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POLICY BRIEF

Building civil society oversight capacity of the security sector in Ukraine

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Introduction

Ukraine has a broad and active civil society. It blossomed and expanded after Euromaidan (or Revolution of Dignity) and took an active stance when Ukraine's statehood became at risk in 2014. Today, Ukrainian civil society organisations (CSO) actively support different communities in society; provide expertise to inform local and national policies; and supervise the reform process and broader government policy and spending. In recent years, as reform slacked, so did the impact of civil society. Ukraine's rebooting of leadership with the coming to power of a new president, government and parliament will hopefully also reboot democratic reform and boost civil society's participatory and oversight functions.

The role of civil society in Ukraine's security sector deserves extra attention, particularly as the country remains entangled in a low-intensity but deadly war over part of its territory. Ukrainian civil society plays an active role in defence policy oversight, but less so in other security sectors, such as intelligence. Civil society's capacity to oversee – and sometimes help steer – policy depends, in large part, on the government's level of transparency and accountability and its willingness to cooperate with civil society partners – the more democratic a government is, the stronger the position of civil society. However, civil society itself could also improve its capacity to impact Ukraine's policy by becoming more knowledgeable in performing

Key points:

While civil society worldwide has been increasingly challenged, Ukraine's civil society has been flourishing. Ukraine's civil society plays a role in security and defence policy oversight, but it has become more settled and less active, while government reforms have slowed down in recent years.

Civil society can improve its capacity to impact Ukraine's security and defence policy by becoming more knowledgeable in performing oversight; experienced in working with parliament and other oversight institutions; and increasingly able through the development of new oversight tools and mechanisms.

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This policy brief aims to provide an overview of civil society's role in Ukraine's security sector and offer suggestions on how to strengthen its role. For the purpose of this paper, civil society is narrowly defined as encompassing foundations, non-governmental organisations (NGOs) and think tanks active in policy analysis, monitoring, and oversight. The paper does not focus on broader civil society (which would include also universities, labour unions and the church); neither does it look at the many social and charity-focused, non-political foundations and organisations. While it mainly discusses the broader security sector and civil society's oversight of security and defence policy, it does include brief sections on the main security actors – defence, police and intelligence.

The paper starts with a brief overview of the characteristics of post-Maidan civil society, followed by a sketch of civil society's role in the democratic oversight of Ukraine's security sector. The most substantial part of this policy brief focuses on the identification of problems and potential solutions

through capacity-building, networking, and the development of new oversight tools. The suggestions for strengthening oversight are directed toward Ukrainian civil society actors and (international) donors that support civil society and/ or security sector reform in Ukraine.

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Strong civil society – limited reform

Change and reform in Ukraine have mostly come about through public protests, partially driven by CSOs and activists, or foreign pressure and support (European, American or Russian), and much less so through steady democratic reform. The 2004 Orange revolution briefly shook up governance but did not significantly change the make-up of civil society. The pro-European Yushchenko presidency opened some opportunities for civil society to influence policy, while the subsequent pro-Russian Yanukovych administration did not restrict civil society's room to play a role. During this period, civil society engaged in social work and delivered expertise, but its oversight function slacked. Most advocacy work of Kyiv-based think tanks and NGOs was geared towards the European Union's (EU) Eastern Partnership process. It was only after Euromaidan at the end of 2013 and beginning of 2014 that Ukraine became known for its broad, diverse, and active civil society, ranging from volunteer groups fighting in Donbas to charity organisations providing support to refugees, and from pro-reform think tanks to new non-profit media initiatives. Civil society organisations sprang up, not only in Kyiv but also throughout Ukraine's regions and provincial towns.

While civil society worldwide has been increasingly challenged, Ukraine's civil society has been flourishing. The country could be characterised as an 'NGO-cracy' for civil society's access to new (inexperienced) members of parliament and subsequent bearing on crucial policy matters like defence, decentralisation, lustration, and the relationship with the EU and NATO. Over the past few years, civil society has remained large and active, even though slightly less influential. From 2016 onwards, reform began to slow down under President Poroshenko as the ruling elites steered towards business as usual and government and parliament became less inclined to take civil society views on board, thus diminishing civil society's influence, especially in crucial areas such as anti-corruption. This has made civil society's democratic watchdog function of scrutinizing policy and spending all the more important. With the recent change of government and parliament under Zelenskyy's presidency, there is a new opportunity to advance with democratic reforms that will hopefully also strengthen civil society's role and impact, in terms of both oversight and policy.

The security sector challenge for civil society

Ukraine's security sector reform process is complicated, given the extent of reforms needed to align it with EU and NATO standards – Ukraine's official objective – in combination with the war in the east of the country. The conflict in Donbas has prevented a structural reform of Ukraine's security sector over the past five years. Different governments, as well as a large part of the oversight institutions (from parliament to civil society, and from the Accounting Chamber to anti-corruption agencies), have often delayed implementation of reform, prioritising the conflict. Moreover, over-criticism of security and defence matters could have been considered anti-patriotic. On the other hand, the war and the attack on Ukrainian statehood have brought the security sector to the attention of all Ukrainians, as well as Europe, the United States, and international donors. In turn, this increased attention

has prompted civil society's involvement in the security sector. But while civil society has a lot of space to be involved in the security sector, its impact is limited as institutions continue to resist reform, often referring to urgent security priorities.

There is a broad range of civil society actors focusing on Ukraine's security sector – think tanks, NGOs, human rights organisations, veteran organisations and investigative journalists (often working for non-for-profit outlets). There are also 'fake NGOs' that have been established to feed of donor funds without delivering real outputs. There is also a divide within these types of organisations. One commentator argued that there is a divide between think tanks that see the security sector from an international relations perspective, paying attention to Ukraine's security relations with the EU and NATO (the New Europe Centre comes to mind), and those that focus more strictly on the technical aspects of reform (NAKO for instance that works on anti-corruption in defence). There is also a divide between traditional, academic think tanks with broad experience (the Razumkov Centre for instance) and new think tanks post-Euromaidan (those NGOs that together form the Reanimation Package of Reforms). These divides are not problematic, as most organisations are engaged in healthy competition as well as project-related partnerships. Each of these organisations has developed its own mix of approaches to impact policy and reform: academic or policy-oriented publications, advocacy meetings with officials and parliamentarians, roundtables and conferences, close cooperation with journalists, and networking, among others. Civil society working on security sector oversight tends to be based in Kyiv, so as to influence policymakers.

Civil society's security sector oversight is mostly centred on defence policy and reform, and much less so on the security services or police reform. There are several reasons why so many CSOs are focussed on defence. First, the war has gathered a lot of national support for the armed forces and many people – including more and more women – have become involved through service, volunteer work, charity, and so on. This has of course had its bearing on civil society's interest and activity. Second, the war has increased international attention toward Ukraine's armed forces, including necessary reform and oversight procedures. Civil society has access to international projects on defence reform, especially in relation to EU-Ukraine ties (including the EU Advisory Mission) and NATO membership objectives. Third, the Ministry of Defence has always been more open and less secretive than several other security institutions. The reason for this partly lies in Ukraine's long-term engagement with NATO and its participation in inter(national) reform projects run by Western and Ukrainian NGOs and think tanks.

While police reform has gathered much attention over recent years, civil society impact has been modest. The reform process (with EU, US and Japanese support) from a Soviet-style militia to a Western-style national police force started enthusiastically but has turned out to be mostly cosmetic (cars, uniforms, etc.). Proposals by civil society have often been ignored by the Ministry of Internal Affairs, and there is a risk that the investment in material and human capital will be lost if the new government does not give new impetus to reform.

Reform of Ukraine's security (including intelligence) services remains problematic. This institution of 30,000 employees still follows a tight military structure, while being involved in many spheres of society, including the economic sphere. It is easy for the Security Service of Ukraine (SBU) to make issues confidential or secret, leaving the door open to potential corruption. There is little room for democratic oversight, as the SBU is not accountable to a specific parliamentary committee and CSOs have almost no access to information. A 2016 Ukraine-NATO reform plan has been shelved. The Law on National Security that came into force in July 2018 stipulated the establishment of a parliamentary committee within six months to oversee the SBU and the development of an updated law regarding the security services. Neither has materialised (for more information see Taras Yemchura's commentary of 11 July 2018 on www.nako.org.ua).

While civil society has a voice in the security sector (besides the SBU), it is not always heard (and is often ignored) by the executive. Civil society oversight through monitoring and advocacy is more effective when NGOs and think tanks collaborate with other oversight actors. Parliament is the most crucial and influential partner here. However, over the past few years, the Verkhovna Rada has become less active in providing oversight and holding the government to account on security and defence issues, which, in turn, has decreased CSOs' access to relevant committees. Parliament's inactivity in its law-making and oversight roles seems to lie mostly in a loss of reform momentum in the last years of the previous government (possibly after the Association Agreement with the EU in September 2017). In turn, CSOs seem to have given up on parliament, regarding it as part of the problem instead of the solution.

Cooperation among civil society and other oversight institutions shows a mixed picture: links between the Accounting Chamber and civil society are modest, while the Ombudsman seems open to cooperation. Media is largely controlled by oligarch interests, although there are some independent outlets. Investigative journalism and civil society know how to find each other, the former using civil society expertise and the latter using media as a way to distribute output (publications, plans, etc.). Most cooperation regards day-to-day corruption or Donbas news reporting: there is little room for deeper and longer-term research where both partners could find each other in projects that connect civil society research and investigative journalism.

Civil society capacity-building needs

Only when and if the new Ukrainian government becomes more transparent and accountable and shows interest in taking civil society expertise on board will NGOs, think tanks, human rights defenders, and so on have a real bearing on Ukraine's security and defence policy. Reforms should also include reviewing and removing many of the bureaucratic hurdles that officials use to ignore civil society.

But beyond that, CSOs can act themselves by gaining knowledge and skills to achieve their research and advocacy objectives in delivering policy advice or monitoring the executive's

implementation of policy. Ukraine's civil society would be more impactful if it became more knowledgeable, experienced and able to play its part in security sector oversight in Ukraine. Here are nine capacity-building recommendations to which civil society and its national and foreign donors should pay attention:

Gaining knowledge

1. Training in doing oversight
'Training by doing' through debate, exercises, and role-playing remains a valuable way to bring across skills in performing oversight and monitoring of the security sector for many civil society actors. Many senior civil society actors have not been exposed to modern forms of training focused on active rather than passive learning. Training on oversight and monitoring helps trainees to understand not just that their oversight role is important in a democracy but also why this is the case. Meanwhile, training sessions help civil society representatives to interact and develop new contacts, ideas, and possibly projects.

2. Education in oversight procedures and security matters
Besides training (learning by doing in a practical way), there is also need for a more theoretical education. In several interviews and the survey carried out for this paper, respondents argued that civil society representatives (and journalists) are either unaware of the basic democratic provisions of security sector oversight in Ukraine or lack basic knowledge of the more technical aspects of security, ranging from knowledge of the armed forces to new issues such as cyber security. One journalist argued that more work needs to be done in providing military background to journalists that visit the front in Donbas. A civil society activist argued that NGO workers need more knowledge of oversight procedures, also with a view to explaining to the broader population that security and defence is more than the military, and that civilians play a crucial role in this sector. Education and training should increasingly go hand in hand in international projects. Ukrainian universities should also be increasingly involved to help provide educational elements, also with a view to enhancing local ownership and sustainability.

3. Further cementing civil society work
Ukrainian (and Georgian) civil society is probably the most skilled in outreach and advocacy when compared to other civil society landscapes in former Soviet states. It may not have substantial impact, but it does use the right tools to impact policy. This ranges from debates and press conferences to advocacy and networking. Some reasonably new NGOs and networks could probably teach a thing or two to their counterparts in EU member states about advocacy. In addition, many organisations have become skilled fundraisers and project implementers. It is important to transfer the momentum of the 'Euromaidan generation' of civil society activism to young people that show interest. In our interviews, we found that interest among young civil society actors to learn best practices from EU- (or US) based NGO's and think tanks remains high. Increased opportunities for international intern- and fellowships, summer camps and other exchanges are an important long-term investment.

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Sharing experience

4. Old and new guard think tank experience sharing
Our assessment mission revealed, that the analytically-focused civil society dealing with the security sector can be divided into an 'old guard' of institutes established in the 1990s that have a strong academic background and authority through the polls and books they produce; and a 'new guard' of NGOs and think tanks established around the Euromaidan revolution that run innovative, advocacy projects. Civil society organisations always balance competition for funds and attention with cooperation: Ukraine is no exception and, in general, ties are cooperative and positive. Still, the old guard feels (rightfully so) that the enthusiastic newcomers lack experience and knowledge of security matters, while the new guard feels (again rightfully so) that the 'old' way of reaching out to the public and stakeholders is somewhat out of date. Besides the Security Working Group of the Reanimation Package of Reforms – in which several traditional think tanks are absent – there is little opportunity for both segments of civil society to meet. A NATO Information Office-run platform on security sector reform no longer exists. However difficult to establish, it would be important for civil society in Ukraine to count on a platform to exchange experiences and learn from each other. Traditional think tanks could run short courses on security and defence topics, while new think tanks could provide knowledge on advocacy. New projects should seek to include both groups to reinforce outputs.

5. Networking
When it comes to democratic oversight of security and defence policy, the main actors barely know each other. Civil society, media, parliament and oversight institutions (Ombudsman Office, Accounting Chamber and anti-corruption agencies) are often unfamiliar with each other's work and do not cooperate. The evaluation of the first CESS-CACDS training session revealed that participants enjoyed the networking aspect and the possibility of interacting with other representatives of oversight actors. Participants (also in CESS trainings in other countries) normally appreciate the opportunity to meet with their counterparts, as they all have the same overarching purpose. These trainings often result in lasting working relationships. With a new parliament in place, it will be important for civil society and the legislature to build new working relations: joint trainings could help spur this process.

6. Exchanging practices with partner countries
The above-mentioned research and surveys also revealed that civil society actors are keen to exchange ideas and practises with oversight actors from other countries. Security experts and practitioners (ministries, agencies, etc.) from EU/NATO member states are well positioned to share best practises, via, for instance, lectures. Western Balkan countries are regularly mentioned as a group of countries with which to exchange experiences given the similar reform process. This could help compare and identify the specific tools or reforms that have worked and those that have not. One NGO expert argued for more visits of foreign experts and officials to the Ukraine controlled-security zone to learn first-hand about the situation, while combining this with training and education on best practices in other countries.

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Enable oversight

7. Review of Public Councils in the security sector
Public councils that bring together officials and civil society in a specific domain have not been functioning well. One commentator argued that the councils include many fake NGOs while active security-focused NGOs and think tanks are excluded. Meanwhile, another expert argued that the councils seem to legitimise policy without contributing to it. It would make sense for Ukraine to have an in-depth review of the council system, including its purpose and membership, with a view to either reforming it or replacing it with a new system developed together with civil society per relevant sector.

8. Investigate interest in a civil society-legislature monitoring tool
Civil society input into parliamentary oversight has slacked in recent years. With a new legislature in place, civil society has a chance to forge new partnerships. Many (inexperienced) parliamentarians could benefit from the experience of NGOs and think tanks that have been involved in oversight and that have the capacity to deliver insights and ideas. One can think of a host of mechanisms and tools that would bring elected representatives and civil society experts and activists together. One such tool – that CESS has already implemented with partners in North Macedonia – is a parliamentary-civil society monitoring tool. It consists of a website where quantitative data and qualitative analyses are gathered by civil society actors and parliamentary staff with a view to mapping the implementation of a specific subject area or law. Civil society leads on research through focus groups and interacts on a regular basis with their parliamentary counterparts, for instance, from the security and defence committee. When the process of information gathering and analysis is completed, a report is presented in parliament and a press conference held. Such a tool – if implemented regularly – could help bring parliament and civil society together in monitoring concrete security and defence policies. Meanwhile, our correspondents argued that, in the short-term, initiatives where Ukrainian CSOs provided training for new parliamentarians and staff could help to forge new partnerships and get the new parliament up to speed.

9. Connecting policy and academic research, training and education
The civil society and think tank world stands rather separate from academic life in Ukraine. This is the case in many European countries. Nonetheless, it would make sense to develop initiatives to bring universities and the analytical civil society together in academic research centres, like in the United Kingdom or the US, for instance. One surveyed analyst argued that universities should be involved more vigorously in security-related research activities. Several correspondents made a case for more attention to security and democratic oversight issues at universities for students of different social sciences, but also to connect NGOs and think tanks to Ukraine's universities to offer courses on defence and security and on democratic oversight for journalists, civil society actors and possibly other actors such as parliamentary staff. The objective of such civil society-university centres would be twofold: to provide training for practitioners and to join academic and CSO forces in monitoring and oversight.

Conclusion

Civil society remains strong in Ukraine. It plays an active role in oversight of defence, but much less so in other aspects of the security sector. Civil society has been mixing reservations with careful optimism about the new Zelenskyy administration and the Servant of the People-dominated parliament. It remains to be seen how open the new government will be to cooperation with and input from civil society. The largest immediate challenges for NGOs and think tanks focussing on the security sector are: to help develop democratic oversight mechanisms of the Ukrainian security services; to initiate renewed police reform; and to share expertise and forge new cooperation with new and often-inexperienced government officials, parliamentarians, and staff of other oversight institutions.

Civil society – with help from national and international donors – could help itself in boosting its oversight capacity and influence by developing new training and education curricula; engaging in networking and experience-sharing projects; and creating new tools and mechanisms for oversight of the security sector. A more capable civil society should help to institutionalise further its role in the security sector.

For further reading on civil society in Ukraine see:

Natalia Shapovalova and Olga Burlyuk (eds.), 'Civil Society in Post-Euromaidan Ukraine. From Revolution to Consolidation', Soviet and Post-Soviet Politics and Society, Vol. 193, Stuttgart, 2018.

For further reading on security sector reform and oversight in Ukraine see:

'Monitoring Ukraine's Security Governance Challenges: Key Issues and Policy Recommendations', DCAF and the Razumkov Centre, Geneva, November 2017 on www.ukrainesecuritysector.com/

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