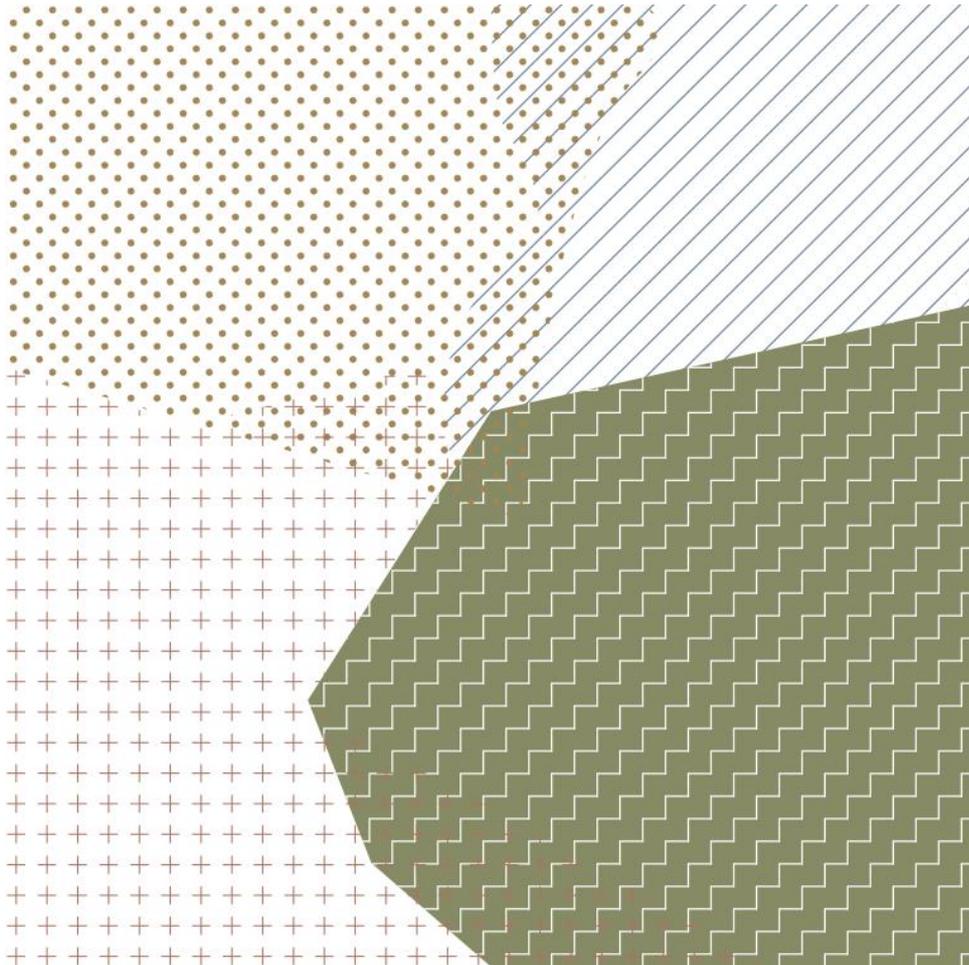


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From Revolution to Reform and Back: EU-Security Sector Reform in Ukraine

Dr. Shyamika Jayasundara-Smits

Global Partnership for the Prevention of Armed Conflict

Colophon

FROM REVOLUTION TO REFORM AND BACK: EU-SECURITY SECTOR REFORM IN UKRAINE

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Dr. Shyamika Jayasundara-Smits

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Global Partnership for the Prevention of Armed Conflict



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Whole of Society Conflict Prevention and Peacebuilding

The Scholarly Article on Security Sector Reform (SSR) was produced as part of the project “Whole-of-Society Conflict Prevention and Peacebuilding” (WOSCAP). It analyses the European Union Assistance Mission (EUAM) in Ukraine which is conceptualised as a civilian security sector reform initiative. Given the tensed security environment in which this mission is being undertaken, by analysing EUAM, this article hopes to contribute to an enhanced understanding of the unique challenges faced by EU-SSR endeavours in Ukraine and draw a broader set of lessons relevant for the EU’s future SSR. The article is based on the primary and secondary data collected as part of the WOSCAP project. Its analysis is guided by the ‘whole of society approach’ to conflict prevention and peacebuilding.



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Abstract

Security Sector Reform (SSR) is an important tool in the EU's external intervention toolkit. Against the backdrop of an increasingly uncertain global security environment and especially against the backdrop of changing geo-political relations, the EU has currently stepped up its SSR endeavours globally, and particularly in its eastern neighbourhood.

This paper considers the case of the EU's ongoing Security Sector Reform efforts in Ukraine and uses primary and secondary data collected by the Whole of Society for Conflict Prevention and Peacebuilding (WOSCAP) project. It first investigates the unique challenges faced by the EU's SSR efforts in Ukraine. Then, applying the 'Whole of Society' approach (WOS) to the European Union Advisory Mission (EUAM) in Ukraine, it analyses the configuration of EU's current approach to SSR, both conceptually and operationally, including the various internal and external factors underlying them.

We argue that the EU's current SSR efforts in Ukraine are conceived narrowly and lack a long term governance-development approach. Further, by resorting to a much narrower, top-down, institutionalist approach to SSR and given the tense political atmosphere in the region, the EU's SSR efforts serve to reinforce a vertical coherence gap and divisions within Ukrainian society. We recommend a 'thicker approach' to SSR in Ukraine, firmly built on the principles of local ownership and inclusivity as a way of enhancing the EU's political and normative leverage in Ukraine and its ability to improve the security sector governance architecture both in the country and in the wider region.

1. Introduction

Security Sector Reform (SSR) is an important tool in the European Union's (EU) external intervention toolkit¹. Within the EU, SSR is defined as:

the process of transforming a country's security system so that it gradually provides individuals and the state with more effective and accountable security in a manner consistent with respect for human rights, democracy, the rule of law and the principles of good governance. SSR is a long-term and political process, as it goes to the heart of power relations in a country. It needs to be nationally driven and requires political commitment and leadership, inter-institutional cooperation and broad stakeholder participation to achieve the widest possible consensus. (EC 2016: 2)

Using a framework set up under the comprehensive approach and to advance sustainable civilian peacebuilding and crisis management, the EU undertakes SSR missions around the world, from Africa to Asia as well as in its eastern neighbourhood. So far, the EU has launched 27 SSR related missions. These are undertaken at all stages of a conflict cycle (Jayasundara-Smiths and Schirch 2015: 3). Among the ongoing 17 missions under the Common Security and Defence Policy (CSDP), 14 have elements of SSR (Tardy 2016: 1). According to the recent European Union's Global Strategy on Foreign and Security Policy (EEAS-GSFS 2016) and the preparatory documents related to the EU wide strategic framework for SSR² (EEAS), the Union has clearly renewed its SSR commitment. As the High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission Federica Mogherini asserts, SSR is a key component in achieving the functional and normative imperative of the Union (EEAS-GSFS 2016). SSR is thus integral to countering external threats, fostering democratic values and building rule-based security governance. Further, in the new global strategy, SSR is also presented as an *ex-post* condition (as an outcome) under the EU enlargement policy (EEAS-GSFS 2016). In this sense, undertaking SSR and aligning candidate country's security sector to EU standards and norms is one main criterion to be fulfilled. Thus, SSR is a necessary task for Ukraine, as a candidate country for future EU membership. However, the timely realization of these reforms depends on both Ukraine's and the EU's ability to manoeuvre several challenges.

Among various EU-sponsored reforms currently underway (see Table 1 below), this article analyses the European Union Assistance Mission (EUAM) in Ukraine, which is conceptualised as a civilian security sector reform initiative. Given the tense security environment in which this mission is being undertaken, by analysing EUAM, this article hopes to contribute to an enhanced understanding of the unique challenges faced by EU-SSR endeavours in Ukraine and to draw a broader set of lessons relevant for the EU's future SSR. The article is based on data collected as

¹ In October 2005, the EU unveiled its first official policy with regard to SSR (Council of the European Union 2005). However, in practice, elements of SSR had been implemented before the Council laid out the SSR concept.

² The EU wide strategic framework for SSR attempts to redress the incoherencies created by the two 'pillars' structure, i.e. divided between the Council and the Commission of the EU. Thus the recent attempts under the 'EU-wide strategic framework for SSR' aim to bring the CSDP and other relevant CFSP tools under one umbrella as well as the development co-operation instruments and freedom, security and justice actors.' (European Commission 2016:3).

part of the WOSCAP project³ funded under the EU-HORIZON2020 scheme. Its analysis is guided by the Whole of Society approach to conflict prevention and peacebuilding (Martin et al. 2015).

The article is organised as follows. Section 2 discusses the unique challenges faced by the European Union interventions in Ukraine, especially in the context of planning and operationalising the EUAM. Section 3 applies the WOS framework, particularly illuminating the vertical dimension of WOS, to analyse the EUAM mission. This reflects on how EUAM is being configured conceptually and operationally in a frozen or protracted conflict context and under the changing strategic power balance in the region (and globally). The conclusion argues that the EU's current SSR efforts in Ukraine are conceived narrowly and lack a long term governance-development approach. Further, they reinforce a vertical coherence gap and divisions within Ukrainian society. Thus this article recommends adopting a 'thicker approach' to SSR in Ukraine, firmly built on the principles of local ownership and inclusivity as a way of enhancing the EU's political and normative leverage in Ukraine and its ability to improve the security sector governance architecture both in the country and in the wider region.

³ The main objectives of Whole of Society Conflict Prevention and Peacebuilding (WOSCAP) is to enhance the capability of the EU to implement conflict prevention and peacebuilding interventions through sustainable, comprehensive and innovative civilian means. It follows a four-pronged logic: review, reflect, recommend and innovate (www.woscap.eu).

2. It is the Context, Stupid! Unique Challenges in Ukraine ⁴

As the W-O-S approach suggests, 'being context specific' determines the success of any external intervention for the creation of enabling security environments. The abilities to distinguish contexts with a nuanced understanding of them and to respond to context-specific security needs with appropriate SSR interventions are essential (Jayasundara-Smits and Schirch 2016: 4). As the following section will show, they are key to considering the unique challenges and dynamics of Ukraine. A nuanced understanding will indicate how the EU-SSR interventions will interact with these challenges and identify capabilities the EU-SSR might require to succeed.

The increasingly tensed geo-strategic relations in Europe's eastern neighbourhood have meant that Ukraine, more than ever before, regards the European Union as an important ally, one Ukraine relies on both to secure its very existence and to realize its ambition to build a strong and viable democratic state (Litra et al. 2016: 9). Similarly, the EU identifies Ukraine as a key political priority country (DCAFF 2016: 45). Since the end of President Yanukovich's rule in 2014 and following the incident of Russian annexation of the Crimean peninsula and Russia's support to separatists in the Luhansk and Donetsk regions, the EU has demonstrated its commitment by doubling its normative-political and financial commitment.

Historically, EU-Ukraine relations have been defined by several agreements: the Partnership and Cooperation Agreement (signed in 1994 and coming into force in 1998), the European Neighbourhood Policy (2003) and, since 2009, by a portion of the Eastern Partnership programme which was followed by the EU-Ukraine Association Agreement concluded in 2013 and signed in 2014 (Litra et al. 2016: 9). Of these, The Association Agreement serves as a key reform roadmap. The signing of this agreement is considered as an important result of the EuroMaidan protests, which began in November 2013⁵. In Ukrainian history, the EuroMaidan Revolution stands as a critical event demonstrating that the majority of Ukrainians aspired to join the European Union and to build a stable democratic state with a solid economic foundation (Litra et al. 2016: 4). At the same time, intensification of the Russian-backed separatist armed conflicts in the eastern region of Donbass and Luhansk (since 2014) highlighted the desperate need for wider reforms within the Ukrainian state and more specifically within its armed forces and the security sector (Oliker et al. 2015: ix). The eastern conflicts in particular indicated the urgent need for SSR. The Ukrainian security sector's inability to respond effectively to Russian aggression and defend its territorial integrity made a compelling case for both security and defence sector reforms. However, after careful navigation of the tense geo-strategic relations in the region, and much to the disappointment of the Ukrainian authorities, the EU and Ukraine eventually settled with what Litra et al. (2016: 34) called 'a watered down' version of SSR, with no assistance extended to the defence sector.

⁴ Emulating the catchy apothegm used in social sciences to draw attention to the importance of the context over the content.

⁵ Besides being called the Euromaidan Revolution, it is also known as the Ukrainian revolution of 2014 and as the Revolution of Dignity. Initially it began as a protest movement against the Pro-Russian President Victor Yanukovich (2010-2014) who refused to sign the proposed Association Agreement with the EU. The protests led to the ousting of Yanukovich, and subsequently to the welcoming of a series of state reforms under President Petro Poroshenko.

2.1 Overcoming the 'Soviet Relics'

Although conditions have seemed ripe to introduce state-wide reforms in Ukraine since independence in 1991, undertaking any state reform, especially within security sector, has proven an enormous challenge. Many factors that have undermined previous reform efforts continue to exist. This raises concerns as to how to utilise the momentum generated by the EuroMaidan Revolution for introducing a meaningful and transformative reform agenda. Major barriers to reform include dated Soviet-era institutions and the continuation of the Soviet 'mentality' in the Ukrainian state bureaucracy, elite thinking and in society at large. Some of these relics of 'Soviet norms' continue to clash with the EU's norms: democracy, good governance, rule of law, civilian oversight of the security sector and human security. Thus on the normative front, the EU's current SSR has an extra challenge in Ukraine, which is marred by a lack of vision, pervasive corruption and deep rooted patron-client relationships in the state security institutions (Oliker et al. 2016: 5). With regard to corruption:

Ukraine's weak state institutions were never a match for the powerful domestic elites consisting of oligarchs and their political allies, who successfully obstructed the implementation of crucial reforms. Safeguarding one's personal business interests takes priority over the demand to strengthen the Ukrainian state and the confidence of its citizens in it. (Kostanyan 2017: 2)

Although the EU's current reform efforts seem to be making some progress, the breadth and the depth of these reforms may not bring about a lasting transformation. Further, for SSR, in the long run, the reforms also run the risk of falling short in addressing the multiple security (external and internal) threats faced by Ukrainian society. Substantial additional reforms in the Ukrainian security sector are key to its becoming effective, efficient, transparent, and accountable (Kostanyan 2017: XII), but any reform programme must also aim for a cultural shift in the security sector and in the whole of society. This has happened elsewhere. Successful cases of security sector transformations include the former Soviet states of Czech Republic and Poland, who were faced with similar challenges from inherited, Soviet style Institutions (Oliker et al. 2016: XV). Ideally, their reforms could inspire Ukrainian SSR efforts. However, contemporary geo-political relations, shaped by numerous armed hostilities concerning Ukrainian territorial integrity, demand a more radical approach.

2.2 Ever-Unfolding Strategic Geo-Political Relations in the Region

Although overall geo-strategic relations heavily influence and perhaps, even to a larger extent depend on Russia's policy in the region, the EU continues to deliver on its promises, through a package of state reforms and an uninterrupted flow of economic aid. This includes macro-financial assistance pledged up to 1.8 billion EUR as mid-term loans. By March 2016, the EU member states and the European Commission (EC) had collectively already provided Euro 279 million in humanitarian and recovery support (Litra et al. 2016: 7). During 2005-2015, the EU spent Euro 250 million for Security Sector Reform related activities in Ukraine, and currently, there are four key EU-SSR related programmes in operation. These programmes extend support to the Justice

Sector Reform project, the EU Border Assistance Mission (EUBAM) and the State Building Contract (DCAF 2016: 45).⁶ The Support to Justice Sector Reforms in Ukraine project and the CSDP-EU assistance mission (EUAM) for Civilian Sector Reform, have enabled the EU to expand its engagement and the outreach in the security and in the justice sector. Inclusion of more substantial and targeted support to Prosecution, Police, Penitentiary and State Security Services are other examples. However, the EUAM activities exclude any support to intelligence and defence institutions. Further, in addition to the EU, a number of other actors have extended support to the Ukrainian security sector, making the overall reform environment a crowded place.

Below is an overview of EU-SSR related activities in Ukraine:

Table 1: Overview of ongoing EU programmes

EUAM (CSDP)	2014 -	13.8m EUR Per annum	Key Objectives: assist in a comprehensive civilian SSR planning process, support rapid preparation and implementation of short term measures of reform and make all the arrangements deemed necessary to coordinate and to cooperate with relevant EU and other international actors. Implemented by: CSDP
Support to Justice Sector Reform (ENI)	2014 - 2016	8.6m EUR	Key Objectives: support the development of a coherent sector-wide reform strategy, enhance sector-wide coordination structure, and provide advisory support in legislative reforms Implemented by: Justice Cooperation Internationale (French MoJ), CIVIPOL (French MoI), Poland MoJ, Lithuania MoJ, Institute of Law (Lithuania), German Foundation on International Legal Cooperation (Germany), Centre for Political and Legal Reforms (Ukraine)
EUBAM (ENI)	2005 – 2015	21m EUR 2013-2015	Key Objectives: Capacity building, Advisory Support, joint border patrols, enhancing cooperation Implemented by: IOM
Support for Border Management Sector Policy	2015 – 2016	60m EUR & 6m EUR	Key Objectives: Financial and technical assistance to support the implementation of an integrated border management and concept and action plan. Implemented by: EU Delegation, budget support
State Building Contract (ENI)	2014 - 2015	Variable tranche up to 12.5% of 105m EUR	Key Objective: Legislative reforms related to anti-corruption and independence of the judiciary.

⁶ For an overview of all the internationally sponsored SSR related programmes currently implemented in Ukraine, see Hanssen 2016:12.

			Implemented by: EU Delegation, budget support
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Source: DCAF (2016) Country case studies to inform the EU-wide strategic framework for supporting SSR: Findings from Mali, DRC and Ukraine p.45.

2.3 Fragile Elite Consensus

In 2014, EUAM was launched as a response to the request made by Ukraine in the wake of the Russian organised referendum in illegally annexed Crimea. By mid-2015, it became fully operational. While a request from the Ukrainian authorities for SSR was processing, Russia invaded the east of Ukraine. Comparing what was initially requested and what eventually was delivered by the EU, it is correct to state that the final outlook of the EUAM mission mirrors a tug-of-war between EU member states. During the initial discussions, some member states showed reluctance to send any mission to the east of Ukraine. The final mission composition represents an elite compromise and an elite deal among EU member states. In Ukraine, the final composition of the EUAM mission is perceived as a watered down version of the original in terms of security and defence assistance (Litra et al. 2016: 11). This watered down commitment to Ukraine is totally in contrast with EU's commitment to Mali, although both missions happened to take place at the same time and as follow up to a similar set of events. In Mali, the EU established two missions; a training mission (EUTM) and a capacity building mission (EUCAP-Sahel), targeting modernization of the Malian security forces enabling them to effectively respond to external threats. With the support of other EU member states, the EUTM supports restructuring of the Malian army (Djiré 2016: 43-44).

Undertaking security sector reforms is a highly political affair (Jayasundara-Smiths and Schirch 2015: 18). Providing security to citizens is one of the key responsibilities assigned to the state. Because the direct connection between the state apparatus – in this case the state security apparatus – and state sovereignty lies at the heart of these political relationships (Tardy 2016: 2) ‘any attempt to alter the distribution of power within the sector, be it within one particular area (police, judiciary, parliament, etc.) or among those different branches, is extremely sensitive, irrespective of where the initiative comes from’ (Tardy 2016). This means that the degree of success enjoyed by any SSR mission is largely determined by the political context, the dynamics of power relations and the ability of the SSR to address and navigate context-specific political dynamics. Thus although in official documents the EU paints a technocratic picture of its SSR mission in Ukraine, in practice it has been unable to escape entanglement in deeply complex domestic and international political realities. With no clear elite consensus, and the lack both of societal buying-in and societal embedding of EUAM, navigating these complex political dynamics has become even more challenging (Tardy 2016: 3). In Ukraine, until the EuroMaiden revolution, there was a marked lack of elite political buying of EU sponsored reforms. Even after the EuroMaidan revolution, which can be interpreted as a ‘green light’ from the wider society for the EU sponsored reforms, the EU is still struggling to garner full backing of the Ukrainian elites for the process. Further, elite consensus is essentially limited to the capital, Kiev, with wider backing for reforms from civil society fast eroding given their slow progress (Litra et al. 2016: 41).

2.4 Ongoing Armed Conflicts

Theoretically, SSR (or related) missions are more successful in post-conflict contexts, where they are implemented as a follow-up to a peace agreement (Jayasundara-Smiths and Schirch 2015: 4). Here again, Ukraine paints an unfortunate scenario. The overall context is marked by the unique circumstance of frozen conflicts or protracted armed conflicts. These conflicts include contested claims for territories and the legally ambiguous status of territories. This status quo is fed by the direct parties to the conflict, who continue to postpone resolutions, giving them a high probability of reigniting even after a long dormancy (Morar 2010: 11). The specific nature of these conflicts demands that the EU adjust its conventional SSR approach to fit and that the EU prepares the Ukrainian security sector for multiple and ambiguous security scenarios. Yet for a considerable period, these ongoing protracted or frozen conflicts in the EU's immediate neighbourhood have undermined EU leverage. Not only do they resist resolution, but they also undermine a meaningful reform agenda composed of conflict prevention, de-escalation and peacebuilding. As Cornell observes, for a long time the European leaders' perception of these 'frozen conflicts' (i.e., Nagorno-Karabakh, Abkhazia, South Ossetia and Transnistria) somewhat signalled the acceptance of Russia's meddling in these conflicts. In addition, the EU's perception of these conflicts as local conflicts requiring locally generated solutions by the 'parties' to the conflicts have been counterproductive. Ironically, for all of this period, the EU saw Russia as a non-party. It is only when Russia went to a war with Georgia in 2008 that the EU's conventional stance towards the 'frozen conflicts' in the region began to change. In other words, the Georgian war was a wake-up call for the EU. It created momentum for changing the EU's dated stance towards Russia and generated some urgency in the search for a way to engage with these conflicts and with Russia as a direct party to the conflict. The EU's marked silence within the Eastern Partnership (EaP) with regard to these conflicts certainly shows its unwillingness to become embroiled. This long held EU attitude may have set dangerous precedents in relation to EU sponsored reforms in the region (Cornell 2011: 120). The slower pace of the EUAM even after Russia's annexation of the Crimean peninsula shows sufficient evidence of the EU's lacklustre and reactive engagement. Meanwhile, under these unique and complex political conditions; Ukrainians expect 'more and a different approach' from the EU. Although they appreciate the EU's (strategic) presence in the country as a deterrent to further aggression by Russia, the way the EU tip-toes around these complex political issues is disappointing to Ukrainians.

2.5 Russian Factor in the Region

EU-SSR endeavours meanwhile face serious challenges from continued Russian meddling. The underlying reasons can be drawn from a mix of institutional elements (discussed later) and material and ideational and factors.⁷

As for the material factors, currently Ukraine is sandwiched between two competing integrationist projects; one sponsored by Russia and the other by the EU. Russia's ambition to integrate the post-Soviet space into its project is diametrically opposed to the goal of the EU (Cornell 2014: 118). At the outset, it appears that these two competing integrationist projects

⁷ This categorization is derived from Coxian Critical Theory in International Relations (1986). Cox brings attention to the inextricably intertwined factors: material and ideas and shows how they co-produce world orders.

mainly convey economic ambitions. However, underlying security considerations lie at the heart of the Russia-Ukraine conflict (Cornell 2014). Therefore, the centrality of Ukraine to the Russian sponsored Eurasian Union⁸ is thought to directly clash with the EU sponsored project (Cornell 2014: 117). When in 2013 Ukraine signed the Association Agreement (AA) as part of the European Union's Eastern Partnership signed in 2009 (EaP)⁹, Russia began to feel its diminishing sphere of influence in Ukraine (Golanski 2016: 68). Russia's reaction to this event contradicted the EU's conventional wisdom on Russia. Until that point, the EU understood Russia as a relatively easy-to-please actor content with maintaining the status quo of existing US security guarantees in the region as long as there were no new attempts on the defence front, such as NATO enlargement (Cornell 2014: 118). However, Georgia and Ukraine signing the AA showed these countries' ambition to become strong and democratic states through EU sponsored reforms, a Russian nightmare. Various reforms and agreements made between ex-Soviet states and the EU were seen as a threat to Russia's ambition to maintain a proliferation of weak, fragile, authoritarian and corrupt states in the region that Russia hoped would depend on its help in resolving their internal issues (Cornell 2014: 115). The illegal annexation of Crimea and backing of the rebel groups in the Donbas region (in early spring 2014) are examples of Russia's aggressive responses as it feared losing control of Ukraine (Golanski 2016: 68).

Most evident among the ideational factors is Russia's ambition to re-create its lost Eurasian empire. In this project, the ex-Soviet states and Ukraine (and Kyiv) compose integral parts. Furthermore, compared to the status of other former Soviet states, Russia assigns Ukraine even a greater role. For Russia, ideologically, Ukraine (and Kyiv) represents the cradle of the Slavic civilization and part of its own history: 'Kievan Rus' (Litra 2016: 4). Russian claims for Ukrainian territories and continued rejection Ukraine as a sovereign state is informed by this ideological-emotional mix. As the Russian President Vladimir Putin once famously said, 'Ukraine is not even a state... part of its territories are Eastern Europe, but the greater part is a gift from us' (Marson 2009, Cornell 116).

2.6 EU-Russia Relations of Mutual Dependency

The EU's relationship with Russia also deserves attention. The current configuration of EU-Russia relationship is a barrier to optimising EU ambitions to build a secure, democratic neighbourhood in the East and to taking a less political approach to reforms in Ukraine. The EU-Russia relationship is in fundamental ways defined by the EU's energy dependency on Russia and mutually dependent EU-Russia trade relations. According to the European Commission, Russia is the EU's third largest trading partner (see Shubert et al. 2014: 2). Russia exports raw materials to the EU (mostly crude and refined oil and gas) in addition to Foreign Direct Investment (FDI), while many EU member states export a significant share of industrial goods to Russia. Approximately 47 % of all EU exports to Russia in 2013 were in the form of machinery and transport equipment,

⁸ Russia plans to expand this project by advancing on the already laid foundations of the Eurasian Customs Union that includes Russia, Belarus and Kazakhstan.

⁹ The Eastern Partnership (EaP) is the European Union's leading policy initiative to forge closer ties with six countries in Eastern Europe and the South Caucasus. Since its establishment in 2009, it has sought to promote regional stability through trade agreements and democratic institution-building. Although Moldova and Georgia have taken modest steps toward reform, overall the EaP's ability to liberalize political and economic institutions in the region has fallen short of expectations. EaP's success and failure is largely dependent on the EU's ties with Russia (Park 2014:1).

essential products for infrastructure development and economic growth (Shubert et al. 2014: 3). In 2013 alone, Germany, the biggest economy in the EU, exported over €76 billion's worth of goods to Russia (Shubert et al. 2014). Russian gas supplies are crucial for Germany and Italy, two major EU economies. Furthermore, even now the EU is the most important investor in Russia. It is estimated that up to 75% of FDI stocks in Russia come from the EU member states (including Cyprus) (The European Commission, 2017). Thus as much as the EU needs Russia, Russia needs the EU for its own survival; it lacks a credible alternative to European FDI (Shubert et al. 2014: 3). For Russia, uninterrupted gas flows to Europe in return for vital revenues lies in the heart of its' energy security strategy (Shubert et al. 2014: 4). Moreover, the EU has been a strong supporter of Russia's road to WTO membership from the start of the process to the actual accession on 22 August 2012 (The European Commission 2017). Although the EU was alarmed by the Russian military intervention in Ukraine, it was not willing to jeopardise its trade relationship with Russia. This seriously constrained any serious action against Russia including fully standing behind Ukraine. Instead of solidarity, the EU member states became increasingly divided as to positions and actions vis-a-vis Russia. Much to the disappointment of Ukraine, no strong words came from the EU against Russia in the wake of Russia's violation of the fundamental rules of state sovereignty and territorial integrity.

2.7 Lacking the Societal Imperative

For any reform process to be successful, particularly for an SSR, building a normative/societal imperative is crucial. The societal imperative is equivalent to soft power, deriving from societal values and institutions (Jayasundara-Smits 2016: 8). The EU SSR:

involves transforming the security system, which includes all the different security and oversight actors, their roles, responsibilities and actions, working together to manage and operate the system in a manner that is consistent with democratic norms and sound principles of good governance, and thus contributing to a well-functioning security framework. (The European Commission 2016: 3)

This means the role of civil society and specifically the role of media in constructing a societal imperative based on the above-mentioned principles are crucial. As recent research has shown, the continued 'Homo Sovieticus' – a defining feature of Ukrainian society – is a key challenge to the building of a normative imperative (Gatskova and Gatskov 2015: 673). The main features of this particular mind-set are passivity, the absence of political identification, and over-reliance on informal networks. It hinders civic participation and civil society action supporting reforms. Its influence can be seen in the low Ukrainian membership in civil society organizations. In 2010, for example, membership was measured at 16 % and by 2014 had decreased to 13 % (Gatskova and Gatskov 2015: 686). Disappointment with the post-Soviet transformation and the low subjective social status inherited from the Soviet era are major factors preventing civil society's effective participation. At the same time, participation is a crucial ingredient for democratization and democratic state building process (Gatskova and Gatskov 2015: 686). The worsening economic conditions in Ukraine are thought to be further exacerbating the lack of civic participation and associational life (USAID op cit., Shubert 2015: 679). The traditional adversarial relationship between the civil society and the state galvanised during President Yanukovich's authoritarian transition period is another condition yet to be fully overcome (Shubert 2015: 679).

Although in the post-EuroMaidan period the general media environment shows slight improvements as a result of new progressive legislation and reinvigorated democratic debate, it continues to be haunted by several legacies directly stemming from the old Soviet era. There does seem to be a change. The current increase in Ukrainian civic activism seems to be directly related to ongoing conflicts, e.g. providing immediate assistance to conflict-affected people including internally displaced persons (IDPs) and new CSOs aimed at protecting activists and supporting Ukrainian military personnel in the east (OSCE 2015: 6). Further, there is evidence to suggest improvements in civil society engagement in relation to the decentralisation reform process in territories close to the contact line (Luhans'k/ Donetsk oBlast) (Litra et al. 2016: 64). Another report suggests that as a result of civil society activists, members of Parliament, experts and business managers occupying positions on the national political stage expect that a stronger civil society in Ukraine will exert more pressure (BTI 2016: 3). At the same time, however, the tradition of state controlled media, bowing to political pressure, a widespread culture of partisanship in the journalistic community and the lack of business management experience and skills in media outlets will slow this. In the post-EuroMaidan period, the editorial dependence of media owners and the concentration of mainstream media in the hands of a few oligarchs, together with the deteriorating quality of content and a crisis of professional identity (confused with activism) are inhibiting the development of vibrant, pro-democratic media (Orlova 2016: 441). As Ligachova said 'Maidan dismantled total dependence of the mass media on the authorities, but dependence on oligarchs remained' (Orlova 2016: 441). Journalists' fear of physical safety, confused identity formation due to interlocking in the roles of independent media professional and a patriotic citizen and their inability to counter the powerful Russian Propaganda and the pressures of information warfare surrounding the ongoing conflicts are identified as other contributory factors (Orlova 2016: 449). The prevailing economic crisis has further aggravated the situation for the independent media, consequently demanding the independent media to bow down to money over professionalism and independence (Orlova 2016: 442).

As widely reported, instrumentalization of the media has become more pronounced in the post-EuroMaidan Ukraine (Orlova 2016: 454). Sadly, these conditions continue to prevent the Ukrainian media from becoming a loyal ally of the ongoing democratization and reform processes. To a certain extent, the role played by social media during the revolution and the use of new-technology based media for overcoming some old challenges engulfing the Ukrainian society offers some hope (Bohdanova 2014: 133). During the EuroMaidan revolution, social media showed great promise in organising a mass protest movement amidst the weaknesses of the political opposition, lack of strong political or civic organisations behind the protests and in the absence of a popularly recognised leader(s) calling people to action (Bohdanova 2014: 134).

3. Whole-of-Society Approach to SSR

The Whole-of-Society (WOS) approach used in this paper is a heuristic lens for examining the capabilities of the EU in terms of SSR. The WOS approach extends the range of actors with a stake in peacebuilding beyond those usually considered, and recasts the nature and focus of their engagement and interaction. It assumes that this will enhance legitimacy, increasing buy-in and the responsiveness of external action. The resulting interventions should then be more likely to facilitate processes conducive to stable and sustainable peace.

The WOS approach thus deals explicitly with issues of poor co-ordination and integration, and aims to counter fragmentation within the policy process, promote synergies and make better collective use of resources. Within WOSCAP, WOS implies two levels of coherencies. Coherence is horizontal: between different kinds of policy, linking security, development, governance and human rights, and bringing together civilian and military tools and capacities within the EU's Comprehensive Approach. It is also vertical: between multiple stakeholders and different levels of action from the supranational and international, to regional, nation state, municipal and local (Martin et al. 2016: 15-17).

Given space limitations, this article analyses EUAM vertical and horizontal (in)coherences mainly by making an actor-centric analysis and by stressing two principles: inclusivity and ownership. In order to reflect on these, and specifically on the manner in which policy and societal actors engage with and participate in the implementation of EUAM, it focuses on the EUAM related processes of planning and implementation by which inclusion/ exclusion and marginalisation are enacted. Therefore, at horizontal level, it focuses on the coherence between the intra EU, EU-EUAM and Ukrainian formal (state) security actors and at vertical level, EU-Ukrainian societal actors and Ukrainian State- Ukrainian societal actors.

Figure 1: Actor-Centric View of Vertical and Horizontal Coherence



There are a few key conditions necessary for the success of any SSR programme. They are: a certain degree of political stability in the operational context, a meaningful combination of pragmatism and idealism in the SSR agenda, approaching SSR based in a long term governance-

development approach as opposed to a short-term, technical train-and-equip approach¹⁰. They also include actor related conditions, legitimacy, and acceptance of SSR interventions by the local elites and the wider population. Of all of these, SSR embeddedness in the 'local' – local dynamics, local context and local ownership – is key to effective SSR. As suggested by Schirch (2015: 8), here 'local' is a geographic term, taking the context specificities seriously. As a geographic term, 'local' designates people affected by security threats, policies and strategies because they live in the specific geographic area in which these threats occur. 'Local ownership' is a relative term that describes the varying ability to include local communities in security sector policies and programmes and to set up effective oversight mechanisms (Schirch 2015).

WOS and local ownership are not ends in themselves. They are means to a larger common goal: SSR. SSR aims to democratise and legitimise state-society relations, so that local people in every home and community feel safe (Schirch 2015).

Figure 2: Broadening Local Ownership of Security



Source: Schirch 2015: 81

From the perspective of WOS to SSR, at least, three key conditions are required for the 'local' to be realised. The first two are short term and long term systematic inclusion of a diverse array of local and civil society groups in, for example, capacity building, assessment, planning, implementation and monitoring and evaluation, establishing and making use of institutionalized mechanisms to guarantee continued societal participation. Societal participation is crucial, as ultimately it is the local society that knows what security threats they face, what mechanisms and arrangements can protect them and what they see and experience as safe and unsafe places. By making their participation an integral component, SSR becomes more relevant and sustainable. Participation deepens the relationships between state, government, civil society actors and the communities, in the long run. The third condition is grounding in the human security approach. By so doing WOS explicitly frames security as a response to a broad spectrum of threats, including material and physical harm and threats to personal dignity. This holistic and broadened view of security is integral to the EU's Comprehensive Approach (Martin et al. 2015: 17), and is thus repeatedly emphasised in SSR programming.

¹⁰ The main difference between these two approaches is in their end goals: one targets monopoly of legitimacy and the other, monopoly of force (for an elaborated description see Alliance for Peacebuilding, Policy Brief, Theory of Change Security Sector Reform(SSR) and Disarmament, Demobilisation and Reintegration (DDR) (<http://www.allianceforpeacebuilding.org/site/wp-content/uploads/2015/03/FINAL-2015-SSR-and-DDR-Theories-of-Change.pdf>, Accessed 28 March 2017).

4. Whole-of-Society Analysis of EUAM

On the 22 July 2014, upon the approval of the Council, the EU Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine) was established. This is a civilian mission under the EU's Common Security and Defence Policy. According to then EU High Representative for Foreign Affairs and Security Policy Catherine Ashton, EUAM was launched at the request of the Ukrainian authorities. The EUAM targets reforms in the security sector, including policing and the rule of law. It intends to provide strategic advice for the development of effective, sustainable and accountable security services that contribute to strengthening the rule of law in Ukraine, for the benefit of all Ukrainian citizens. (EEAS)

Although the initial request from the Ukrainian authorities was for a mission of a larger scope, able to help monitor the administrative line of occupation between Ukraine and Crimea, the EU delivered a narrower EU-CSDP mission. This was due to the lack of consensus among EU member states on the form of intervention and the mission's composition (Litra et al. 2016: 34). Thus the content and the scope of the final mission, rather than being tailor-made to the present security needs of Ukraine, reflected a strategic compromise. Although initially imagined differently, the EUAM mission was made acceptable to the Ukrainian authorities by their desperate need for an enhanced EU presence in the country. Thus for the EU, EUAM is simply a 'conventional' civilian advisory mission with no connection to the ongoing conflict in eastern Ukraine. In contrast, the Ukrainian authorities expected EUAM to 'do more and differently' by adjusting itself to enable them to address compelling domestic security conditions. The end result is that EUAM is conceptualised as a reaction to the ongoing armed conflict that is being operationalised separately from it. One might wonder, then, about its relevance and the effectiveness of a 'conventional' CSDP-SSR mission launched in the midst of an armed conflict involving a former super power.

The divergence of expectations of the two main parties (the EU and Ukraine) thus strained the relationship and exacerbated horizontal incoherencies at the actor level between the EU and the Ukrainian state actors. This patchy start jeopardised an important opportunity for gaining necessary sector wide support for EUAM. Instead, it galvanised previously existing resistance from certain key actors in the state security sector, such as the Prosecutor General's Office (Litra et al. 2016: 39).

In addition, because the EUAM was launched as a high profile and sensitive programme supporting reforms of high level processes, it was difficult to garner support from high level officials who have a track record of reform resistance (Kostanyan 2017: 2). Top level staff in the Ukrainian security establishment also felt distanced from the EUAM by its focus on mid-ranked and operational management level staff in the beneficiary institutions. This led some segments in the security sector, especially at the top level, to see the EUAM as interventionist and as a threat to their long guarded bureaucratic and financial power (Litra et al. 2016: 39). Such attitudes, reactions and diverging interests jeopardised the sense of local ownership of the reform process. As a result, there was lack of collaboration between the EU, EUAM and some of the key beneficiaries targeted in the Ukrainian security sector. Erosion of trust between the mission and some of the local partners was inevitable (Litra et al. 2016: 39).

In addition, the majority of the local security actors perceive EUAM as 'one among other things' that the EU does in the country. More damagingly, they perceive EUAM as a 'technical fix to a political problem'. Unfortunately, these views are not totally new to the (EU-) SSR. Similar

views have been heard in other contexts where EU has undertaken SSR initiatives (Jayasundara-Smits and Schirch 2015: 1 and Djiré et al. 2016: 58). If it is resorting to a technical and apolitical approach, the EU is compromising its own principles of embeddedness in the specificities of the context, local ownership and inclusivity and backtracking on its claim that 'positive change can only be home grown' (EEAS 2016: 26-27). One of the main problems is the heavy focus laid on building the technical and institutional capacity of the formal security actors, who may even not be perceived as legitimate actors by their own communities. This is especially relevant for Ukraine, where state-society relationships continue to be haunted by Soviet-era principles, rules and attitudes that sharply divide the state from society, which is treated as a passive recipient of state policies (even if oppressive). The Maiden revolution also stands witness to this. From the WOS perspective, this suggests a serious lack of consideration for local, context-specific dynamics. Targeting the state security actors through a top-down approach, EUAM struggles to build local ownership and local buy-in of SSR by the state security actors and the Ukrainian society-writ-large. The current institutional approach to SSR excreted through EUAM is likely to generate unsustainable and short term 'quick outputs' in the sector. It is highly likely that EUAM is paving the way for a new set of 'ceremonial institutions' in the Ukrainian security sector a meagre ability to address the actual security needs of the people: human security (Jayasundara-Smits and Schirch 2015: 18).

In addition, there is evidence to suggest the EU planning process for the EUAM lacked preparedness and coherence, leading to horizontal incoherence (DCAF and FBA 2016). Although the EU established what is called 'the Ukrainian support group' to address horizontal incoherence between various EU programmes operating in Ukraine, this has not been wholly successful (DCAF and FBA 2016: 54). Incoherencies were identified even before the Crimean annexation. As reported, periodically, the various EU institutions and departments undertake a number of security-related assessments. These were heavily focused on identifying and addressing institutional and the legal loopholes in the security system. Although limited, these studies have been able to capture some of the compelling needs of the Ukrainian security sector and to offer suggestions on the nature of support the Ukrainian security sector needs. However, as a recent research report (DCAF and FBA 2016) indicates, the plethora of security sector assessment and analyses the EU has conducted on Ukraine remained scattered across a number of documents and departments. These reports have not been used to create a coherent security picture that would assist in building security scenarios for Ukraine or in taking early preventative actions or offering a meaningful set of reforms. In addition, none of these documents were used systematically to prepare the initial Political Framework for Crisis Approach (PFCA) or the Crisis Management Concept (CMC), and thus also not for the EUAM. Instead, the documents prepared for conceptualizing and planning the EUAM were developed too quickly, sacrificing the importance of the process in creating a joint understanding of the issues (DCAF and FBA 2016: 48). Although the Ukrainian state authorities and the society understand that long term processes of institution building are important for conflict prevention, the way in which the EU conceptualised and operationalised the EUAM, focusing on top-down-institution building in the midst of a heated conflict, is highly problematic and was perceived as less meaningful by its intended beneficiaries.

Clearly Ukraine's unique situation demands a conflict-context specific approach to SSR and institutional reforms that will not reproduce the existing institutional weaknesses (Litra et al. 2016: 63). Yet the preceding analyses and assessments undertaken by the EU in relation to the

Ukrainian security sector are seen as having largely neglected the needs in the peripheries and in-depth issues related to human rights and gender in the security and justice sectors. EUAM has therefore been criticised for shortcomings in the indispensable SSR principles and also for being 'supply driven' rather than demand driven (DCAF and FBA 2016: 49).

Joint assessment and joint planning lie at the heart of any successful reform program, because they foster local ownership. During the preparations of EUAM the local stakeholders, the intended beneficiaries of this mission, were not consulted either. As reported, prior to mission being set up in Kyiv, its 'potential' beneficiaries, namely the Ministries of Internal Affairs and Justice, the Prosecutor General's office, the State Penitentiary Service, the State Border Guard Service, the State Fiscal Service and the Security Service of Ukraine did not even know they were either the mission's partners or the targeted institutions for reforms (Litra et al. 2016: 46). This suggests a stark lack of horizontal coherence: a lack of engagement between the EUAM and the Ukrainian state authorities, a lack of local ownership and a lack of sensitivity to local security sector needs. The top down approach to planning of the mission also epitomises unequal partnership between the local and the EU.

At the operational level, EUAM's top down approach has been accentuated by its low profile. This low profile risks its ability to penetrate the communities and to gain legitimacy from interaction with them. EUAM's low visibility has led people to perceive it as a 'Western project' (Litra et al. 2016: 36). Its distance from society has been further exacerbated by a lack of public information sharing. This is in contrast to the European Union Border Assistance Mission (EUBAM), which has been operational in Ukraine since 2005. As Schirch points out:

information sharing is an important part of SSR. It is a minimum criterion in building 'local ownership' for SSR. Information sharing should flow multiple ways – from the EU to the public and to the local communities and vice versa. In this process civil society groups have an important task as a mediator between the EU, Ukrainian government and the wider society. (Schirch 2015: 23)

In contrast, as reported recently, EUAM shares only a minimum level of information about its activities in the country. For example, some of the key planning documents related to EUAM, namely OPLAN, CONOPS and CMS, remain classified (DCAF and FBA 2016: 52). Further, the EUAM website is limited to sharing documents that have basic information such as mission objectives, legal background and a few technical reports and commentaries (Litra 2016: 40). One of the main consequences of this could be that EUAM will be unable to build public legitimacy or acceptance, and without public monitoring of its activities it can take limited action and have only limited engagement with Ukrainian civil society (Litra 2016: 40). This tendency towards limiting information also violates the criteria of good governance and contributes to setting a negative example for future interactions between the state and civil society. In short, EUAM's lack of public information sharing could prevent Ukrainian civil society from playing the role of reform watchdog, an important goal of EU-SSR: building civilian oversight and civilian monitoring of actors and functions in the security sector. Ukrainian civil society already faces many challenges in self-organizing, but this does not warrant the EU taking the situation of the Ukrainian civil society for granted and reproducing its current weaknesses. The current capacity building support extended to Ukrainian civil society actors and to Ukrainian media within areas closely related to SSR, such as human rights, democracy, conflict management and dialogue has been deemed to be

too limited (Hannsen 2016: 17) to overcome the complex mix of challenges. This problem is worsened by the way in which EUAM operates. Overall, in Ukraine, the support extended to civil society actors to make a meaningful and dynamic contribution to SSR stands in clear contrast to EU-SSR missions in Mali that are benefitting from SSR specific multidisciplinary think tanks and an institutionalised civil society oversight mechanism (Djiré 2016: 39).

The challenges in the Ukraine seemed to have compelled the EU to initially focus on short term mission goals. Sadly, this short-term, pragmatic vision of EUAM, conceived as an immediate reaction, will in the longer term run the risk of reducing the EU's overall ability to implement a sustainable SSR and conflict resolution plan in Ukraine. This is the case even though the EU has taken several measures to adjust the scope of EUAM activities by providing hands-on advice and training to local stakeholders who were not originally included and by adding new beneficiaries, namely the National Police, the National Anti-Corruption Bureau, the Special Anti-Corruption Prosecutor's Office. It also extended the presence of the mission into the conflict affected regions (i.e., Lviv and Kharkiv) after its first strategic review, held just over one year of operation (Litra et al. 2016: 36). Yet it still falls short in fully embedding into the local context, embracing the local dynamics and fully implementing its own SSR norms and principles (Litra et al. 2016: 41). In other words, the EU's approach remains too narrow: a technical fix that lacks a societal governance-development approach to SSR. The lack of societal embeddedness certainly runs the risk of generating counter-productive conditions for earning societal legitimacy for the EUAM-SSR as a civilian concept. As Litra et al. points out (2016), the primacy assigned to the civilian nature of SSR is already found to be deeply problematic in Ukraine (by any measure) as the boundaries between civil and defence related actions are increasingly disappearing under the current conflict. This is making EUAM's SSR conceptualization increasingly unacceptable to the Ukrainian people, the intended beneficiaries of the mission.

5. Conclusion

In the case of EUAM in Ukraine, there exist a number of context-related vertical and horizontal challenges. These have affected both the realisation of the mission's stated goals and its ability to engage with the expectations of the Ukrainian people. On-going armed conflicts, Russia's foreign policy towards the wider region, mutually dependent EU-Russia relations, and the slow transition from Soviet values and mentality among Ukrainians have been identified as unique challenges with which EUAM had to engage. Horizontal challenges included incoherence at the whole-of-EU level, such as between the EU and its member states due to a fragile elite consensus, and between EU-EUAM and Ukrainian state security actors. From the WOS vertical axis, which examines the inclusion of multiple level actors, this article identified several challenges, in particular incoherence between EU-EUAM and the Ukrainian state actors on the one hand and Ukrainian civil society and the society-writ-large on the other. This article further shows that in response to a context of urgency triggered by Russia's annexation of Crimea and a complex mix of contemporary manifestations of historically rooted external and internal challenges, the EU opted for a 'thinner approach' by focusing on state security institutions and working in a top-down manner toward SSR. This approach targets building the functional imperative of the state security apparatus. It is based on conventional security thinking following the logic of hard security and on re-constructing a state 'monopoly of violence', in which the legitimacy and conduct of state security actors is found to be deeply problematic by the very society in which these actors are embedded in and for which they are supposed to provide security. Such an approach does not conform to the EU's own values of context specificity, local ownership and inclusivity, and on the other hand, it has led to counter-productive outcomes. It has reinforced existing conditions, especially the vertical incoherencies in Ukrainian society and state-society relations.

It is suggested here that current security conditions in Ukraine mean that EUAM and the EU-SSR should think 'outside the box'. Although this may take time, finding innovative ways of addressing the vertical incoherencies seems ever important for Ukraine if it is to become a strong and democratic state is built on inclusive societal imperatives. At present, building vertical societal coherence among EUAM, the Ukrainian state, civil society actors and the broader society seems an extraordinarily challenging task. To meet it, the EU must double its investment in this direction. It is worth remembering that a resilient and empowered society is the EU's best ally in realizing the goals of the reforms. Thus, the overall situation demands that EUAM adopt a 'thicker approach' to SSR based on the Whole-of-Society approach, including both vertical and horizontal coherence among the various actors and policies and operationalised in adherence to the principles of local ownership, context specificity and inclusivity. This is in direct contrast to a Whole-of-Government, top-down, institutional approach. To do this, EUAM would need to be redefined in line with a governance-development approach aimed at creating a 'monopoly of legitimacy' of the security sector and the various actors in it.

By waging a revolution, the Ukrainian people have already demonstrated their commitment to the EU's approach to state building and to the normative tenets underlying it. Sadly, at present, the EU seems to be lagging behind in matching their commitment. Given the deteriorating and disturbing geo-political dynamics in the region, the battle for reforms is certainly an uphill one for both the EU and Ukraine. For this reason, a 'thicker approach to SSR' is needed, together with real embedding into the local society and the local political dynamics. This is becoming increasingly important. Last but not least, owing to the unique conditions in Ukraine and

in the EU's eastern neighbourhood, it is impossible not to demand a 'revolutionary' approach to SSR from the EU, one that seriously engages with Ukraine's unique political conditions. To this effect, EUAM in Ukraine can be seen as an early opportunity for the EU to formulate such an approach to SSR, which would prepare it for tackling similar security scenarios to come, in and beyond its immediate neighbourhood.

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