# Key Actors, Institutions and Decision-making in Security Policy in Central and Eastern Europe: Ukraine

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## Abstract

*My aim in this chapter is to achieve a better understanding of the decision-making process in Ukraine's security policy. Ukraine's situation as a post-communist state has left this country with the legacy burden of Soviet and imperial Russian political processes and institutions, which was far from the practices in NATO and EU member states. Its own traditions were very latent. As Ukraine became independent with the USSR breakup, it created all institutions anew, but it was replicating quasi-Soviet security architecture, yet lacking the imperial resources. While Ukraine's politics was until recently the bargaining of oligarchic elites, they were virtually sharing the neglect of the importance of the security sector development, leading to its degradation. At the same time, the society and the establishment were drifting away from Russia and integrating with NATO. The degradation of security institutions led to tremendous difficulties in resisting the Russian aggression. Yet, the societal resilience amidst a seemingly "chaotic" formal institutional environment has supported the resistance to the aggressor and is fuelling the Security Sector Reform in Ukraine.*

## Introduction

In reforming the security sector, Ukraine followed the pattern of several other Central European countries, who were former members of the Moscow-led Warsaw Pact and shared the legacy of the Soviet centralised security and defence system. Even more, Ukraine was one of the key pillars in the Soviet security and defence architecture, possessing a significant share of the former USSR's defence forces, security forces and the military-industrial complex.

This origin makes Ukraine's case of decision-making in the security sector exemplary. What explains certain critical foreign and security policy moves? The seminal book *Essence of Decision* by Graham Allison presented three foreign policy decision-making models for a national government: the "rational actor" model, where the "individual chess player was moving the pieces with reference to plans and tactics toward the goal of winning the

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game", the "organizational process" model, according to which "the chess player might not be a single individual, but rather a loose alliance of semi-independent organizations, each of which moved its set of pieces according to standard operation procedures" and the "governmental politics" model, "…a number of distinct players, with distinct objectives but shared power over the pieces, could be determining the moves as the resultant of collective bargaining" (ALLISON 1971, 7). This useful framework of analysis makes even more relevant Ukraine's case historically as its post-Soviet legacy was, in fact even making questionable the Western "rationality" realist way of thinking. Soviet government institutions inherited by Ukraine did have standard operating procedures, but they hardly had the power that was necessary for policy-making. In the Soviet and modern Russian strategic culture, collective bargaining over foreign and security policy becomes possible only when irritated crowds rush to the streets as the casualties become too many – such was the case of the Soviet Afghanistan campaign.

The security sector legacy was characterised in Ukraine by a highly centralised decision-making, with a certain degree of civilian control over the "military organisation" by the Communist Party's Central Committee. The impact of the Russian imperial legacy and over 70 years of Soviet rule left Ukraine with substantial burdens, which is quite hard to break free from. At the time of writing this article, the term "military organisation of the state" still existed in Ukraine's law, alongside the "security and defence sector" which has been more substantialised in the recently adopted Law on the National Security of Ukraine. The meaning of this term, deeply embedded in Soviet thinking, as defined by Russia's Ministry of Defence, is "the aggregate of the military and security structures of the state and its governing bodies, as well as military-political, military-scientific and other institutions involved in military affairs, and all military personnel, ensuring the interests of the country" (Voyennaya organizatsiya gosudarstva s. a.).

Decision-making in Ukraine's security policy was until recently highly centralised and skewed in favour of the top management level. The President had the highest authority in the sector. Such governance was sometimes effective in Ukraine, with resolute leaders who had a high-level Soviet management background, such as Leonid Kuchma, but it could lead to power abuses and poor performance as in the case of Viktor Yanukovych. Scholar and consultant in defence reform Thomas-Durell Young wrote, ringing very true regarding Ukraine's Soviet legacy, that:

> "There was no hint of a policy framework. Soviet thinking did not distinguish between national-level defense policy and its subordinated and hierarchical levels of policy implementation […]. 'Military doctrine' (Vayennaya daktrina) was considered to be at the highest level of policy formation—a use of nomenclature which immediately confuses the Western military mind, as the latter defines "doctrine" as a corpus of concepts and procedures, vice national-level policy. In the Soviet mind, these concepts were, in effect, conflated."

Nevertheless, Ukraine has implemented some reforms in its military even before the Euromaidan. Young has acknowledged this himself: "Any country that can deploy to a war zone (i.e. Iraq), and largely sustain a brigade-size force for three brigade rotations and re-

cover the force (despite its inability to perform to Coalition expectations), notwithstanding logistics failures, is an achievement very few other countries in the world could succeed in executing" (Young 2017, 17).

In addition to the Soviet governance legacy, Ukraine's security sector system was ill with corruption that served as an informal economic mechanism of the security sector. A traffic police officer, a judiciary employee and a law enforcement official might be in the trap of making advance payments to superiors for their positions, with subsequent obligations to earn a corruption rent. Even the defence forces did not escape this practice. This system corrupted the military, which was thus inadequate to provide the capabilities to effectively resist the Russian aggression in 2014.

At the same time, Ukraine has a richness of talent, which is reflected in the pool of resilient lower to mid-level officers and public servants available that were able to compensate for the gaps in governance and management and steer the state security institutions in hard times.

## A historical overview

Ukraine has considerably streamlined decision-making in the security sector since 2014, compared to the very slow pace of reform before the Euromaidan of 2013–2014. This watershed may lead even experts, especially ones novice to the field of national security to thinking that there were no reforms before Euromaidan, especially given the dismal state of the military and security services. While there has been indeed such a decay, it would be incorrect to believe that there was no progress in developing decision-making in the security sector – some of its segments, the Armed Forces of Ukraine (uniformed defence forces) and the cadre of government officials and civil society experts had some successes even before the 2014 "Revolution of Dignity".

In the 1990s, the nation formed security and defence institutions, some of which were created anew. The July 1990 Declaration of Ukrainian State Sovereignty stipulated that the Ukrainian SSR had the right to possess own Armed Forces and retain internal state military and security institutions to be regulated by the Verkhovna Rada (Parliament). Ukraine had a vision of becoming a "neutral state", which was, however, soon removed from strategic documents. Ukraine also pledged to be a nuclear-free state, a pledge kept upon having entered the Budapest Memorandum.

Basic security provisions, especially the responsibilities of government bodies in the Constitution of 1996, were amended with the 2004 Constitutional Reform, currently in force, which defines Ukraine as a parliamentary-presidential republic, raising the parliament's role, yet not to the extent of a parliamentary republic. The Constitution also instituted the National Security and Defence Council as the President's advisory and coordinating body, in Article 107.

In the early 1990s, Ukraine began to establish an expert cadre and think tanks in the security and defence sector. The first National Security Concept was drafted in Ukraine in October 1990. The Law on Defence of 1991 has defined the concept of military (aggression) against Ukraine. The definition included not only full-scale and limited war, but also proxy war, blockade, violation of terms by foreign troops stationed in Ukraine, etc. Ukraine

was the first post-Soviet country to establish a National Institute for Strategic Studies in December 1991. In 1994, NISS became affiliated with the National Security and Defence Council, and currently it works under the President of Ukraine (NISS s. a.).

While security challenges and threats emanating were not reflected in the language of Ukraine, early strategic documents, the "meta-developments" were nevertheless shaping Ukraine's security policy. The Military Doctrine of 1993 has dropped the reference to Ukraine's neutrality and in 1994, Ukraine became NATO's "Partner for Peace". Ukraine was in fact leaning Westward as its actual policy that was chosen by the leadership at that time, but not without an interest in balance. To the latter end, President Kravchuk came up with the idea of an alternative security system of CEE states, with Poland as a key partner, but this was not supported by Poland, already seeking NATO membership at the time.

The Concept of National Security document that was adopted in January 1997 defined both national security threats and national interests. The Concept brought to the forefront the "traditional national mental split" resulting from ideological, religious, ethnic, and also economic conditions, as a pressing problem. It raised concerns over government weakness that state institutions are often in controversy and there is a lack of sufficient coordination among them.

The Concept defined national security as "the protection of vitally important national interests". The basic definition of security as the absence of threats remains in some way in all official documents. Distinguished were "internal" and "external" national security threats. The entire definition of threats in the 1997 Concept was quite broad as it mentioned as possible sources of threats not just military matters, but the environment, domestic politics, etc. Importantly, the Concept also set the criteria that the most important measure of the national security effectiveness is the security of the individual. This differentiates the Ukrainian understanding from the Russian concept. The Concept also had a reference to the issue of democratic control (Postanova 2003).

Declarative "multivectorialism" (i.e. the lack of unidirectional orientation in foreign policy) continued to remain in the security doctrine, but President Kuchma for both external and internal political reasons was increasingly leaning towards NATO. In May 2002, Kuchma adopted a new strategy for co-operation with NATO. Its objective was to join the Alliance. From that moment on, Ukraine was working with NATO on the reform of the security sector. In 2003, the Rada adopted quite a modern law "On Democratic Civilian Control of State Military Organization and Law Enforcement Bodies".

Such cooperation with NATO laid the foundation of institutional reform and resulted in knowledge transfer, which had both positive and negative results for Ukraine's security sector: it created a corpus of mid-level personnel and experts that were "initiated", but that also instituted the frictions with the Soviet institutional legacy and the oligarchic governance structures in politics and the economy, competing as the latter were for Russian economic rents, and interested as they were neglecting the security sector in general in terms of proper investment.

A comprehensive "Law on Fundamentals of the National Security of Ukraine of 2003" attempted to list "fully" known threats in the meantime. The law stated that: "Threats to National Security are clear and present factors that represent a danger to vital national interests of Ukraine" (Law of Ukraine "On Fundamentals of National Security of Ukraine" 2013, 47–59).

The Law introduced formally the strategic documents to be drafted, such as the *National Security Strategy* and the *Military Doctrine,* and "concrete programs covering all elements of state policy relating to national security". Remarkably, the law had a special emphasis on internal state security concerns: were there subversive activities to be carried out by foreign intelligence services operating in Ukraine; domestically originating subversion, or threats against the "economic, scientific, technical and defence potential of Ukraine as well as the rights and freedoms of its citizens", and "the spread of state corruption and bribery including the overlap of business, politics and organised crime". Related to this, experts emphasised economic and societal security, e.g. with issues connected to ethnicity, religion, etc. in mind (BBK 2005).

The Law on Defence Planning of 2005 (Law of Ukraine "On Defence Planning" 2013, 59–64) attempted to further promote the strategic planning process. Having confirmed the two-level strategic planning process, the law instituted the Strategic Defence Bulletin as a document resulting from the comprehensive defence review as a long-term planning document for the Armed Forces and other military and security establishments.

Even though there were certain attempts to reform Ukraine's intelligence and internal security institutions from 2003, some experts believed that the reform has not spread beyond the Armed Forces. "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" (Dowling–Fluri 2007, 62).

Under President Viktor Yushchenko, the national security apparatus attempted to reform both civil-military relations – including raising the role of civilians in both the MoD and the Armed Forces, and also gradually increasing the share of contract soldiers versus conscripts. The Security Service of Ukraine (SSU) Reform Concept was adopted by a Presidential Decree in 2008 and several bills appeared that year addressing SSU needs, some of which attempted to deprive the service of law enforcement functions (Senchikhin 2009).

The military has increased interoperability with NATO. Yet, strategic documents of that time were already accounting for Ukraine's economic problems. As the crisis of 2008–2010 was about to hit the growing economy, the National Security Strategy of 2007 had a significant part dedicated to the analysis of economic security threats. Generally, the years of Yushchenko's administration were those of forward-looking expert thinking that went far beyond the grounds of Ukrainian "oligarchic capitalism". Even so, one of the consequences of the 2008 financial crisis was the sharp underfunding of the defence sector.

The poor state of Ukraine's military and law enforcement was well noted by NSDCU experts that drafted the 2007 National Security Strategy. It stated: "Ukraine's security sector is inadequate given society's needs: the law enforcement agencies of Ukraine in their current state are unable to provide adequate protection of human and civil rights and freedoms, to effectively prevent crime, in particular organized crime, criminalization of the economy and corruption; activities of Ukraine's intelligence and counter-intelligence agencies are not entirely adequate in light of the challenges and threats to its national security" (NSSU 2008, 18).

The alarm was raised about the "critical state of armaments and military equipment, low level of logistical support and personnel training in the Armed Forces of Ukraine which threaten their ability to perform the tasks of defending the state". The Strategy addressed the issues in the judiciary, including corruption. Among the external threats, it mentioned "the struggle for natural resources, first of all for control over energy sources and energy supply routes", and "the growth of tensions associated with the formation of new energy transportation corridors from the Caspian region, which are strategically important for Ukraine" (NSSU 2008, 18).

Viktor Yanukovych's presidency (2010–2014) was characterised by a sharp rift in strategic thinking among government and civil society national security experts on the one hand, and the ruling regime that was bargaining with the Kremlin on the other hand. Relations with Russia were personalised – Yanukovych and Putin entered the Kharkiv accords in 2010, despite strong opposition by experts as well as parliamentarians. "The regime of President Yanukovych, 2010–14, was a nightmare for Ukrainians. It was a predatory regime despite the fact that Yanukovych was democratically elected. To begin with, he appeared to reestablish the oligarchy, but within a year he started concentrating power and wealth to his own family circle, upsetting not only the populace but also the big businessmen" (ÅSLUND 2015, 4).

Even against this backdrop, the NSDCU staff produced an amendment of the National Security Strategy in 2012 that pointed to that lack of effectiveness in the government. In addition, the strategy addressed the issue of delimitation and demarcation of the state border, which could lead to territorial claims against Ukraine "by some political forces of adjacent countries", which could in turn increase mutual tensions. In private, there was a consensus that Russia and Romania were such sources of threat – indeed, the relations with Romania were improved only after the 2014 Euromaidan. When drafting the strategy, the expert discussion was organised by the National Institute for Strategic Studies in 2011 – it presented the concept of the strategy, which included the need to agree with Russia on the basing of the Black Sea Fleet and the Kerch Strait border demarcation, while it also called for the continuation of partnership with NATO, even as it suggested that Ukraine could participate in the Russia-led Collective Security Treaty Organization (LYTVYNENKO 2011, 14). Expert speakers at the DCAF (the Geneva Centre for the Democratic Control of Armed Forces, international organisation that provided advisory in Ukraine's Security Sector Reform since the mid-1990s) international conference in 2012 sharply criticised Yanukovych's malicious policies and referred to the reforms as declarative (FLURI et al. 2013).

The times post-Maidan led to an increased focus on the reform of the defence forces, which became part of the strategic doctrine. Drafting the new security strategy in 2015 and making decisions on the security sector reform was preceded by a comprehensive RAND Corporation study of the entire security sector, "undertaken in response to a request by the presidential administration of Ukraine and in participation with the National Security and Defense Council and sponsored by the Ukraine Investment Alliance" (OLIKER et al. 2016). Russia was named as the single most important source of a security threat for Ukraine. Meanwhile, President Poroshenko's strategy was to have a clear security orientation towards NATO–EU as the ultimate benchmark, declared also in the new National Security Strategy (Decree of the President of Ukraine 2017a, 131–133).

The 2015 National Security Strategy confirmed the goal of NATO membership and mentioned Russia several times as the source of security threats, but it also listed among

such threats the lack of international security guarantees for Ukraine, acknowledging also the issue of global threats facing Ukraine (Decree of the President of Ukraine 2017b, 137–149). NSS designated NATO and the U.S. as key strategic partners, while Poland was distinguished as one of the most important allies. Ukraine amended its military doctrine accordingly. The new doctrine, even though still bearing the "Soviet" name, resembles more of a defence strategy document (Decree of the President of Ukraine 2017c, 149–166).

Ukraine is increasingly viewing revisionist Russia as the main security threat, questioning the future viability of the Russian state. Volodymyr Horbulin, current Director of the NISS, wrote: "Russia, as it is today, poses a huge threat not only to its neighboring countries but to itself as well. This threat will persist into the future" (HORBULIN 2017, 9).

While the "transition to the NATO standards" has become a buzzword with the Ukrainian military, the new political goal since 2015 became to join the alliance. The MoD leadership is attempting to send this as a strong message: Minister Poltorak recently said that Ukraine was beginning the process of drafting a Defence Review for defence goals past 2020, according to a strategic assumption of (Ukraine's) membership in the alliance (POLTORAK 2018a).

However, Poltorak recently also commented on the difficulties of reform, concluding that the lack of strategic governance in the security and defence sector, and strategy and defence forces management supported Russian aggression. He also said the new threats require in-depth planning and modelling in the security and defence sector, which is confronted with the lack of expertise and adequate background legislation (POLTORAK 2018b, 5–11).

The new Draft Law on National Security in the version adopted by the Verkhovna Rada on 21 June 2018 (Proekt Zakonu 2018), which was drafted in cooperation with international and Ukrainian experts for approximately 1.5 years, introduced several innovative framework provisions in the security sector governance. One was the rejection of the traditional distinction between domestic and foreign threats as the conflict with Russia has blurred this dividing line. Additionally, the law strongly facilitated civilian democratic control and the reforming of the institutions. It defined various areas of security, such as "national security", "military security", "state security" (the latter concept is somewhat akin to the Euro-Atlantic concept of internal security), the "security police" domain and "public security and order" as the domains of the National Police, "information security" and "cyber security". As to strategic documents, the law calls for a Military (defence) Security Strategy (and no longer a "Military Doctrine"), a Cybersecurity Strategy, a Strategic Defence Bulletin drafted based on the results of the Strategic Defence Review, a defence industry strategy, and a public order and civil protection strategy.

Earlier defence reform efforts led to the partial introduction of interoperability with NATO in the Armed Forces and partial improvements in defence management. This was especially true in 2005–2006, i.e. after the Orange Revolution. The State Program for the Reform and Development of the Armed Forces of 2000 already had in mind Euro-Atlantic integration and provided for the creation of inter-branch commands of the armed forces.

The military reform was facilitated by the NATO–Ukraine Action Plan signed at the Prague NATO Summit in 2002 and included various SSR objectives, of which the military element was partially implemented. Ukraine and NATO established the Joint Working Group on Defence Reform (JWGDR). As of 2004, the Armed Forces, which were 780,000-strong when Ukraine inherited them from the USSR, were cut to 300,000.

Remarkably, when discussing the defence reform, high-level government experts empha-
sised in May 2004 that Ukraine's goal was to join NATO – this was even before the Orange
Revolution, which began in late November 2004 (Horbulin 2004, 15–21).

The goals of the defence reform included increasing effectiveness and the establish-
ment of a "core force", as a Rapid Reaction Force. Another aim was to gradually phase out
conscription and reduce the overall number of the military – by 2013, the total number was
to be not more than 100,000 persons and was by then lower in reality. Ukraine was trying
to introduce civilian positions in the MoD and the Armed Forces, but after some initial
progress in 2005–2007, the process was reversed.

Yet, Ukraine was able to create several well-functioning units used in partnership with
NATO and U.S.-led coalitions, such as POLUKRBAT that has successfully accomplished
missions in Kosovo and Iraq (while at the same time it often trained alongside the Russian
military). Defence management, however, was at a low level and underfunding drew talent
away from the military.

Young noted that the Ukrainian Ministry of Defence introduced planning and budget
reforms in 2000 to initiate program-based budgeting, while the general staff developed its
own planning management software *(Resource)* in 2005, even though "…there is no evi-
dence that this data has ever been systematically used to inform decision-making nor for
national-level defense planning." Furthermore, there was "the repetitive failure to produce a
viable five-year State Program on the Development of the Armed Forces […]. For example,
for the 2006–2010 version of this plan, the financial shortfall between what was anticipated,
as opposed to what was allocated by the Ukrainian Parliament, was a startling 25 percent"
(Young 2017, 69–70). Nearly throughout Ukraine's entire history, the lion's share of the
defence budget was allocated to personnel costs.

Likewise, there were some steps taken to reform intelligence and security services.
In the early 1990s, these services hired new personnel, while also retaining some former
KGB officers, but "de-KGB-isation" was one of the objectives of the new Ukrainian special
services. Technically, special services reform started with President Leonid Kuchma's Inter-
institutional Commission on law enforcement reform under the auspices of the National
Security and Defence Council of Ukraine created by the 2001 Decree of the President of
Ukraine (Ukaz Prezydenta 17/2001), but more realistic moves were in 2004, when the
Foreign Intelligence Service of Ukraine was separated from the SSU in 2004. President
Kuchma and then SSU Chairman General Ihor Smeshko were behind this move. Smeshko
proposed also to transfer the military counter-intelligence to the Armed Forces, and to
transfer anti-corruption responsibilities to the National Bureau of Investigation (Smeshko
2004). In order to effectively fight corruption within state institutions, a National Bureau
of Investigations was long-planned to be created – but this never materialised until 2017,
when Ukraine formed the State Bureau of Investigations.

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 reg-
ulated internal divisions of the SBU, removed intermediary links and cut the staff, adding
more civilians. However, the experts acknowledged "the legacy of Soviet notions and
practices, which remain pervasive in security structures" (Fluri–Radetskiy 2010, 28).
After the 2004 Orange Revolution, Ukrainian governmental experts proposed some ideas

to achieve improvements in the quality of strategic and operational-level analysis. Liubomyr Tokar with the National Institute for International Security Issues had stated that intelligence consumers, i.e. the State's leadership, were in need of operational intelligence that was able to better capture changing dynamics. Tokar proposed to develop the cooperation among analysts and customers. He called on the special services analysis centres to improve their work based on customers' need and the state's strategic interests (Токаr 2005, 41–44).

Among the internal security bodies, the State Border Guard Service has relatively successfully transformed from a defence-type border force to a law enforcement institution in line with the 2005–2015 Reform Concept. One of the main reform frameworks was the Ukraine–NATO Working Group on Defence Reform, but the service also worked within EU frameworks. The State Border Guard Service is distinguished by its interoperability with Ukraine's neighbours, EU member states, especially Poland.

The reform of the State Border Guard Service was assessed by experts at the Razumkov–DCAF Conference Nine as done "hastily", "due to international pressure to adopt Euro-Atlantic principles". The Border Guard was substantially demilitarised, which reduced its readiness and the ability to provide an effective response during the Russian aggression (DCAF–Razumkov 2016b, 16). The State Border Guard Service has increased recently its military capacity and it will be compatible with the Armed Forces of the Ministry of Defence – at the same time, it continues to reform its civilian police track. The Border Service has its own intelligence function in the area of border and migration security. Its extensive cooperation with the EU neighbours and Frontex allows it to keep up with its status of being the most reformed agency.

Currently, institutional weakness remains a characteristic of Ukraine's law enforcement system. The institutions often have overlapping functions, which leads to unhealthy competition among the different agencies involved in this area. The SSU remains in essence unreformed. Among the reasons are the constitutional idiosyncrasies, whereby the president has currently limited political influence over the police force, but directly controls the SSU that has quite broad law enforcement functions. Publicly, President Poroshenko called for the passage of a National Security Law (adopted on 21 June 2018) – this law set the process to gradually deprive the SSU of its law enforcement functions that are not related to national security threats. It remains to be seen, how these changes are implemented.

Ukraine has embarked on the most ambitious defence and security spending since its independence. Combined budgeted defence and security expenditure is 5% of GDP in 2018, including almost 3% of GDP on national defence. Remarkably, Ukraine began to fund the investment part of the defence budget better. At the same time, the funding pressure on the military and security institutions is quite high – notwithstanding the fact that the increased labour migration to the EU, inflation and alternative domestic opportunities in the wake of the country's economic recovery makes the defence and security sector uncompetitive.

Young finds that Ukraine is a showcase example of the absence of financial management in the security sector. "In essence, money as a concept is not perceived by the military, or even by many civilian defense officials, as constituting a key management tool. Money, rather, is just "there": to pay salaries and more is always needed in order to *create* military forces. As a result of this misunderstanding, spending never changes to adapt to new policy or priorities, and so plans are never developed with the view to create options. They are all based on the assumption that more money will be provided to realize the plan.

In consequence, plans are never realized because they are not linked to money and because there is never enough money, no one is responsible for planning failures" (Young 2017, 76). A new development is the societal crowdfunding of the military through volunteer fund-raisers – this was a lifesaver in 2014–2015, but is slowly waning in significance since then. On a positive note, Ukraine has recently improved its defence procurement system. Unlike in previous years, private companies are gaining more access to the defence market. Most bids and purchases are currently transparently made through the PROZORRO electronic procurement system. Procurement problems that remain to be addressed are excessive secrecy in defence procurement and budgeting, and the reform of the Ukroboronprom defence monopoly.

## Stakeholders in decision-making

The roles of all key players in the security sector were recently specified in more details in the new Law on National Security. Ukraine distinguishes between "security" and "defence" areas. The law defined the security and defence sector as "unified under one leadership and the coordinated aggregate of government and military and security institutions, citizens and civic associations that participate in the provision of national security". The law proposed to differentiate between the "security forces" and "defence forces", with some overlaps, most notably the National Guard, which is a combination of militarised police and, in some units, mechanised infantry. The National Guard is under the Ministry of the Interior as a "security force" in peacetime and under the MoD in wartime. Currently, some of its tactical units are on the frontline in Donbas, just like a regular military.

The President has the key governance role over defence and security according to the Constitution. With the Constitutional reform of 2004, currently in force, the Parliament has some counterbalancing oversight and control powers. Furthermore, the Head of the State and President is the Commander in Chief. The Prime Minister is Head of the Government and has more control levers over the police, the Border Guard Service and the National Guard.

According to the Constitution's Article 106, the President is Ukraine's Commander in Chief and is responsible for the appointment of the chief commanders of the Armed Forces, the Security Service of Ukraine – domestic security special service and intelligence institutions. The approval of the appointment of the heads of these bodies by the Rada (Parliament) is required. Even so, the President directly approves a number of Chairman's Deputies and even Heads of Departments in the Security Service of Ukraine and the intelligence bodies. It is again the President that has key oversight functions over the special services – the new Law on National Security gave more controlling authority to the Verkhovna Rada. The Head of the SSU is obliged to report once a year before the Parliament under the new Law.

For advice and coordination of national security issues, Ukraine has the National Security and Defence Council. After 2014, the trend was to streamline the NSDCU – one of the recommendations by RAND researchers was to assign the NSDCU more day-to-day management authority. In 2014–2017, this was accomplished by way of amendments to existing laws that added more crisis management and national security coordination and control responsibilities. This was accompanied by the increase in the NSDCU staff units, for example adding the section responsible for strategic analysis, and also adding more

personnel. The NSDCU established the War Cabinet, a quasi-crisis management authority for the so-called "special period" on 18 February 2015. Situation Centres were created at NSDCU and other executive bodies. The National Security Law emphasised NSDCU responsibilities as being delegated some presidential management tasks. It remains to be seen whether the NSDCU staff is capable in improving its work in the direction of management.

The Cabinet of Ministers has some quite vulnerable authority in the sector: with limited policy-making, and yet real responsibilities for adopting the Armed Forces Development Program, "security economics" and budgeting, defence procurement, and strategic planning programs. The audit is performed by the Accounting Chamber. The ministries submit their plans and financing requests to the Cabinet of Ministers. This is likely one of the sources of the slow pace of reforms. The new National Security Law declaratively assigned the Cabinet this special democratic control authority. The imbalances related to this could only be resolved through constitutional change, which is not on the political agenda.

Specific ministers and executive agencies have certain roles and influences in the security sector decision-making. At times, this is independent from institutional authority. Some current ministers, such as the Minister of Internal Affairs, Arsen Avakov, are powerful political figures with a business background, representing the People's Front, a post-Maidan coalition partner, while Defence Minister Poltorak and heads of politically less influential agencies, such as the SSU and the intelligence services, are career professionals, or in some cases political appointees.

Even though the Parliament has achieved some basic democratic control functions in the security sector, such as over appointments, budget appropriations and ministers, the Rada committees according to the current law do not have proper control and oversight functions. As an example, the new draft Law on National Security was criticised by the Rada's staff legal experts, who noted that the Constitutional Court had two rulings stating that Rada Committees shall have only auxiliary, but not control functions.

The Verkhovna Rada (Parliament) of Ukraine has the ultimate authority to declare the states of war and peace, upon Presidential initiative, to authorise overseas deployments and missions of Ukrainian troops and the deployment of international troops in Ukraine. The appointment functions of the Rada are limited to the approval of Ministers of Defence and Chair of the SSU and the intelligence services. While the Parliament has the budgeting function, in reality, it is a rather limited authority compared to the role of the Cabinet of Ministers.

The Rada has open hearings in the house and the Committees have their own hearings. Yet, the Minister of Defence and the Chief of the General Staff, or Chairman of the SSU were almost never attending the committee hearings. Also, even though the Rada has the power to establish investigating and ad hoc review commissions, in practice, this is rarely used.

The Committee for National Security and Defence Issues (CNSD) is the Rada's main body responsible for parliamentary control over defence, defence industry and procurement and special services, that is, intelligence and counterintelligence. The committee is responsible for the authorisation and oversight of defence and special services budget allocations. However, several other committees in the Rada also have to do with the defence and security sector, including the Committee of Law Enforcement Activities and the Committee for the Budget. Political issues may take priority in the National Security and Defence Committees. Traditionally, the Committee might revert to taking an approval, rather than

an oversight function. Thus, the new Law on National Security and Intelligence, as drafted in the Presidential version, plans to increase the level of parliamentary control over the special services stating that they shall be controlled by the Verkhovna Rada of Ukraine.

During the State Budget appropriations process, the Budget Committee has the power to review proposed defence and special services and expenditure and to influence decisions regarding final defence and special services intelligence appropriations. Both committees are allowed to oversee budget expenditure. At the same time, the Accounting Chamber according to the law "On the Accounting Chamber of Ukraine", also monitors the utilisation of the budget.

Experts on defence reform noted that the leadership of Ukraine's power ministries does not always appreciate the necessity of parliamentary control. They often complain about the lack of funding, not realising that this also depends on communicating their needs effectively to the legislature and the Cabinet of Ministers (DCAF–Razumkov 2016a, 10).

Ukraine's pressing problem is corruption and the country is still creating new special government bodies, such as the NABU (National Anti-Corruption Bureau) authorised to investigate higher officials in corruption cases (National Anti-Corruption Bureau of Ukraine s. a.), and the SBI (State Bureau of Investigation) that would handle the investigation of the cases of the highest public officials. After a long dragging period, the SBI was established in 2016, and is at the time of writing this, still hiring staff (SBI 2018). The NABU became quite pro-active: "As of the end of April 2018, Detectives of the National Anti-Corruption Bureau of Ukraine (NABU) under the procedural guidance of the prosecutors of the Specialized Anti-Corruption Prosecutor's Office (SAPO) have exposed and prosecuted more than 380 corrupt officials. In 135 cases, the pre-trial investigation was completed and indictments against 207 persons were passed to courts. At the moment, NABU Detectives investigate over 600 criminal proceedings, in which 174 persons are suspected of committing corruption crimes" (NABU 2018).

There was some scandalous infighting between NABU and the Prosecutor's General Office. One pressing issue is the absence of finished cases thus far. At the same time, the Security Service of Ukraine (SSU) also has some responsibilities over corruption and organised crime as well as some pre-trial investigation functions. The SSU handing over those functions according to the new National Security Law is a cause of uncertainty – as to whether or not this would result in weakening the service or create a "policing vacuum". The SSU's militarised and elitist corporate culture faces a challenge to fit in with the new civilian-designed security institutions. The Concept for SSU Reform, which was drafted in May 2016 has not yet been signed by President Poroshenko and is undergoing editing, "going in circles".

The reform of intelligence services was announced repeatedly as to be in line with "NATO standards". Yet, the public expert discussions on this topic have subsided – the reform is not yet on the political agenda.

The new Law on National Security called for the creation of a special committee to oversee the SSU and the intelligence bodies. The function of the SSU was changed from that of a "law enforcement body of special designation" with a fairly broad mandate, to that of an organisation primarily responsible for counterintelligence, counterterrorism, protection against internal national security threats and cybersecurity.

Several non-governmental think tanks, such as the Razumkov Centre, or the Center for Army, Conversion and Disarmament Studies, are known for their expertise in security

and defence. There are frequent discussions in the social media, including via Facebook as a platform, where civil society activists and experts, but often government officials as well, exchange their views, or advocate for certain issues, especially on the Armed Forces and national defence reform.

A network of some 20 to 30 prominent Ukrainian experts is working with both government and non-governmental think tanks. Yet, even so, there has not been any success in systematically fostering working partnerships between government, academia and think tanks insofar. Volunteer organisations have been playing a significant role in the security sector after the Euromaidan. This even includes fund-raising to supply the troops in need, for example buying commercially available night vision goggles, helping with air reconnaissance, tactical medicine and other special areas such as open source intelligence and cybersecurity. Additionally, many Ukrainian institutions have "civic councils". The RUKH 100 association is supporting the development of territorial defence. A reform-focused organisation is the Project Office of Reforms affiliated with the Ministry of Defence of Ukraine but financed by donors. POR developed several pilot projects, including the reform of combat medicine, raising the stature of sergeants in the Armed Forces, reaching compatibility in procurement procedures with NATO, and the introduction of the PROZORRO transparent e-procurement platform.

Notably, several initiatives to strengthen the parliament have not materialised. Following the DCAF–Razumkov Centre Conference One, the International Expert Group on Defence Sector Reform was established under the Verkhovna Rada. The group's primary task was to work on the legislation part of the reform, and it was supposed to have a permanent secretariat. This has stalled at some point. There was an improvement in the independent oversight as the Ombuds institution established a department to deal with the military in March 2016.

Excessive secrecy is often used to obstruct reform. The current Law on Democratic Civilian Control of State Military and Law Enforcement Organisations does not clearly refer to access to "sensitive", or "classified" information. By law, every MP has access to all types of information, but in reality, there is virtually no access to crucial information for oversight since the security agencies do not trust MPs with their information (DCAF–Razumkov 2017, 18).

## Cases

In choosing the cases, the objective was to compare Ukraine's decision-making during the acute Crimean crisis management periods in 1996 and 2014. The first phase of the Crimea crisis unfolded beginning almost immediately after the breakup of the USSR in 1991.

In the 1990s, the Russian Supreme Soviet escalated its revisionist demands regarding the Crimea and Sevastopol. The Russian Federation's Supreme Council's Foreign Affairs Committee Chair, Vladimir Lukin, argued that Ukraine should be faced with a tough choice, relinquishing either the BSF (Black Sea Fleet) or the Crimea, and suggested that the Russian Supreme Soviet look into the legality of the 1954 transfer of the Crimea from Russia to Ukraine. The Russian Supreme Soviet and Ministry of Foreign Affairs condemned the 1954 transfer in a resolution adopted on 23 January 1992. This elicited a strong protest

from Ukraine, claiming that the resolution violated the previously signed Ukrainian–Russian treaties and CIS agreements from 1990 to 1991.

RF Vice President Alexander Rutskoi visited Crimea in April 1992 and called for its secession from Ukraine. A month later the Russian Supreme Soviet passed a resolution declaring the 1954 transfer of Crimea "illegal", leading again to Ukrainian protests.

In the Russian Supreme Soviet, "the status of Sevastopol was debated in December 1992 and the overwhelming opinion was that Sevastopol should be the main base for the BSF, be accorded a special status, and not be placed under Ukrainian sovereignty. The Ukrainian Foreign Ministry and parliament issued a number of critical statements, while parliamentary speaker Ivan Pluishch condemned Russia's move as an attempt to 'reanimate the old empire and old imperial policies'" (Kuzio 2010, 18–19).

In 1991, Crimea was given the status of Autonomous Republic. The Black Sea Fleet remained for some time as Russia and Ukraine's common navy. However, politics escalated. In January 1994, pro-Russian President Vladimir Meshkov was installed as the President of Crimea.

The Black Sea Fleet Intelligence sharply activated its work on collecting intelligence on the operation of the Naval Staff of Ukraine and of units and subunits of Security Forces in the Crimea, and, especially, in Sevastopol (Borysfen Intel 2013).

From March 1995, the BSF went on high combat readiness, as in its perception there was "a threat of their being captured by Security Forces of Ukraine". The Russian BSF remained on high combat readiness all the way into the crisis. The situation was complex as Deputy Commander of the Russian Black Sea Fleet O. Frolov was also Vice Speaker of the Parliament of Crimea and he publicly stated that the BSF would not interfere in the crisis. Nevertheless, Russia deployed more military from the BSF 98th coastal defence regiment, and an anti-aircraft rocket regiment that was part of the BSF 126th coastal defence division.

Russian media, including ITAR-TASS and other media aired the news that administrative buildings were blockaded by Ukrainian special forces and Meshkov asked the Russian Cossacks to provide military assistance. While Russia's Prime Minister Chernomyrdin declined the request to speak before the State Duma, the Duma Speaker Rybkin was publicly calling Crimea an area of Russia's strategic interests and exclusive influence.

Pro-Ukrainian political forces were active in Crimea at the time and assisted the government in Kyiv in managing the crisis. The Crimea Civic Council was acting as an "opposition parliament" in Crimea since 1993 and organisations such as Prosvita ("Enlightenment"), Ukraine's Officers Union, the Ukrainian Republican Party, Crimean branches of the Organisation of Ukrainian Nationalists and other civic groups supported the Ukrainian cause. Interestingly, Crimean Communists led by Leonid Grach supported Kyiv, as Kuzio noted, as they "had more in common with national communist President Kravchuk than with then reformer Russian President Borys Yeltsin" (Kuzio 2007, 31). Kyiv used very harsh language, and the Parliament Speaker Leonid Pluishch strongly condemned Russia's activities (Kuzio 2007, 136). Pro-Russian Crimean President Meshkov at first attempted to stage the referendum, but eventually resorted to non-binding polls in 1994.

An effective move on the part of the central government was the strong degree of control over security, the establishment of a counterintelligence unit directly subordinated to Kyiv and connected neither to the Russian military, nor to local authorities (Kuzio 2007, 146).

In the escalation of the crisis, in October–December 1996, the Russian State Duma and the Council of the Federation both voted for the resolutions calling Sevastopol "a Russian

city". This move was supported even by figures such as Boris Nemtsov. Yeltsin's office was giving mixed signals – while his office stated that Crimea was Ukraine's, his party voted for anti-Ukraine resolutions (Kuzio 2007, 111–112).

Remarkably, according to Kuzio, the use of the military instruments was ruled out by Russia, as Ukraine was still in possession of nuclear weapons, even though it lacked operational control over them. However, the Ministry of Defence also "sent reinforcements to Crimea" (Kuzio 2007, 232).

The wording of the comments of Ukrainian officials was often harsh. Secretary of NSDCU Volodymyr Horbulin called the Russian actions "simply aggressive" (Kuzio 2007, 115). On the diplomatic front, Ukraine appealed to the UN Security Council, which had confirmed Ukraine's territorial integrity in its resolution (Kuzio 2007, 118).

Notably, the referendum was the Russian technique about to be used in Crimea. Crimean president Meshkov found no support of the Supreme Council of the Autonomy, which was afraid of further increase of the popularity of the "President". Against the background of the "pre-election battles", this led to an aggravation of the contradictions between the executive and legislative branches of power in Crimea. Eventually, on the 16th of March 1994, the Central Election Commission of the Autonomous Republic of the Crimea in its decision blocked the poll. Meshkov attempted to dissolve the Council of Ministers of the Crimea by decree – consequently, the Head of the Supreme Council of the Crimea, N. Bagrov, criticised the move (Borysfen Intel 2013).

The Verkhovna Rada of Ukraine then abolished the Crimean Presidency. The Prosecutor General's Office initiated criminal proceedings against Yuriy Meshkov. The government facilitated the opinion poll, which showed that most Crimean residents supported the decision to oust Meshkov.

Ukraine's image was quite positive in that crisis in the eyes of leading Western media. Smart, resolute and at the same time not keen on using the military, Ukraine's actions were compared favourably against Russia's Chechen operations. Moreover, Ukraine was acting in a united manner, with unity across the power branches. Russia's options were limited as it was busy with the war in Chechnya at the time.

The Kyiv Government response included "economic weapons". At the end of the crisis, Kyiv used economic assistance, having allocated $500 million to provide water for Crimea, finance crop farming, tourism, and as assistance to Crimean Tatars and other formerly deported people's ongoing resettlement there.

In the meantime, Ukraine effectively forced Russia's Consulate team that was issuing Russian passports for Crimea's residents out of the area – the group left Crimea on 31 March 1995.

One result of the crisis was the division of the Black Sea Fleet and the formation of Ukraine's Navy, which began on 1 April 1995 in Izmail. The follow-up was the signing by the Ukrainian and Russian prime ministers of three intergovernmental agreements on the division, basing, and costs of the Black Sea Fleet. Ukraine leased the port facilities in Sevastopol to Russia for 20 years (until 2017) for $98 million a year. The lease could be extended for five more years by mutual consent, allowing Sevastopol to remain the headquarters of the Russian Black Sea Fleet. Taras Kuzio wrote on 31 May 1997 that Russia finally recognised Ukraine's borders by signing the Treaty on Friendship, Cooperation and Partnership with Ukraine. It clarified the two countries' mutual respect for each other's

territorial integrity and the inviolability of their borders. Russia also abolished the many trade barriers it had raised against Ukraine. These Russian–Ukrainian agreements were Kuchma's great achievements and the high point of the relationship with Moscow. By and large, Russia had accepted Ukraine's demands and reconfirmed its recognition of Ukraine's sovereignty over Crimea and Sevastopol (Kuzio 2007, 118).

The resolution of the Crimean crisis involved special operations by security and military units as well. According to Yevhen Marchuk, then SSU Chairman, when the situation was critical in spring 1995, the security forces were preparing for possible armed assaults in Sevastopol (Podrobnosti 2011). When seizing the control over the local security force, an SSU special counterterrorist unit used Border Guards helicopters to deploy in Crimea. In yet another instance, according to expert Kost Bondarenko (author's interview), the marine special forces commander confronted Meshkov in a demonstration of force.

Crimea's annexation in 2014 is the second case discussed here. It occurred in a very different context and with a different outcome.

In this well-documented operation, Russia effectively managed to illegally grab Crimea, while the Ukrainian Government initiated certain decisions: strategically not to respond to the Russians, attempting to stage only unarmed resistance to the capturing of military units, raising the Army to defend mainland Ukraine, and using the scarce diplomatic instruments available, including the UN Security Council and the consultations under the 1994 Budapest Memorandum. Even though the outcome was the actual annexation, Ukraine's decisions were made differently this time. Instead of presidential "executive decisions", the centre stage was a collegial decision and discussion in the National Security and Defence Council.

Remarkably, the Russian tactics were in some respects similar to those of the 1994–1995 crisis, but this time, the operation was more elaborate and used the moment of Ukraine's extreme state weakness after the Maidan. Thus, a clear difference between the two Crimean cases was the different strategic and operational environment. Russia probably employed some kind of pre-existing contingency scenario to execute the annexation. A cover-up of the annexation was a 150,000-strong snap Russian exercise, which allowed relocating additional forces closer to Crimea. The exercise gave Russia "plausible deniability" for the redeployment of its military.

Meanwhile, Ukraine's military command was in a disarray – the chief of the General Staff, who was appointed to this post by Yanukovych, departed from Kyiv to Crimea on February 22. Defence Minister Lebedev did the same. Both commanders remained formally in their roles, but in fact, they were unreachable when the annexation was unfolding. Furthermore, the only available legitimate authority in Ukraine in the early days was the Verkhovna Rada. President Yanukovych fled Kyiv and was exfiltrated in a covert operation to Russia. Prime Minister Mykola Azarov was lucky enough to leave Kyiv well before the February 20 Maidan massacre. Yanukovych's departure left the Rada in confusion – the deputies were busy building a new parliamentary coalition and managed to consider the crisis in Crimea, but the Russian military was already doing their job. Only on February 26, after the Supreme Council of Crimea and the Council of Ministers buildings were seized by Russian special forces in Simferopol, did Rada Speaker/acting President Oleksandr Turchynov hold a meeting, the public readout of which mentioned "separatism", but was more reserved and unclear.

On 27 February 2014, The Rada appointed Arseniy Yatseniuk as Prime Minister, Andrii Deshchytsia as acting Foreign Minister and Admiral Ihor Teniukh as acting Defence Minister. Their "acting" status was explained by the absence of a legitimate president – under these circumstances, Turchynov was, in fact, the lawfully acting President. On the diplomatic front, Turchynov had several conversations with the U.S. Deputy Secretary of State William Burns, Dalia Gribauskaite and Linas Linkiavichus of Lithuania, Polish President Bronislaw Komorowsky and a number of other officials.

The Rada took some foreign policy steps, addressing the Signatories of the Budapest Memorandum, and calling for Russia to cease "the moves that have the signs of claims against Ukraine's sovereignty and territorial integrity". Ukraine also called a UN Security Council meeting. Chairman of the Rada's National Security and Defence Committee Volodymyr Lytvyn proposed to send a delegation of MPs to Crimea to negotiate, and hoped that the newly appointed security and defence executives would be able to resolve the situation – apparently underestimating the Kremlin's resolve. Similar "moderate" proposals were made by some Party of Regions MPs (Plenarne zasidannya 2014).

Meanwhile, Oleksandr Turchynov addressed the public at the end of the day on 28 February. He was in the role of acting president, naming Russia's actions as the start of open aggression against Ukraine. Turchynov said that according to Ukrainian intelligence, Russia is hoping to achieve "the Abkhaz Scenario" (Povidomlennya 2014b).

On 1 March 2018, Turchynov chaired an NSDC meeting and warned against the Russian aggression. The public message after the NSDC meeting was also that Russia was trying to provoke Ukraine into war. At the same time, Turchynov and the newly appointed Prime Minister Arseniy Yatseniuk had a press briefing, where Turchynov said he ordered the armed forces to go on full alert (Povidomlennya 2014c).

In reality, scarce military were assembled to protect mainland Ukraine and many volunteers joined the Army and the National Guard that was re-established to replace "Internal Troops" that stood against the people at Maidan. Later on, there were speculations that the crisis could have been resolved using special operations forces in this early stage.

In the 2014 crisis, Ukraine did not have the time to apply any economic or financial tools. Turning to a blockade would have been risky as that would alienate more local residents. On top of that, Russia arranged effective control of access to the peninsula by road and air. Ukraine was overall considerably weakened relative to Russia. Only later on in the course of the crisis did Kyiv use some of its leverage related to electricity and water supply.

The Kremlin spread the narrative that after the Yanukovych "exfiltration" to Crimea and Russia on 22 February 2014, Putin made a unilateral decision to annex Crimea launching the contingency operation that included an array of special measures later often referred to as "hybrid": the demonstration of military readiness, the blockade of Ukrainian military units, media messaging, the use of local pro-Russian activists, etc. Certain actions were unfolding in adaptable response to Ukraine's moves: as Crimean Tatars held a pro-Ukraine rally in Simferopol on 26 February, the next day Russia organised the covert seizure of the Supreme Council and other buildings. Russia controlled effectively several local – known but self-imposed – leaders in Simferopol and Sevastopol. It has employed Cossack auxiliaries and eventually staged a referendum. Furthermore, the Russian Duma gave Putin the formal right to employ troops in Ukraine. Crimea was thus declared part of the Russian Federation on 18 March 2014.

The decision-making in Ukraine involved the traditional institutional pathways of intelligence and analysis stages, the development of military recommendations by the Ministry of Defence, and some first response measures by certain politicians and security sector institutions. However, the "essential decision" was taken collectively at the meeting of the National Security and Defence Council. The Ukrainian Government, in an unprecedented move, eventually declassified the minutes from the meeting.

The readout dramatically reveals the dismal state of failed Ukrainian security institutions: according to Defence Minister Yezhel, the military to be raised was 5,000, after the defection of a substantial number of local law enforcement and security personnel to Russia. At the same time there seemed to be prepared recommendations for military response, which were approved at the meeting and coming from the MoD. Yet, the Minster's proposal for resistance operations was voted down, as was the proposal to impose martial law – only Speaker Oleksandr Turchynov was in favour of it. Remarkably, a highlight of the meeting was a very strong move by Julia Tymoshenko, who urged not to provoke Russia. Speaker Turchynov referred to similar advice by Ukraine's Western partners.

The representative of the Ministry of Foreign Affairs also spoke at the meeting, but his recommendations were of a routine nature. More foreign policy response measures were proposed by Arseniy Yatseniuk, the former Minister of Foreign Affairs.

In the case of the 2014 crisis, the only effective local civic resistance force was the Crimean Tatars. Pro-Ukrainian activists from Kyiv that were to arrive in Crimea were effectively blocked from getting there by Russian proxies. A considerable part of the local population was supporting Russia reacting to its massive information operations campaign.

However, Ukraine was able to withdraw a certain number of its military and security forces from Crimea, which had a very strong patriotic mobilising effect. Eventually, the hastily assembled military units and volunteer forces together managed to provide the necessary resistance and thwart the "Novorossiya" project, allowing Kyiv to liberate significant areas in the east of the country, leaving the combined Russian and separatist forces with only a tiny share of the country's territory.

## Conclusions

Ukraine's reform has, at the time of writing this, reached a chokepoint. It may just be the case that the desire to see the reforms continue altogether exceeds what can realistically be achieved.

Ukraine is still struggling with post-Soviet and Russian imperial tradition of decision-making. Currently, its strategic decision-making process is quite democratic – Russia's practice, where President Putin could suddenly make some critical strategic decisions entrusted only by a narrow circle of security and military advisors is simply unimaginable in Ukraine. Key security decisions are made collectively as the Crimea case demonstrated. In the given case, collective decision suffered as Ukraine virtually lacked a President as chief executive at the time of the annexation, nevertheless, Ukraine resisted a notably stronger adversary with dignity. In the aftermath, Poroshenko's election gave the Ukrainian Government key legitimacy.

Ukraine is experimenting with creating new institutions in the security and defence sector as we speak. It has changed the format of the ATO (Anti-Terrorist Operation) to a Joint Forces Operation in the Donbas.

Problems remain. Some agencies are without reforms, and the latter are apparently blocked, or delayed by interested political stakeholders. There have been minor cases of friction among the President, Prime Minister and the Minister of the Interior, affecting the coherence of the government's actions occasionally. This is not posing a security threat as there is still a broad support of the government's security policy by the Ukrainian people.

Ukraine is also currently distinguished among other neighbouring countries by a significantly high degree of national resilience. It is being criticised by international organisations for neglecting the challenge of far-right extremism – Kremlin's propaganda often exploits this criticism to its advantage. In reality, the radicals have only marginal support, but the government in a democratic way allows them to be visible avoiding the use of force even when it seems weak – but this tactic allows avoiding social conflict. Despite causing occasional crises, these radicals and their organisations do not pose a threat to overall stability.

# References

Allison, Graham T. (1971): *Essence of Decision. Explaining the Cuban Missile Crisis.* Boston, Little Brown and Company.

Åslund, Anders (2015): *Ukraine. What Went Wrong and How to Fix It.* Peterson Institute for International Economics.

BBK (2005): *Akstualni problemy reformuvannia sfery bezpeky i oborony Ukrainy.* National Institute for Strategic Studies. Source: www.dcaf.ch/sites/default/files/publications/documents/reform_defence_security_ukraine.pdf (Accessed: 18.06.2018.)

Borysfen Intel (2013): Crimea 94. Part 5 "It Nearly Came to War". *Borysfen Intel,* 31 March 2013. Source: http://bintel.com.ua/en/article/krym-94-chast%27-5-pochti-vojna/ (Accessed: 14.07.2018.)

DCAF–Razumkov (2016a): *Monitoring Ukraine's Security Governance Challenges. Proceedings from the First International Conference "Monitoring Ukraine's Security Governance Challenges – Status and Needs" 21–22 January 2016, Kyiv, Ukraine.* Source: https://ukrainesecuritysector.com/wp-content/uploads/2016/12/2016_Conference-Proceedings-1_eng.pdf (Accessed: 23.06.2018.)

DCAF–Razumkov (2016b): *Monitoring Ukraine's Security Governance Challenges. Key Issues and Policy Recommendations by the Second International Conference "Security Sector Governance: The Role of Democratic Institutions & International Best Practices" 16–17 March 2016, Kyiv.* Source: https://dcaf.ch/sites/default/files/publications/documents/Key%20Issues%20and%20Policy%20Recommendations_2.pdf (Accessed: 14.07.2018.)

DCAF–Razumkov (2017): *Monitoring Ukraine's Security Governance Challenges. Proceedings from the Second International Conference "Security Sector Governance: The Role of Democratic Institutions & International Best Practices" 16–17 March 2016, Kyiv, Ukraine.* Source: https://ukrainesecuritysector.com/wp-content/uploads/2017/02/DCAF_Conference_Proceedings-2-ENG.pdf (Accessed: 14.07.2018.)

Decree of the President of Ukraine (2017a): Decree of the President of Ukraine "On the National Security and Defence Council of Ukraine Resolution of March 1, 2014 'On Urgent Actions to Protect National Security, Sovereignty and Territorial Integrity of Ukraine". In Lytvynenko, Oleksandr – Fluri, Philipp – Badrack, Valentyn eds.: *The Security Sector Legislation*

*of Ukraine.* Third edition. Kyiv, Center for Army, Conversion and Disarmament Studies. Source: https://dcaf.ch/sites/default/files/publications/documents/Security%20Sector%20 Legislation%20Ukraine%202017_eng.pdf (Accessed: 18.06.2018.)

Decree of the President of Ukraine (2017b): Decree of the President of Ukraine "On Decision of the National Security and Defence Council of Ukraine on September 2, 2015: "On a New Version of the Military Doctrine of Ukraine". In Lytvynenko, Oleksandr – Fluri, Philipp – Badrack, Valentyn eds.: *The Security Sector Legislation of Ukraine.* Third edition. Kyiv, Center for Army, Conversion and Disarmament Studies. Source: https://dcaf.ch/sites/default/files/publications/ documents/Security%20Sector%20Legislation%20Ukraine%202017_eng.pdf (Accessed: 14.07.2018.)

Decree of the President of Ukraine (2017c): Decree of the President of Ukraine "On Decision of the National Security and Defence Council of Ukraine on May 5, 2015, "On the National Security Strategy of Ukraine". In Lytvynenko, Oleksandr – Fluri, Philipp – Badrack, Valentyn eds.: *The Security Sector Legislation of Ukraine.* Third edition. Kyiv, Center for Army, Conversion and Disarmament Studies. Source: https://dcaf.ch/sites/default/files/publications/documents/ Security%20Sector%20Legislation%20Ukraine%202017_eng.pdf (Accessed: 18.06.2018.)

Dowling, Alex G. W. – Fluri, Philipp H. (2007): Confronting the Needs of Security Sector Reform in Ukraine. In Horbulin, Vladimir P. – Fluri, Philipp H. – Pirozhkov, Sergei I. eds.: *Perspectives on Ukrainian Security Sector Reform.* Lugansk, Knyzkovyi Svit. Source: www. dcaf.ch/sites/default/files/publications/documents/bm_perspectives_ukrainian_ssr_eng.pdf (Accessed: 18.06.2018.)

Fluri, Philipp – Radetskiy, Vitaliy G. eds. (2010): *Security Sector Reform in Ukraine: Quo Vadis?* Kyiv–Geneva, National Defence Academy of Ukraine – DCAF. Source: www.dcaf.ch/sites/ default/files/publications/documents/Quo_Vadis_Ukr.pdf (Accessed: 23.06.2018.)

Fluri, Philipp – Koziel, Marcin – Yermolaiev, Andrii eds. (2013): *The Security Sector Legislation of Ukraine.* Second edition. Kyiv, Center for Army, Conversion and Disarmament Studies. Source: www.dcaf.ch/sites/default/files/publications/documents/Book_LAW-engl_PRESS.pdf (Accessed: 18.06.2018.)

Horbulin, Volodymyr (2004): Ukraina I NATO. Pohlyblennia reformuvannia sektoru bezpeky. In *Reformuvannia sektoru bezpeky Ukrainy.* Materialy mizhnarodnoi konferentsii 27–28 travnia 2004. Geneva, Natsionakly Instytut problem mizhnarodnoi bezpeky (NIISP), DCAF. Source: www.dcaf.ch/sites/default/files/publications/documents/bm_ukrnssr.pdf (Accessed: 23.06.2018.)

Horbulin, Volodymyr (2017): *The World Hybrid War: Ukrainian Forefront.* Kharkiv, Folio. Source: https://niss.gov.ua/sites/default/files/2017-01/GW_engl_site.pdf (Accessed: 23.06.2018.)

Kuzio, Taras (2007): *Ukraine–Crimea–Russia. Triangle of Conflict.* Stuttgart, Ibidem-Verlag.

Kuzio, Taras (2010): *The Crimea: Europe's Next Flashpoint?* Washington, D.C., The Jamestown Foundation.

Law of Ukraine "On Defence Planning" (2013). In Fluri, Philipp – Koziel, Marcin – Yermolaiev, Andrii eds.: *The Security Sector Legislation of Ukraine.* Second edition. Kyiv, Center for Army, Conversion and Disarmament Studies. Source: www.dcaf.ch/sites/default/files/publications/ documents/Book_LAW-engl_PRESS.pdf (Accessed: 18.06.2018.)

Law of Ukraine "On Fundamentals of National Security of Ukraine" (2013). In Fluri, Philipp – Koziel, Marcin – Yermolaiev, Andrii eds.: *The Security Sector Legislation of Ukraine.* Second edition. Kyiv, Center for Army, Conversion and Disarmament Studies. Source: www.dcaf.ch/ sites/default/files/publications/documents/Book_LAW-engl_PRESS.pdf (Accessed: 18.06.2018.)

Lytvynenko, Oleksandr ed. (2011): *Natsionalna bezpeka Ukrayiny: stratehichni priorytety ta shliakhy yikh realizatsii: materialy 'kruhloho stolu.* Kyiv, National Institute for Strategic Studies.

NABU (2018): NABU results in April 2018: 602 cases in progress, 380 corrupt officials exposed. *National Anti-Corruption Bureau of Ukraine,* 14 May 2018. Source: https://nabu.gov.ua/en/novyny/nabu-results-april-2018-602-cases-progress-380-corrupt-officials-exposed-0 (Accessed: 14.07.2018.)

National Anti-Corruption Bureau of Ukraine (s. a.): *History of NABU.* Source: https://nabu.gov.ua/en/history-nabu (Accessed: 23.06.2018.)

NISS (s. a.): *NISS General Information.* Source: https://niss.gov.ua/en/general-information (Accessed: 17.06.2018.)

NSSU (2008): Approved by the decree of the President of Ukraine on 12 February 2007 N 105/2007 National Security Strategy of Ukraine. In Šedivý, J. – Fluri, P. – Grytsenko, A. eds.: *The Security Sector Legislation of Ukraine. 2006–2007 Updates.* Geneva, DCAF. Source: www.dcaf.ch/sites/default/files/publications/documents/SSLegislation_ukraine_en.pdf. (Accessed: 14.07.2018.)

Oliker, Olga – Davis, Lynn E. – Crane, Keith – Radin, Andrew – Gventer, Celeste Ward – Sondergaard, Susanne – Quinlivan, James T. – Seabrook, Stephan B. – Bellasio, Jacopo – Frederick, Bryan – Bega, Andriy – Hlavka, Jakub (2016): *Security Sector Reform in Ukraine.* RAND Corporation. Source: www.rand.org/content/dam/rand/pubs/research_reports/RR1400/RR1475-1/RAND_RR1475-1.pdf (Accessed: 14.08.2018.)

Plenarne zasidannya (2014): *U piatnytsu, 28 lutoho 2014 roku, vidbulosia plenarne zasidannya Verkhovnoi Rady Ukrainy somoho sklykannya.* Source: http://rada.gov.ua/news/Plenarni_zasidannya/88781.html (Accessed: 25.08.2018.)

Podrobnosti (2011): Nashi 20. God 1995. *Podrobnosti,* 08 August 2011. Source: http://podrobnosti.ua/784936-nashi-20-god-1995-j.html (Accessed: 25.08.2018.)

Poltorak, Stepan (2018a): Facebook post 7 June 2018. Source: www.facebook.com/generalpoltorak/posts/956955977806072 (Accessed: 19.06.2018.)

Poltorak, Stepan (2018b). Peredmova. In Sahaniuk, Fedir et al.: *Sektor bezpeky i oborony Ukrainy: stratehichne kerivnytstvo ta viiskove upravlinnia: monohrafia.* Source: https://nuou.org.ua/assets/monography/mono-sbou.pdf (Accessed: 14.07.2018.)

Postanova (2003): *Verkhovna Rada Ukrayiny.* Source: http://zakon3.rada.gov.ua/laws/show/3/97-%D0%B2%D1%80 (Accessed: 18.06.2018.)

Povidomlennya (2014a): *Holova Verkhovnoi Rady Ukrainy Oleksandr TURCHYNOV proviv naradu shchodo nedopushchiennia separatyzmu v Krymu.* Source: http://rada.gov.ua/news/Povidomlennya/88528.html (Accessed: 25.08.2018.)

Povidomlennya (2014b): *Oleksandr Turchynov. Ukraina zberezhe svoiu terytoriyu I zahystyt nezalezhnist.* Source: http://rada.gov.ua/news/Povidomlennya/88793.html (Accessed: 25.08.2018.)

Povidomlennya (2014c): *Oleksandr Turchynov nakazav pryvesty Zbroyni Syly Ukrainy v povnu boiovu hotovnist.* Source: http://rada.gov.ua/news/Povidomlennya/88808.html (Accessed: 25.08.2018.)

Proekt Zakonu (2018): *Proekt Zakonu pro natsionalnu bezpeku Ukrainy.* Number 8068 of 27 February 2018. Source: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?id=&pf3516=8068&skl=9 (Accessed: 14.07.2018.)

SBI (2018): State Bureau of Investigation. *Law Firm ANK,* 03 December 2018. Source: http://ank.odessa.ua/en/state-bureau-of-investigation (Accessed: 20.12.2018.)

Senchikhin, Volodymyr (2009): *SBU v labirynti reform.* Source: https://mil.in.ua/sbu-reforms/ (Accessed: 18.06.2018.)

Smeshko, Ihor (2004): Reforma Sluzhby bezopasnosti byla predlozhena yeshche v 2004 godu. *112.ua,* 14 June 2018. Source: https://112.ua/video/smeshko-reforma-sluzhby-bezopasnosti-byla-predlozhena-eshhe-v-2004-godu-271768.html (Accessed: 23.06.2018.)

Tokar, Liubomyr (2005): Problemy reformuvannia rozviduval'nykh sluzhb Ukrainy. In BBK: *Akstualni problemy reformuvannia sfery bezpeky i oborony Ukrainy.* Kyiv, National Institute for Strategic Studies. Source: www.dcaf.ch/sites/default/files/publications/documents/reform_defence_security_ukraine.pdf (Accessed: 18.06.2018.)

Ukaz Prezydenta 17/2001: *On the Commission on Reforming Ukraine's Law Enforcement Bodies.* Verkhovna Rada. Source: http://zakon0.rada.gov.ua/laws/show/ru/17/2001 (Accessed: 23.06.2018.)

Voyennaya organizatsiya gosudarstva (s. a.). Encyclopedia, Ministerstvo Oborony Rossiyskoy Federatsiyi. Source: http://encyclopedia.mil.ru/encyclopedia/dictionary/details.htm?id=4341@morfDictionary (Accessed: 17.06.2018.)

Young, Thomas-Durell (2017): *Anatomy of Post-Communist European Defense Institutions. The Mirage of Military Modernity.* Bloomsbury Academic. DOI: https://doi.org/10.5040/9781350012424