Organized Crime Department, Criminal Intelligence Department, Economic Crime Department, Tax Fraud Department, Forensic Science Department ), Criminal Investigation Department, Public Security Militia, Transport Militia, State Traffic Inspection, Guard Militia. See: <http://www.enp.nl/countryinformation/-ukraine.html>

<sup>25</sup> Where a more decentralized model has been piloted (for instance in the cities of Berdiansk, Kyiv and Kharkiv) local Ukrainian researchers have described the results as impressive: "it helped to establish militia/public partnerships, to bring the militia under efficient democratic control, and

In June 2003, a new law was adopted entitled 'On Democratic Civilian Control Over Military and Law Enforcement Bodies of the State'. The law provides a system of oversight including the parliament, the president, central and local governments. This new act continues to give primary responsibility for overseeing observance of the law to the Prosecutor's Office, although it gives the public and the media (in theory) greater access to information about the militia. However, Ukrainian experts doubt that these new initiatives will work in practice<sup>26</sup>. Respect for the police is low. Neglect by police of the actual needs of the population, as well as numerous cases of abuse of authority and criminal acts performed by the police, suggest that the country's leadership is not serious about democratizing and professionalizing the police. Official concerns about law and order are rather declaratory<sup>27</sup>. MIA has recently started to draft a new reform program, with the help of the National University of Internal Affairs. Those working on the project state that "the reformed militia will comply not only with Ukrainian legislation but also with the norms of international humanitarian law, the standards of democratic police and the interests of citizens, society and the state as a whole"<sup>28</sup>. Simple deduction would suggest that the current Ukrainian militia are not meeting these norms, standards and requirements.

### *Judicial Programs*

Recognizing the efforts of Ukrainian authorities to foster the integration of Ukraine into Euro-Atlantic structures the OSCE Project Co-ordinator in Kiev is assisting the adoption and implementation of the National Programme of Adaptation of National Legislation of Ukraine to the EU Law aimed at securing compliance with Copenhagen criteria for EU membership<sup>29</sup>.

The American Bar Association's Central European and Eurasian Law Initiative (CEELI)<sup>30</sup> launched its Ukraine program in 1992<sup>31</sup>. The Criminal Law

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compelled the local authorities to improve the financial and technical upkeep of the militia and social welfare of its employees". See Bandurka, 1996.

<sup>26</sup> See Melnyk and Polyakov, 2004

<sup>27</sup> Ibid.

<sup>28</sup> National University of Internal Affairs, Propositions of the NUIA on the Reform of the System of the Ministry of Interior of Ukraine, up until 2006, National University of Internal Affairs, Kharkov, 2002.

<sup>29</sup> OSCE partners in this area include the Parliament (Verkhovna Rada), the Constitutional Court of Ukraine, the Supreme Court, the Presidential Administration, the State Judicial Administration, the Academy of the Judiciary and the Institute of Legislation in Parliament. See: <http://www.osce.org/ukraine/13180.html>

<sup>30</sup> For more on CEELI in Ukraine see Lehman, Christopher. Legal Reform in Ukraine: Life in the Trenches. [www.demokratizatsiya.org/Dem%20Archives/DEM%2007-02%20lehmann.pdf](http://www.demokratizatsiya.org/Dem%20Archives/DEM%2007-02%20lehmann.pdf).

<sup>31</sup> While CEELI funding comes from a variety of sources, the primary source is grants by the US government. Most of these come from the US Agency for International Development, but

Reform Program commenced in 1997. Over the past 12 years, a variety of projects were conducted, including the creation of advocacy centers specializing in human rights and environmental law; training lawyers and judges on new legislation and application of international conventions; establishing regional judicial associations; developing legal clinics; election advocacy assistance and training; and designing and implementing a computerized court administration system. Criminal Law programming has focused on the process of drafting and implementing modern criminal justice legislation; conducting comprehensive training programs for prosecutors, judges, investigators and defense attorneys; and working to strengthen the operation of criminal justice institutions, such as prosecutors' offices, investigative bodies and professional associations. CEELI provides also grants and technical assistance to legal advocacy NGOs that offer pro bono legal assistance to the population and offers institution-building assistance to these organizations to bolster capacity and sustainability. Through grants and technical assistance, law faculty legal clinics are supported. In 2005, Criminal Law Reform Program focused on empowering criminal defense attorneys and encouraging greater judicial independence, and working with the Supreme Court of Ukraine and the National Academy of Advocacy of Ukraine to develop a series of judicial and defense workshops to train judges and defense lawyers on principles of criminal justice and advocacy. Additional to CEELI's judicial reform efforts, the Canadian Bar Association (CBA) is planning to submit a proposal to the Canadian International Development Agency (CIDA) to design and implement a Juvenile Justice Reform in Ukraine<sup>32</sup>.

### *Penal Reform Achievements*

In 1998 the responsibility for prisons was moved from the MIA to the 'State Department of Ukraine for Matters of Implementing Punishments'<sup>33</sup>, although the MIA continues to carry out a wide range of functions beyond those normally associated with the police<sup>34</sup>. The Prison Reform has been assisted by the Council of Europe since 1997<sup>35</sup>. It is also supported by the Partnership Project in the penitentiary field, launched in 1998<sup>36</sup>.

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money for the criminal law reform programs comes primarily from the US Department of Justice, through its Office of Overseas Prosecutorial Development, Assistance and Training.  
<http://www.abanet.org/ceeli/countries/ukraine/program.html>

<sup>32</sup> This is a 5-year, US \$6.2 million project to assist the Government in developing and pilot testing elements of an effective juvenile justice system incorporating principles of restorative justice. See [http://www.cba.org/CBA/IDP/current\\_opportunities/PrintHtml.aspx?DocId=-57702#ukr](http://www.cba.org/CBA/IDP/current_opportunities/PrintHtml.aspx?DocId=-57702#ukr)

<sup>33</sup> The responsibility for the prisons was not moved to the Ministry of Justice as it is common practice even in post-soviet countries.

<sup>34</sup> Reflections on Policing in Post-Soviet Ukraine: A Case Study of Continuity (see above).

<sup>35</sup> Council of Europe, 2005.

<sup>36</sup> Council of Europe, 2005.

The reform of the Ukrainian prison system is based on three main pillars: legal reform, improving prisoners' conditions, and training of prison staff. The new Criminal Executive Code came into force on 1 January 2004, which brought a number of changes in the prison system<sup>37</sup>. It provided for a number of alternative sanctions and early release for different categories of prisoners. As the result, non-custodial punishments, including community services, were provided to a larger extent. Consequently, the proportion of custodial sentences to the total number of criminal sentences has dropped thus reducing the prison population. However, overcrowding in prison remains a big problem. A Decree of the President (April 2005) outlined ways to reduce the prison population (190,300 inmates)<sup>38</sup>. It foresaw a reduction by 10,000 inmates per year. This would be achieved by shortening the pre-trial period for less serious crimes and by making more use of non-custodial sentences. Other programs plan to reduce the number of inmates suffering from TB and HIV.

The prison service is notoriously understaffed. Only 60 percent of needed staff is in place, therefore, the training of prison staff has high priority. Training is organized in two stages: initial training for 1-6 month; and 45 day training focusing on in-depth knowledge of work with prisoners. Training curricula put emphasis on legal and human rights education including international standards. Military training has been abolished and replaced by psychological and social rehabilitation training. Since 2003 the replacement of the military governors of all prisons by civilians has been planned. However, prison governors remain military staff.

The Swedish Probation Service is about to finalize a contract with the Ukrainian State Department in the field of the probation service. The project is to be implemented until 2007. A pilot project has successfully been tested. The probation service system was understaffed but training will be provided to newly recruited staff. The work is to focus on improving the structural and organizational basis of the probation system.

### *The Presidential Administration and NSDC*

The Presidential Administration and the National Security and Defence Council (NSDC) primarily exercise the overall (often overlapping) functions of coordination and control over the security sector. A Ukrainian phenomenon is that both the Administration of the President and the NSDC Staff formally exist outside

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<sup>37</sup> The current Criminal Code came into force in 2001. Among its new provisions, it abolished the death penalty, supplanting it with life sentences with a minimum term to be served of 20 years. The life sentenced prisoners were segregated from the rest of the prisoners and were held two in a cell or solitary confinement. See Action Plan for the Reform of the Prison System of Ukraine. Strasbourg, 23 May 2005.

<sup>38</sup> The reduction by 10,000 would include both sentenced and remand prisoners. Overall prison population should be reduced to 150,000 by 2010. The Ministry of Justice stressed the importance of reviewing the sentencing policy inherited from Soviet times. Ibid.

the executive branch of power<sup>39</sup>. According to the Constitution, it should be under the Cabinet<sup>40</sup>. However, in reality and in essence they form the executive and exert major influence on security structures. Operational support for the President on security related issues is provided by the Administration's Main Department for Activities of Military Formations, Law Enforcement Structures and Judicial Reform. This department focuses on the general presidential oversight of Ukraine's security structures. The Staff of Ukraine's NSDC specifically focuses on security related coordination and analytical activity. It renders everyday information and provides analytical and organizational support for Ukraine's NSDC. The NSDC Staff operates a specialized Department on Defence Security Planning whose competence encompasses issues of defense and military-industrial policy<sup>41</sup>.

#### *Parliamentary oversight of Security Forces*

The role of the Verkhovna Rada is mainly confined to the formal approval of the defence and law enforcement budgets, and the review of bills concerning security structure operations<sup>42</sup>. As far as the Parliament and parliamentary staff is concerned, a shared opinion is held among many observers about the current insufficient level of expertise among the members of the Verkhovna Rada in security matters. Few of them have the required necessary personal experience on security issues, and equally few have experienced personal aids that are qualified to work on security related legislation. According to some unofficial estimates, the majority of parliamentarians neither have a conceptual understanding of the country's security sector problems, nor do they have any personal incentives to get engaged. Parliamentary hearings on security matters are a rare and generally random occurrence.<sup>43</sup>

#### *Conclusions and SSR-challenges*

Participation in PfP and NATO-Ukraine mechanisms has been a driving force for defense reform. However, the influence of NATO procedures on internal processes in Ukraine is mostly limited to the Armed Forces. To effectively promote change, Ukraine's co-operation with an enlarging NATO and EU will need to better match the priorities for SSR—especially in the non-military area. Thus, non-military security structures remain in the same essential form as the non-transparent, non-reformed and non-trusted replicas of their Soviet predecessors the KGB and the MIA's militia. The involvement of the structures in redistribution of public property has been to the detriment of their primary mission—to fight crime—and to reform aiming at democratization. Such a situation in the non-military security structures

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<sup>39</sup> Polyakov and Tkachuck, 2003.

<sup>40</sup> Constitution of Ukraine. <http://www.rada.kiev.ua/const/conengl.htm>

<sup>41</sup> See Polyakov and Tkachuck, 2003.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

naturally is in conflict with the democratic aspirations of the majority of Ukrainian society. Thus, the media and NGOs have started to pay more attention to the activities of security structures. NGOs have improved their level of expertise and attained a growing role in security sector reform. From being mainly enthusiastic amateur organizations during the early 1990s, they grew and evolved into hundreds of different types of NGOs, including several influential 'think tanks', which are capable of producing first-rate policy studies, independent research, substantiated proposals, as well as hosting international conferences<sup>44</sup>. The expertise of the media in security matters is also growing. The range of defense-related issues covered by the press has clearly expanded, though this is more true regarding defense issues, than for areas of law-enforcement, arms trade and intelligence activity. Few journalists dare to publish openly about law enforcement or activities of special service institutions, especially if the topic is involvement with corrupt officials or the criminal world. So, the expertise of journalists on security matters has, at times, become victim to an unfriendly attitude on behalf of security structures or an inability of their personnel to communicate with the press. Overall, problems can be related to the generally limited freedom of the press in the country. The recent election of Viktor Yushchenko as President could be the catalyst and political stimuli to kick start the real SSR process, although the extent to which he will prioritize reform sectors is as yet unclear.

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<sup>44</sup> The centres include Razumkov Centre; the Centre for Peace, Conversion and Foreign Policy; the Centre for Army, Conversion and Disarmament Studies; the Ukrainian Independent Centre for Political Studies; the Centre for Nonproliferation Studies; the Centre for European and International Studies; the Atlantic Council of Ukraine; Kyiv's Centre of East-West Institute; the Europe XXI Foundation and a few others. See Polyakov and Tkachuck.

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