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DEMOCRATIC CIVILIAN CONTROL OVER THE MILITARY IN UKRAINE: THE PATH FROM FORM TO SUBSTANCE

Civilian control over the military is an important component of a democratic society. For Ukraine, democratic civilian control over the military is not just a momentary need. Rather it is a strategic goal in the long-term development of the Ukrainian state.

Since independence, a network of state and public institutions that supervise the activities of the power structures has been established in this country. This is a kind of skeleton on the basis of which a truly effective *system* of civilian control over the military can be formed over time.

The term "civilian control" is often construed in a rather restrictive manner — it is perceived as the right of access to information about the activity of power structures, the right of the state authorities to audit and inspect military units, and to monitor the observance of human rights in the military. Simultaneously, other important components of "civilian control" remain absent, first and foremost, the guidance, administration, and management in the broad sense, which also presume civilian responsibility for the effectiveness of the military.

UCEPS experts believe that Ukraine has not yet established a comprehensive, operational and sustainable system of civilian control, with clear delimitation of the powers and responsibilities between state organs, and between civilians and the military. One cannot consider the current state of civilian control over the military acceptable due to the violation of one fundamental principle — responsibility of civilians for the effectiveness of the power structures.

Effective civilian control over the military can be established when a critical mass of civil servants, independent experts, scholars, and journalists skilled in military issues "step up to the plate". Their joint efforts will provide for a competent discussion on military issues, informed decision-making, and, therefore, support for state authorities at the implementation stage.

The UCEPS analytical report consists of four sections.

In the first section we examine the need for development of a system of civilian control over the military in Ukraine, and define criteria for assessing its effectiveness based on an analysis of national and foreign experience.

In the second section we survey Ukraine's achievements on the path towards establishing a system of civilian control over the military, and highlight certain positive changes and trends that should be consolidated.

In the third section we assess the correspondence of the present system of civilian control to stated effectiveness criteria, and discuss unsolved issues and negative tendencies in civil-military relations in Ukraine.

In the fourth section we present conclusions and a number of proposals how to develop an effective system of democratic civilian control.

1. DEMOCRATIC CIVILIAN CONTROL OVER THE MILITARY, ITS SUBSTANCE AND URGENCY FOR UKRAINE

*A country which has no problems of civil-military relations
and democratic control is a country which has no democracy.*

Christopher DONNELLY

The status of civil-military relations in a country is an indicator of maturity of its democracy. Effective civilian control over the military sector presents an inalienable trait of democracy, it is as important as the freedom of speech, human rights, civil society and market economy.

The Concept (fundamentals of state policy) of the National Security of Ukraine defined "democratic civilian control over the military sector" as one of the fundamental principles at providing Ukraine's national security. Same document declared "providing democratic civilian control over the Military organisation of the state"¹ one of the main directions of Ukraine's state policy in the military sector. This assessment demonstrates the importance of the issue, proceeding primarily from the *internal problems* of Ukraine — ensuring steady development of the state and society.

Furthermore, Ukraine has assumed *international obligations* to establish democratic civilian control over power structures. This was fixed in a number of documents, including a "Partnership for Peace: Framework Document" (1994), an OSCE "Code of Conduct Regarding Military-Political Aspects of Security" (1994, Budapest Summit), and a "Charter on a Distinctive Partnership between Ukraine and NATO" (1997).

It is very important to employ the positive potential of civilian control over the military exactly at this point of time, at the stage of deep transformation presently experienced by

¹ Fixing the term "Military organisation" on legislative level was taken place on January 16, 1997 — within the "Concept (fundamentals of state policy) of the National Security of Ukraine" its and main functions were defined: "Military organisation of the state incorporates the Armed Forces of Ukraine, the Security Service of Ukraine, the National Guard of Ukraine, the Internal Troops, bodies and units of the Ministry of Internal Affairs of Ukraine, the Border Troops of Ukraine, military units of the Ministry of Ukraine for Emergencies and Protection of the Population against the Aftermath of the Chornobyl Accident, and other armed formations which were established and operate in accordance with the Constitution of Ukraine, shall ensure the defence of Ukraine, protection of its sovereignty, territorial integrity and inviolability of its borders, counter external and internal military threats, fight organised crime, protect population in the event of disasters, acts of God, dangerous social conflicts, epidemics, etc."

Unfortunately, amendments to the Law of Ukraine "On the Defence of Ukraine" of October 5, 2000, replaced the term 'Ukraine's Military organisation' with 'Ukraine's Armed Forces and other military formations'. This was probably done on the initiative of the military; at least this position was substantiated by the Head of Defence Policy Department of the National Security and Defence Council of Ukraine Staff General V. Tiutiunnyk at the UCEPS Round-table (February 4, 2000). The thing is that this (seemingly purely terminological) amendment is rather important. It poses a danger of state authorities' treatment of every power structure in Ukraine (and, correspondingly, the issues of their development, reforming and funding) in isolation from the other. Therefore, the probability of revising the present non-optimal division of functions (and, correspondingly, the manpower and resources) between the power structures that form the Military organisation of Ukraine decreases. None of the previous such attempts has been a success, as corporate benefits always overshadowed state interests.



Ukraine. In a crisis period, the Armed Forces, law enforcement bodies and other power structures can play (and do play) an important stabilising role. However, under certain conditions, Ukraine's power structures can turn into a source of economic, political, social, environmental and other problems that will endanger the life of society. Regrettably, signs of movement exactly in this direction are already seen.

Before assessing Ukraine's successes and failures in building the system of democratic civilian control over the military, a number of important questions should be answered: How do we understand the substance of *control* over the military sector? Why should this control be *civilian*? Why do we make emphasis on its *democratic* nature? Why is this problem so actual for Ukraine? Finally, why do developed countries with deeply rooted democratic traditions pay so much attention to this issue? The purpose of the Section 1 is to find answers to these questions.

GENERAL PROVISIONS

All decisions in the domain of the national security are political decisions, and as such, they must be taken by politicians elected by the people. This provision — evident for many, but not for everyone, — is fundamental. It reflects the commonly accepted essence of democratic civilian control over the military.

By its nature, the army is not a democratic institute. Democracy is based on the principle of consensus, while military structures are built on the principles of strict subordination and submission of every serviceman's individuality (and even life, if necessary) to the commander's order.

The Military organisation is a unique state institute. First of all, it possesses a huge combat potential (destructive by its nature). Capabilities of up-to-date weapons are widely known — one missile or an air strike can entirely destroy a city with millions of inhabitants or a whole country. Second, the Military organisation obtains huge budget funds for the creation of the mighty destructive potential. In fact, these resources are diverted from social development. The priorities of their employment can be different and are determined by the political leadership of the country. Third, the Military organisation legally and purposefully trains people to kill or self-sacrifice.

It is evident that **the Military organisation's activity possesses a potential threat for the society that it is called to defend.** UCEPS experts believe that there are no grounds to speak about the extreme forms of this threat (a military coup, the army going out of control of the head of state, anti-constitutional overthrow with the support of special services, etc.) in Ukraine. However, other threats are already in place, and

seriously affect nation-building in the political, economic, social, environmental, and military domains.

Therefore, **the military sector must stay under a reliable civilian control of the state and entire society.** It is worth notice that the importance of civilian control increases not only at the critical stages of social development. This problem is topical in mature democracies, and the more efficient an army is, the more concerned the state is about it staying under reliable control.

Regrettably, **in Ukraine, the term "контроль" (control) is construed in rather a restrictive manner, in comparison to its English analogue "control"**². This is demonstrated by the analysis of speeches, publications and practical activity of politicians and experts dealing with this domain. "Control" is normally assumed as the access to information about the activity of power structures, the right of state authorities to audit and inspect military units, supervise the observance of human rights in the army. Here, other important meanings of the term "control" remain disregarded — the guidance, management, administration in a broad sense, that also presumes responsibility for the effectiveness of the Military organisation of the state.

Therefore, **control means not only obtaining information, auditing and inspecting, but also bearing great responsibility:** for the clear designation of functions and missions of power structures; for the creation of legal grounds for their activity; for the definition of concrete dimensions of the structure and numerical strength of military formations; their supplying with necessary resources; drafting long-term development programmes (corresponding to the needs and capabilities of the state); for social and legal pro-

² One of the reasons for this — the inaccurate translation of the essence of the expression "цивільний контроль" (civilian control) into Ukrainian. This looks somewhat strange, since the majority of dictionaries construing the English word "control" offer such first meanings as "power or authority to direct, order, restrain; management, guidance; means of regulating", and only then — "check, supervision".



tection of servicemen and their dependants, etc. Lacking this, the main thing cannot be guaranteed — *the high combat efficiency of the Military organisation, its readiness to defend the state from a threat, or perform other important missions in case of emergency.*

A telling example here is the history of finalising the State Programme for the Development of Arms and Military Hardware, whose adoption deadline has been shifted for four years now. UCEPS experts believe that the main reason for this to be that from the very beginning, the Programme was developed by the military, while civilians' work was confined to "control" in the narrow sense of this term. In these conditions, the assignment was doomed to failure. First of all, it is not the military's duty to formulate national programmes that encompass many branches of industry, concerning to almost all Ukraine's ministries and agencies and envisage co-operation with foreign partners. To be sure, servicemen should be involved in the Programme's development but not be responsible for it, since generals have neither proper education nor experience in deep understanding of internal and external political, economic and other processes. Second, the civilian leadership should have defined basic guidelines, targets and limitations for the Programme development from the very beginning. Lacking this, the assignment became vague, time consuming and generally useless, if we look at the final result. We cherish hope that the State Commission on Ukraine's Defence-Industrial Complex recently established by a decision of the head of state will help to make the "control" over this domain more meaningful and practical.

Control over the military sector should be civilian, this is certainly not applied to dictatorial regimes headed by the military leaders. In democratic countries, it is civilians who form the national Government — the legislative, executive and judicial branches. It needn't be repeated that state governance, including the control of the military sector, requires a broad outlook, deep knowledge and experience in the spheres that go far beyond the limits of servicemen's professional training and the specificity of military service. Exactly for this reason, in democratic countries

key positions (from the point of view of civilian control over the military sector) are occupied by civilian politicians or civil servants.

Civilian control over the military sector should be democratic. In the Soviet times, the control was civilian (exercised by the party) and quite reliable, but it could not be assumed as a democratic. Power structures (the Armed Forces, the Ministry of Internal Affairs, the KGB) were closed for the public; key decisions regarding defence policy, the military-industrial complex, arms trade, involvement in conflicts beyond national borders, etc. were made behind closed doors, normally at the level of the Communist Party of the Soviet Union Central Committee or its Political Bureau. The single-party system did not allow any influence on these processes on the part of public organisations or ordinary citizens. Mass media were kept under total control. Such a "civilian control" could not rule out erroneous decisions, such as the involvement into the Afghan war or billions dollars worth military "assistance" to dictatorial regimes (without any hope for the return of these funds). Only from late 80s, the Soviet citizens began obtaining limited information about large-scale accidents with numerous military casualties, the "unknown" wars on different continents waged with participation of Soviet soldiers, dangerous pollution of vast territories, seas and rivers as a result of nuclear weapon tests, military exercises, etc.

For the avoidance of such misfortunes, Ukraine should establish "new" (non-traditional for post-communist countries) mechanisms of civilian control, that would involve political parties, public organisations, non-governmental analytical centres and mass media. This will help to implement truly *democratic* civilian control over the military.

Therefore, democratic civilian control over the military is based on three fundamental principles: subordination of the military to civilian authorities; civilians' responsibility for the efficiency of power structures; accountability of civilian and military leadership to civil society.

There is no universal model of civilian control in the world, every country has its specificity. However, the experience of democratic states allows to speak about the existence of certain basic criteria of its effectiveness. Proceeding from the analysis of national and foreign experience³, UCEPS experts suggest five such criteria. We believe that their ignoring is fraught with negative consequences. Unfortunately, this was witnessed by the experience of Ukraine itself.

³ Theoretical fundamentals of civilian control over the military are presented in the works by S.Huntington, M.Janovic, A.Lukhem, G.Kennedy, J.Collins, D.Greenwood and other western experts. The present-day problems of civil-military relations in Central and Eastern European countries are dealt with in the works by C.Donnelly, J.Simon, J.Sherr, P.Volten, M.Carnovale. The implementation of civilian control over the military sector in Ukraine was discussed in publications by V.Badrak, O.Bodruk, O.Honcharenko, V.Grechaninov, A.Grytsenko, S.Zhurets, O.Levchenko, I.Muntyan, S.Olynyk, H.Perepelytsia and other experts.

Criterion 1. The political leadership of the state has clearly defined the role, functions and missions of all power structures

Compliance with this criterion means clear formulation by the political leadership (Parliament, the Government and the President) of what they expect from the power structures, and the backing of their political decision with relevant constitutional provisions, legislative and regulatory basis.

The role, functions and missions of every power structure should be defined clearly and unambiguously. Their functions and missions should be not general but specific enough, for the military to be able to allocate forces, financial, material, technical and other resources, work out training and operational plans on their basis, and civilians could competently audit budget proposals of the military, control the orientation and the level of units' training, their readiness to perform clearly set functions and assignments⁴.

The regulatory-legal base should lay solid fundamentals both for the **development** of every power structure (in the long run, through the formulation of relevant concepts, doctrines and development programmes) and for their uninterrupted **operation** (annual budget funding, control over everyday activity, auditing, etc.). Control of the power structures' *operation* alone, without proper attention to their *development*, is an example of the "narrow" interpretation of the term "civilian control".

Criterion 2. A system of civilian control ensures a reliable scheme of power structures' subordination to the head of state, clear delimitation of powers and responsibility between government bodies, between civilians and the military

For the observance of this criterion, applicable laws and the scheme of state governance must ensure reliable subordination and a clear procedure of power structures' employment down the line of command: the head of state — the head of the power structure (minister - politician) — the troops.

The national legislation and relevant decrees of the head of state should clearly define who exactly (the President, the Minister of Defence) and under what conditions may order the strategic deployment and combat engagement of the Armed Forces **in case of war** (military conflict); who can declare martial law, order the deployment of military contingents to other countries with special missions, allow the presence of foreign military units on the national territory, not only for joint exercises in peacetime but also for military assistance in the event of aggression.

The procedure of possible employment of the Armed Forces for the accomplishment of internal functions with the use of arms must be defined especially neatly⁵. National legislation should provide for reliable procedures (preventive mechanisms) to rule out wrong decisions, exclude uncontrolled (excessive) use of force and diminish military and civilian casualties.

The advanced countries' experience proves the necessity of strict distinction between the functions of political control and administration of military formations, on the one hand, and purely professional military command of their activities, on the other. Under the classic scheme (when

**Point of view**

Viktor BANNYKH,
Colonel General,
Deputy Minister of Defence
of Ukraine for Policy
and Military Co-operation

The possibility of recruiting civilians for military positions in the Armed Forces is provided for in Article 6 of the Law of Ukraine "On Universal Military Duty and Military Service". Pursuant to this Law, the General Staff has drafted a list of military positions that in peacetime may be filled with civilian employees of the Armed Forces. On the basis of those regulatory and legal acts, a number of different level positions within the Ministry of Defence and the General Staff personnel schedule since August 2000 have been allocated for filling, or possible filling by civilians. Among them — the Deputy Minister of Defence for Policy and Military Co-operation, the Deputy Minister of Defence for Armaments, Deputy Head of the Main Department of Economy, etc.

⁴ Performed analysis shows that the applicable regulatory-legal basis in Ukraine does not entirely meet this criterion. The functions of Ukraine's Armed Forces are formulated too generally: they encompass (1) Ukraine's defence, (2) protection of its sovereignty, (3) territorial integrity and inviolability of its borders. In Great Britain and Canada, these functions are formulated more concretely. For instance, the White Paper of Canada's Government defines their character (localisation of low and high intensity conflicts), the order of battle (the number and class of ships, warplanes, regiments and brigades), the term of readiness for employment (24 hours, three weeks), duration of sustained actions without reinforcement, etc. Hence, the Canadian military obtains background data for planning. Exactly these indicators serve as a basis for oversight of the Armed Forces, which increases responsibility of the military and civilians for the use of budget funds. These issues are dealt with more specifically in the following sections of the Analytical report.

⁵ The urgency of this issue was discussed in an article by the UCEPS expert. See: Grytsenko A. Is It Possible for the Ukrainian Armed Forces to Perform Internal Functions? — *National Security & Defence*, 2000, No.1, p.48-52.

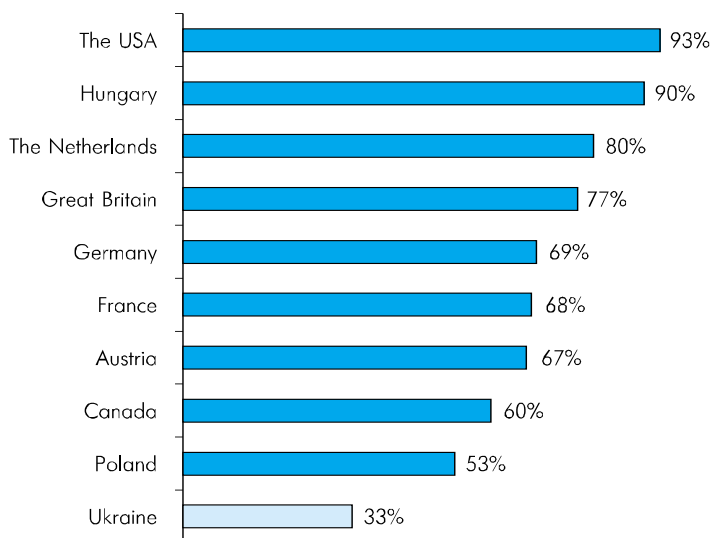


the Ministry of Defence is headed by a civilian), all professional military activities are subordinate to the Chief of the General Staff as the head military leader, who is, at the same time, *the main military advisor* to the Minister of Defence and the President - the Supreme Commander-in-Chief of the Armed Forces. Under this scheme, periodical rotation of the political leadership of the country (the President, Parliament and the Government, including the Minister of Defence) does not automatically lead to the replacement of the top military command, which guarantees uninterrupted control of forces, continuity in the Armed Forces command and execution of long-term state programmes.

In peacetime, effective control over the military activities is ensured through power ministries, where executive positions on the level of heads of main departments (of logistics, maintenance, manning, education and training, military policy and international co-operation, relations with Parliament, political parties and the public, defence-related economy and finance, capital construction, defence research) are occupied by civilians.

It is clear that the performance of these important functions requires the sufficient number of qualified civil servants. Indeed, in the developed Western countries, there are much more civilians than military personnel employed at defence ministries (*Diagr. "The share of civilians within the Ministry of Defence structure"*)⁶.

**The share of civilians within the Ministry of Defence structure,
% of total number**



⁶ By contrast to other countries shown on Diagram, in the Ministry of Defence of Ukraine, civil servants occupy minor positions, and there are no civilians at all among the top executives of the Defence Ministry. The role of civil servants in the U.S. DoD is dealt with in S.Olynyk's article "Civilians in the U.S. Defense Establishment", published in this issue.



Point of view

*Oleksandr URBAN,
Career Diplomat,
in 1995-1996 — Director,
Foreign Relations Department,
General Staff of Ukraine's Armed Forces*

The Army should not interfere in sectors that are beyond the framework of defence of the state by military means. Only those who are immediately participating in combat activities should bear epoulets. All others should be (or become) civilian.

The Ministry of Defence should be transformed into a truly political structure that would not directly interfere in the process of military planning and combat training. This is possible only at the expense of a balanced enhancement of the General Staff's functional independence.

The Ministry of Defence should radically strengthen its civilian component, first of all — in such sectors as defence policy, international co-operation, arms development, logistics and maintenance, capital construction, educational and social services, military education and training, medical support, etc.

Civilian nominees for responsible positions in state structures ensuring civilian control in the military sector should have great scholarship and be well qualified, but first of all, they should possess a sense of delicacy, and in no event create the atmosphere of civilian *control* over military servants. Otherwise their activity will not be effective and may have an adverse effect.



Point of view

*Oleksandr SHCHYKOTOVSKYI,
Major General,
Deputy Head of the Main
Department for Human Resources,
Ministry of Defence of Ukraine*

The role of civil servants in the Armed Forces can be enhanced in different ways. One of them is the development of the civilian component among the Armed Forces personnel, i.e., an increase in the number of positions that can be filled with civil servants. This work has already begun. The Minister of Defence of Ukraine has approved summarised proposals of the services commanders within Ukraine's Armed Forces and the troops of the central staff of the Ministry of Defence of Ukraine regarding possible appointment of civil servants to reserve, as well as active duty officer positions. There are almost 20 thousand such positions. The direct economic effect from even a partial implementation of the proposed substitution with the concomitant reduction of payments from the money allowance fund and other payments obtained by officers, is counted in millions of hryvnas. Additional economic effect will be obtained from stabilisation of personnel, reduction of their rotation and the related decrease in their training expenses. For instance, the appointment of 232 civil servants for officer positions in 1999 saved nearly UAH 1.4 million in budgetary funds*.

* Shchychkovskiy O. The Role of Civil Servants within the Structure of the Armed Forces of Ukraine and the Ways of Enhancing It. — *Narodna Armiya*, March 31, 2000, p.3.



*Borys KOZHYN,
Vice Admiral,
Head of the Union
of Officers of Ukraine,
People's Deputy
of Ukraine*

Point of view

Appointment of a civilian Defence Minister is one of the main elements of establishing civil society and creating a system of civilian control over the Armed Forces. The Minister of Defence is, first of all, a political figure. Together with his staff, he should perform exclusively political and administrative functions, in particular he or she must address issues of proper supplying of the Armed Forces. The Chief of the General Staff of the Armed Forces should be directly subordinate to the President as the Supreme Commander-in-Chief, without a go-between in the person of the Minister of Defence. The Chief of the General Staff of the Armed Forces should be responsible for the combat readiness of the Army and should hold overall operational command of the Armed Forces. The Minister of Defence as a political figure may resign together with the rest of the Government, or may be dismissed under the constitutional procedure. The Chief of the General Staff as operational commander of the Armed Forces should not be a member of the Government, and his fate should not depend on political trends that can bring about changes in the Government at any moment. The Armed Forces of Ukraine should work continuously and be ready to perform their sacred duty — to defend the Fatherland. Such a scheme has been successfully implemented in the vast majority of developed democratic countries of the world.

I believe that the Minister of Defence should possess the following traits: national awareness, Ukrainian patriotism, professional competence, and honesty. I believe that there are such people among representatives of political parties and public organisations of the nation-building orientation.



Point of view

*Mykola ANUFRIYEV,
Colonel General of Militia,
Deputy Minister
of Internal Affairs of Ukraine*

In 2000, acting on the orders of the President of Ukraine of December 2, 1999, the Ministry of Internal Affairs Board made a decision to fill the certain positions within internal affairs structures and units with civilians. The order of the Minister of Internal Affairs provided for filling a number of executive positions at passport and visa, financial, economic, medical and other departments with civil servants.

Furthermore, in the context of administrative reform, it is planned to ultimately resolve the issue of civilian manning of passport, registration and migration departments, support services and other units, which are not directly involved in combating crime and providing public security, prior to 2005.

Taking into account the specific nature of the militia's mission, we consider to be inexpedient to appoint civilians to the top executive positions at structures and units of internal affairs, as well as to all positions in operational investigation services within the system of the Ministry of Internal Affairs, at the present time.



*Oleksandr PARFIONOV,
Executive Director,
Ukrainian Centre for
International Security
Studies*

Point of view

From the point of view of the classic Western system of civilian control over the military, the Minister of Defence of Ukraine should be a civilian. Ukraine has experience in appointing a civilian Defence Minister, V.Shmarov. The failure of this experiment can be explained, first of all, by the fact that V.Shmarov as a civilian was not competent enough in military issues at the moment of his appointment. This problem is not confined to personalities, and is of a general nature. Even today, Ukraine lacks a system of civilian specialist training for employment in the Armed Forces. In these conditions, new civilian appointments at the Ministry of Defence can give rise to conflicts with the military.

There is one more reason for the fact that Ukrainian society is not ready for a civilian Minister of Defence. The present Ukrainian practice of high-level nominations shows that they are usually the result of apparatus intrigues that are absolutely non-transparent for the public. The nominee's affiliation with a certain influential political grouping plays an important role. This practice gives reason for concern that a civilian Defence Minister appointed by the President will remain beyond the scope of control of other institutes of state power. In particular, he or she may slip beyond the control of the legislative branch, which may lead to excessive concentration of power in the President's hands.

Therefore, Ukraine is not ready for a civilian Defence Minister yet. The key precondition here is the creation of a civil service for the Armed Forces and the Ministry of Defence, which would lead to civilian control over the defence sector (such efforts must include a legislative component).



Point of view

*Pavlo SHISHOLIN,
Colonel General,
First Deputy Head of the State Committee
for the Protection of the State Border
of Ukraine - Chief of the Main Staff
of the Border Troops of Ukraine*

The State Committee for the Protection of the State Border does not plan to appoint civilians for the chief executive positions of the department head (his deputy head) level, as the effective legislation of Ukraine does not regulate this issue. Higher appointments are being made by the President of Ukraine, pursuant to the Law of Ukraine "On Universal Military Duty and Military Service".

The developed countries' experience also proves the expediency of organisation of special bodies in charge of co-ordination of power structures' activity in the most important (sensitive) areas. This primarily refers to the activity of the *military intelligence*.

Therefore, **delimitation of the authority and responsibilities between civilians and the military in power structures is confined to the following:** civilian executives perform political control and administration, solve the issues of all-round support for the troops, while the military command bears responsibility for purely military issues (first of all, for the combat training of the troops), and exercises control over their everyday operation.



*Viktor BANNYKH,
Colonel General,
Deputy Minister
of Defence of Ukraine
for Policy and Military
Co-operation*

Point of view

Co-operation between the Armed Forces and civilian monitors can change for the better, after the Verkhovna Rada adopts the Law of Ukraine "On Civilian Control Over the Military organisation and Law Enforcement Activities in Ukraine" (the draft Law is presently being reviewed by the Verkhovna Rada Committee on National Security and Defence). This Law will legislatively define the commitments undertaken by Ukraine in 1994 in OSCE "Code of Conduct Regarding Military-Political Aspects of Security" and will govern legal relationships in the field of civilian control over the Military organisation in Ukraine.

Mechanisms of civilian control over the military formations in Ukraine include parliamentary control, state administration control, and public control.

Parliamentary control is manifested through the Verkhovna Rada's legislative definition of the Armed Forces' tasks, functions and structure. When reviewing the draft state budget, the Verkhovna Rada at its plenary meetings discusses planned defence expenditures. Top officials at the Ministry of Defence participate in the Verkhovna Rada plenary sessions dedicated to discussions of defence bills, while People's Deputies, members of the Cabinet of Ministers and other central executive bodies of Ukraine are invited to attend the Ministry of Defence Board meetings. Issues of combat effectiveness are examined at conclaves of the Verkhovna Rada Committee on National Security and Defence. MPs meet with top Defence Ministry officials during plenary meetings of the Verkhovna Rada, as well as at the Ministry of Defence. The Ministry of Defence also reviews MPs' inquiries and applications pursuant to the Law of Ukraine "On the Status of People's Deputies of Ukraine".

In order to enhance co-operation between the Ministry of Defence and the Verkhovna Rada, the Cabinet of Ministers resolution established a Department for Relations with the Verkhovna Rada and Executive Authorities. The main directions of the Department's work are: liaison with MPs, Verkhovna Rada committees and the Cabinet of Ministers in the process of drafting and guiding of laws, and advising MPs on the priority of their review.

The core of Ministry of Defence co-operation with public organisations and Ukrainian citizens is provision of truthful information about life in the Armed Forces, in line with the Law of Ukraine "On State Secrets", and providing citizens with necessary pre-conditions and opportunities for exercising their constitutional right to lodge propositions, claims and complaints.

Criterion 3. A system of civilian control ensures effective supervision over power structures by Parliament, primarily through the adoption and control of the defence budget

Parliamentary control presents an important element of the system of civilian control over the military sector. In the developed countries, the Government is formed by the parliamentary majority or through the interfacing of candidates

for ministerial posts involving the leading political forces. This allows the legislative body to influence human resources policy within power structures.

Other levers of parliamentary control include the formation of the legal basis for the operation of military formations, the approval of the defence budget, of state programmes for the development of power structures, the development of arms and weapon systems, performance of control functions (with respect to military budget expenditures or human rights protection among servicemen), parliamentary hearings, audition of reports of the Government, power ministers, etc.

Budget allocations present a concentrated expression of the military's needs. Effective parliamentary control through the budget mechanism is conditional on the following.

1) The volume of the defence budget should be sufficient for funding both the current needs of power structures, proceeding from the list of their specific functions, and for the implementation of previously approved long-term national programmes. One cannot demand reform (development) of power structures and the proper level of combat efficiency of the troops if Parliament allocates funds for personnel maintenance only.

2) The budget process should be utmost transparent, and the defence budget — sufficiently itemised to audit the amount of expenditures channelled to the training of troops for specific functions and missions. It is advisable to submit draft budget not only in the **audited form** (specifying the items of expenditures — personnel maintenance, R&D, capital construction and the like), but also in the **functional form** (defining expenditures on specific functions — defence of air space, preparation for strategic deployment, land, naval, special, peacekeeping and other operations, electronic countermeasures, air strikes, reserve training, etc.)⁷.

3) MPs should operate the staff that would provide proper information-analytic support for their work and professional assessment of the proposals submitted by the military.

4) applicable laws should provide mechanisms for bringing Government officials to responsibility (and the degree of such responsi-

⁷ Stressing the importance of this approach to the formation of the defence budget, G.Kennedy noted: "To know something about the efficiency of the defense functions we have to know more than the mere aggregate of all personnel costs, all equipment costs and all other costs... If we know the expenditures that are supposed to be allocated to specific functions, we can at least ask elementary questions: is this defense function worth the cost; is there a better use (defence or otherwise) for these resources?"



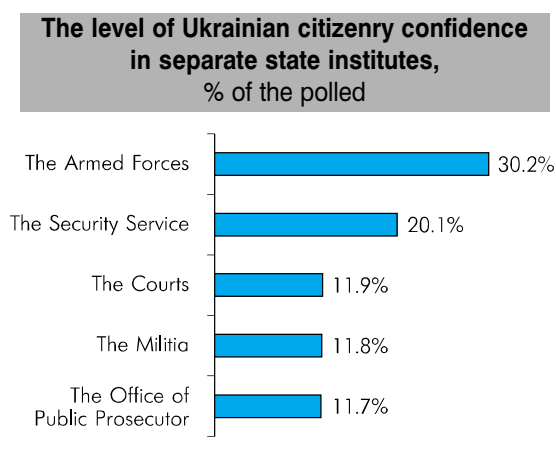
bility) for non-execution of the defence budget, first of all, non-funding of its 'protected' items, and non-observance of budget priorities defined by Parliament, in case of budget sequestration.

As a rule, Parliament members treat the discussion of defence issues at the stage of defence budget adoption quite seriously. Far less attention is paid to control over its execution.

Criterion 4. A system of civilian control ensures high prestige of the military service in society, and high level of public trust in power structures

True prestige is enjoyed by an effective army that is always ready to perform its functions and assignments, since, indeed, "it is no good claiming that "we have good democratic control" if the country has an army which is in a shambles"⁸. If the civilian leadership of the state truly cares of ensuring combat efficiency of the army, of its true rather than virtual prestige, then, both the authorities and society in general can always rely on support of the military, its readiness to self-sacrifice, and the military under no circumstances will pose a threat to the civilian authorities and the population. Otherwise, the threat of politicising power structures in the result of servicemen's dissatisfaction with their social status and the attitude on the part of the authorities and society in general cannot be ruled out.

UCEPS sociological surveys demonstrate a relatively high level of Ukraine's populace trust in the Armed Forces and the Security Service, and a clearly lower level of confidence in other state structures (*Diagr. "The level of Ukrainian citizenry confidence in separate state institutes"*).



The Armed Forces enjoy full support of 30.2% of the polled, Security Service — 20.1%, while the level of people's trust in the Court, Militia and Procurator's Office does not even reach 12%. The potentially high level of people's confidence in power structures presents an important factor of social stability, especially in the period of reform.

Criterion 5. The presence of favourable conditions in society for open discussion and taking important state decisions on defence issues involving broad public

The effectiveness of civilian control and the high level of confidence in the military can be ensured only through the transparency of discussion and decision-making regarding the national military sector. Only the publication of information which can damage national interests of the state should be secret (closed for the public). **Government bodies and the military should not resort to secrecy for concealing mistakes, deficiencies and abuses.**

To be sure, real control over the military sector is possible only on the condition of sufficient number of civil servants, independent experts, scholars and journalists competent in military issues. In the developed democratic countries, their joint efforts ensure competent discussion of defence issues, taking well-substantiated decisions, and, therefore, the support for the Government at the stage of implementing those decisions.

Non-compliance of the system of civilian control over the military sector with the above criteria is fraught with negative political, economic, social, environmental and purely military consequences (see Table).

It is evident that many problems listed among the possible negative consequences of the limited civilian control over the military sector are the problems that worry Ukraine's authorities and the populace at the present moment. Some manifestations of the uncontrolled (again, in the broad sense of the term 'control') military activity have already led to human casualties, provoked confrontation between the military and civilian population, the decline of trust in the authorities. Only resolute actions of the political leadership of the state can turn the situation for the better and reduce the probability of such negative developments.

It is worth noting that the existence of strong democratic traditions in the state does not

⁸ Donnelly C. Defence Transformation in the New Democracies: a Framework for Tackling the Problem. — *NATO Review*, 1997, No.1, p.16.



POSSIBLE NEGATIVE CONSEQUENCES DUE TO ABSENCE OF EFFECTIVE CIVILIAN CONTROL OVER THE MILITARY

POLITICAL SPHERE

- ❖ the decline of the authority and the level of trust in power structures (and, consequently, in the Government in general) on the part of the populace
- ❖ non-transparency of power structures, excessive censorship in mass media, defamation and persecution of critics, including journalists, mass violations of human rights and freedoms (among both the military and civilians)
- ❖ deterioration of relations with foreign countries, the threat of being dragged into military conflicts as the result of uncontrolled sale of arms, use of military transport aviation in "hot spots", abuses among peacekeepers
- ❖ politicising of power structures (especially special services), their involvement into the internal political struggle, including for influencing the run and results of elections (referendums)
- ❖ military pressure on the political leadership, power structures' going out of control of the head of state, military conspiracy, anti-constitutional coup supported by special services

ECONOMIC SPHERE

- ❖ the heavy burden of excessively numerous power structures on the state budget, impeding national economic progress
- ❖ abuse of power and corruption as the result of power structures' involvement into economic (business) activity
- ❖ power structures' involvement into competition between influential business structures
- ❖ the decline of the effectiveness of law-enforcement bodies' struggle against economic crime
- ❖ ineffective and inappropriate use of budget funds, resulting in unsatisfactory support of troops, non-execution of state programmes and repeated spending on the same projects in the future
- ❖ ineffective use and embezzlement of material (especially on the background of reorganisation and change of subordination)
- ❖ excessive mobilisation facilities at enterprises that impede development of the national industry
- ❖ uncontrolled 'conversion' of defence enterprises, inability to produce main weapon systems, excessive dependence on imports

SOCIAL SPHERE

- ❖ the decline of prestige of regular military service, compared with other professions
- ❖ a large gap between the power structures' command and the rest of personnel, and between society and the army in general
- ❖ social degradation of military formations manned by conscripts representing limited social groups, specifically workers and peasants
- ❖ lavish presentation of "stars" to top military commanders instead of true attention to solution of social problems of the military
- ❖ unwillingness of the youth to serve conscript service, its perception not as an honourable civic duty and the school of patriotic education but as a dangerous waste of time
- ❖ unsatisfactory moral and psychological status of the military, the lack of social protection for their dependants, readiness to resort to actions of protest, including with the use of arms
- ❖ malnutrition of conscripts, the cold in the barracks, high sickness rate in military garrisons
- ❖ high suicide rate among the military (especially officers), high morbidity rate among officers of the reserve
- ❖ poor control over the preservation of arms in military units, the resultant armament of criminal gangs and an increase in crime throughout the country

ENVIRONMENTAL PROTECTION

- ❖ disastrous environmental effects of military activity — pollution of vast land and water areas, the air, soil and drinking water, resulting in epidemics of dangerous diseases among the military and the civilian population
- ❖ large accidents and disasters during military exercises involving casualties, including civilian casualties
- ❖ poor control over the preservation and use of ammunition and dangerous substances (liquids, gases)
- ❖ relaxation of the guarding of strategic objects and dangerous sites, the threat of sabotage and terrorist attacks with heavy environmental consequences
- ❖ unpreparedness of the Civil Defence Corps to render assistance to the population in the event of natural calamities, technogenous accidents and catastrophes

MILITARY SPHERE

- ❖ structural excessiveness of the Military organisation, non-optimal division of functions between power structures (duplication of some of them, and non-performance of other important functions)
- ❖ the excessive numerical strength of power structures, wrong priorities in their development
- ❖ the decline in the effectiveness of military intelligence
- ❖ insufficient supply of the power structures with resources, a curtailment in the combat training of forces, especially with respect to the reserve component
- ❖ a curtailment of R&D, the decrease in the level of defence research, and military specialist training
- ❖ delayed modernisation of basic weapon systems, the lack of continuity in the restoration of the combat power of troops
- ❖ the low pace of the military reform, the rapid decline in the combat readiness of forces
- ❖ unpreparedness of the military formations to accomplish their duties in case of emergency



guarantee the absence of problems in the civil-military relations⁹. The analysis of other countries' experience shows that in the developed countries, the issue of civilian control over the military is no less important than in the countries that just parted with their totalitarian past.

DEMOCRATIC CIVILIAN CONTROL: A TACTICAL OR A STRATEGIC ASSIGNMENT?

The comparative analysis of the status of civilian control over the military in advanced Western countries and in Ukraine (where democracy is still rather weak) shows that the developed democratic countries pay much more attention to this issue. On the face of it, the situation should have been to the contrary, given the old traditions and the solid fundamentals of their democracy. For a long time their Armed Forces have been trained in the spirit of deep respect for the principles of democracy and non-interference into the affairs of the civilian leadership of the state. In reality, there is no contradiction at all, since democratic countries not only declare their abidance by the principle of civilian control over the military sector, but also are sure in feasible benefits of such a control.

First of all, in the developed countries, large budget sums are allocated for the projects very important for society and special attention is paid to ensuring the maximum efficiency of budget expenditures. This process is closely monitored (controlled) not only by the authorities, but also by the political opposition, public organisations, and the populace in general. There is a clear understanding and political consensus on the following issue: if a certain power structure is necessary for the state, it should be equipped and trained in the best possible manner, and the military command should be able not only to control the troops but also to give competent advice on military subjects to the state leadership.

Second, in the developed countries, the state controls only a small share of the economy, and administrative interference of the state into the problems of social security is also limited. So, state authorities have relatively few instruments for the implementation of practical proj-

ects (programmes) appreciable by the populace, by the results of which voters could judge the effectiveness of the authorities and support the ruling party at the next elections. The most 'noticeable' domains of the authorities' activity are foreign policy, the defence sector, law enforcement and finances. Therefore, the status of the Armed Forces, the effectiveness of the police and Civil Defence Corps (in case of natural calamities) are among the main indicators of the effectiveness of the Government in democratic countries.

Democratic civilian control over the military sector is necessary, because it brings benefits to the state leadership, to the military and to society in general.

For the state leadership, this is a prerequisite to stable national progress, a guarantee of the high effectiveness of power structures as an instrument of defending national interests against external and internal threats. Reliable civilian control over the military sector positively impacts the international image of the state, whose policy is stable and predictable. The strong and effective army, efficient intelligence, reliable border and customs services, mature law-enforcement bodies and special services present powerful tools that allow the head of state to pursue active domestic and foreign policy.

For society, democratic civilian control is a guarantee of the effective use of budget funds, civil order and peace in everyday life, protection and assistance in case of emergency, and a guarantee of human rights within power structures and society in general.

However, civilian control offers the greatest benefits *for the military*. It gives the leaders of power structures a clear definition of their authority and responsibility, effective means for the resolution of topical problems with participation of Government officials and legislators. For generals and officers, civilian control means the possibility to do "their business"¹⁰, that is, to concentrate on the solution of purely military issues, which, in its turn, promotes the combat readiness of the troops and the prestige of the military service. The military also benefits from

⁹ The NATO operation in Kosovo also revealed the existence of serious contradictions between politicians and the military, when their views on the expediency and the conduct of the operations differed significantly, and civilian politicians many times had to "press" on generals quite strongly. Crises in relations between the civilian and military leadership rather often take place around other issues as well, such as the reduction of power structures' manpower, the formation of the defence budget, lobbying power structures' interests in Parliament, the priorities of weapon systems development, participation in peacekeeping operations, intelligence services activity, sale (acquisition) of weapon systems, the use of budget funds for other than designed purposes, human right violations in troops, irregular relations among the military, etc. Some problems of the civil-military relations in the new NATO members are dealt with in J.Simon's article "Defense Planning Experiences of NATO's New Members", published in this issue.

¹⁰ Today, the Ukrainian military has to perform a number of functions which in developed democratic countries are vested in civilian politicians and civil servants. The importance of this problem is stressed by V.Shmarov in his article "The Influence of Civilians within Power Structures Should Be Strengthened", published in this issue.



everyday contacts with civilian experts who possess the knowledge and the experience in economy, domestic and foreign policy and state governance.

Therefore, the developed countries' experience shows that civilian control gets stronger with the development of the main elements of civil society. Hence, for Ukraine, democratic civilian control over the military sector is not only a requirement of the present day and a factor of social stability at the complex stage of development; **democratic civilian control over the military sector must become a strategic target in Ukraine's long-term development.**

CONCLUSIONS

Democratic civilian control over the military sector is based on three fundamental principles: subordination of the military to civilian authorities; civilians' responsibility for the effectiveness of power structures; accountability of civilian authorities and the military to civil society. Of principal importance is the civilian authorities' ability to ensure the high combat readiness of the troops, the prestige of the military service and the high level of public confidence in the power structures.

The western experience convincingly demonstrates the benefits of democratic civilian control for both civilians and the military. *For the state leadership* — this is a prerequisite to stable national progress, a guarantee of the high efficiency of power structures as a means for defending national interests against external and internal threats. *For society* — this is a guarantee of effective use of budget funds, public order and peace in everyday life, protection and assistance in case of emergency and a guarantee of human rights — within power structures and entire society. *For the Military organisation* — this means a clear definition of strategic targets, functions and missions, an effective mechanism for satisfying the needs of the military and social security of servicemen.

There is no universal model of civilian control, every country has its specificity. However, foreign experience makes it possible to define the basic criteria of its efficiency (UCEPS experts formulate five criteria). Ignoring them is fraught with negative political, economic, social, environmental and purely military consequences. Unfortunately, Ukraine's experience convincingly testifies this.

Effective civilian control and a high level of trust in the military cannot be provided without the transparency of discussion and decision-making, with regard to the military issues. Ukraine should actively advance the mechanisms of civilian control involving political parties, public organisations, non-governmental analytical centres and mass media.

The experience of advanced countries proves the necessity of separating the functions of political control and administration from the professional military command and control of their operation. The issues of political control and administration, all-round support for the troops should be vested in civilian officials, while the military leadership should be responsible exclusively for the solution of professional military problems (first of all, for the combat training of troops), and control their everyday activity.

For an effective civilian control, society should have a sufficient number of civil servants, independent experts, scholars and journalists, competent in defence matters. Their joint efforts provide for a competent discussion of military issues, taking well-substantiated decisions, and, therefore, the support for the Government at the stage of their implementation.

The topicality of civilian control increases not only at critical stages of social progress. This problem is important for mature democracies as well. Therefore, for Ukraine, democratic civilian control over the military sector is not a tactical aim (the requirement of the day); it should be a strategic target for nation-building in the long run.



2. UKRAINE'S GAINS IN FORMING THE SYSTEM OF CIVILIAN CONTROL OVER THE MILITARY

As from that day, the process of military construction becomes transparent and open for society and for democratic civilian control, as never before.

Defence Minister of Ukraine O.KUZ'MUK

The analysis of the system of civilian control in Ukraine proves the existence of some positive changes and trends that should be consolidated and developed. Since independence, a network of state and public institutions performing the function of supervision over the activities of the power structures has been established in this country. This is a kind of skeleton on whose basis a truly effective *system* of civilian control over the military sector can be formed over time.

In Ukraine, the regulatory-legal basis has been formed, on the whole, that governs the activity of military formations and different aspects of civil-military relations. Within the system of state governance, bodies in charge of co-ordination and oversight of power structures' activity have been established. Co-operation of different authorities in matters pertaining to the formation of the defence budget and development of state programmes in the military sector is improving; the system of state control over arms sales works quite reliably. Military formations are gradually becoming more open for society, their interaction with mass media and public institutions is becoming more productive. Ukraine's Military organisation has been freed of party involvement, political parties have no significant influence on its operation.

2.1 NETWORK OF STATE AND PUBLIC INSTITUTIONS CONTROLLING POWER STRUCTURES' ACTIVITY IS FORMED

After the declaration of its independence, Ukraine created the basic elements of the system of civilian control over the military sector, that encompasses all branches of power, basic state and social institutions (*see Diagram "The basic elements of the system of civilian control over Ukraine's power structures"*).

The Constitution of Ukraine (1996) defined the basic functions and powers in the field of national security and defence and distributed them among the state bodies.

The Concept (fundamentals of state policy) on National Security of Ukraine (1997) specified the principles and strategic assignments with regard to formulation and implementation

of national security policy. This created fundamentals for the development and adjustment of the legislative base, working out doctrines, strategies, concepts, state and departmental programmes in all domains of national security.

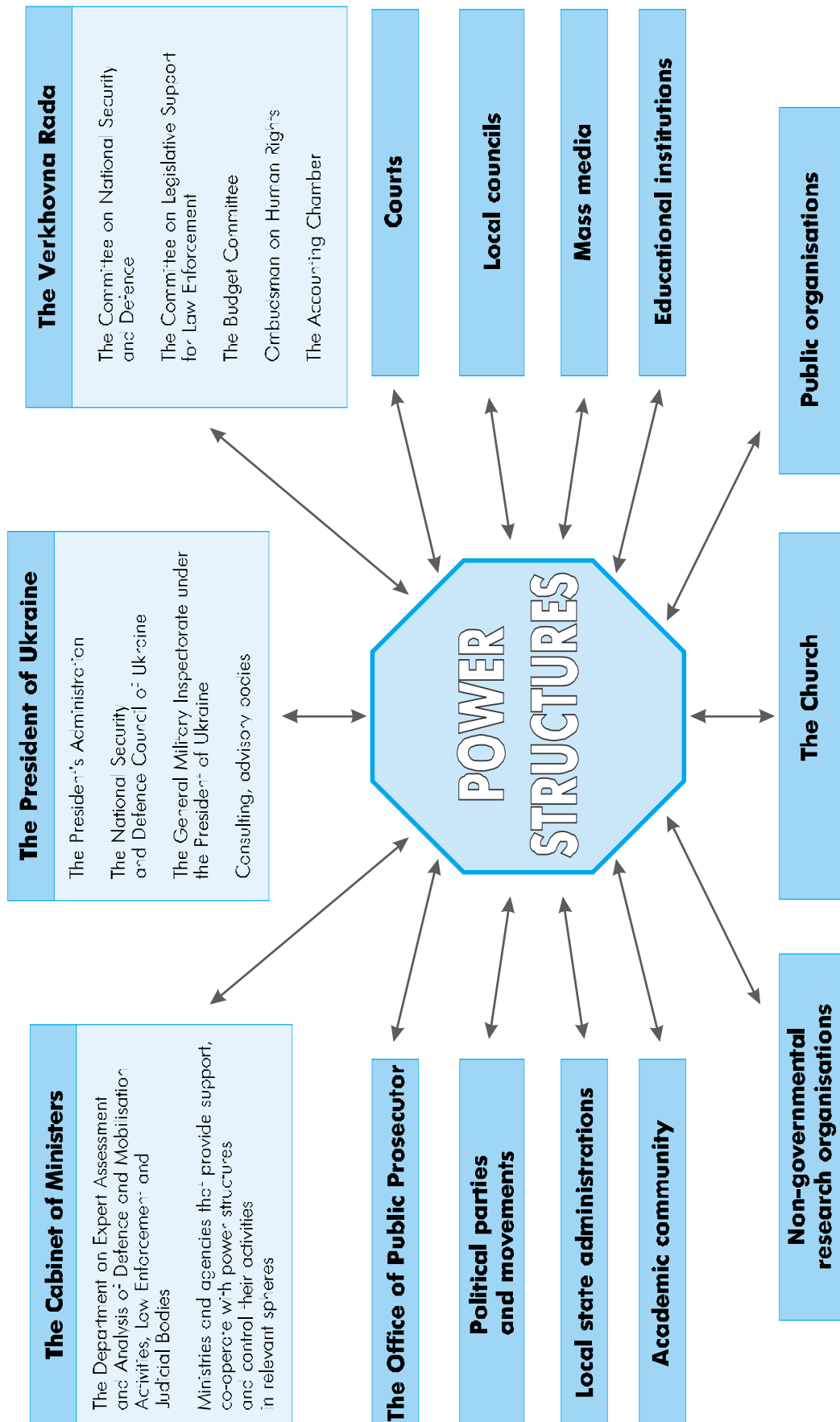
The competence of state bodies responsible for civilian control is stipulated in the Law of Ukraine "On the Defence of Ukraine" and other laws that deal with the general problems of the Military organisation of the state¹¹.

The functioning of Ukraine's Armed Forces, other military formations and law-enforcement bodies is stipulated in the laws of Ukraine "On the Armed Forces of Ukraine", "On the Border Troops of Ukraine", "On the Internal Troops of the Ministry of Internal Affairs of Ukraine", "On Civil Defence in Ukraine", "On the Security Service of Ukraine", etc.

¹¹ Specifically, in the laws of Ukraine "On the Universal Military Duty and Military Service", "On Social and Legal Protection of Servicemen and Their Dependents", "On State Border of Ukraine", and in the "Temporary Regulations of Officer Service".



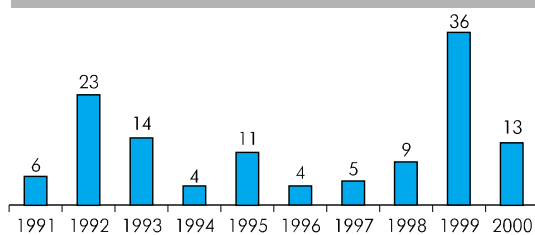
THE BASIC ELEMENTS OF THE SYSTEM OF CIVILIAN CONTROL OVER UKRAINE'S POWER STRUCTURES





In general, there are reasons for stating that **a regulatory-legal base has been established in Ukraine that regulates the basic issues of operation and further development of the system of civilian control over the military sector**¹². Diagram "The number of laws that regulate the military sector" shows that in 1991-2000, the Verkhovna Rada adopted 125 laws that directly deal with power structures, and more than 50 such laws were passed by the Parliament of the present convocation.

The number of laws that regulate the military sector



The President of Ukraine as the head of state, the guarantor of state sovereignty and territorial integrity of Ukraine and the Supreme Commander-in-Chief of Ukraine's Armed Forces manages the domains of national security and defence. He controls power structures through the Presidential Administration, the National Security and Defence Council of Ukraine and the General Military Inspectorate under the President of Ukraine. Heads of Ukraine's power structures are immediately subordinate to the head of state and appointed by the latter without Parliament's consent. The President establishes consulting and advisory bodies for dealing with issues pertaining to the defence sector¹³.

The Verkhovna Rada as the highest supreme legislative body performs the function of civilian control via permanent parliamentary committees¹⁴. A special role in civilian control over the observance of human rights in the Army can be assigned to the institute of the Verkhovna Rada Ombudsman on Human Rights (**N.Karpachova**), established in 1998. Temporary special and investigative commissions may be formed for preparing parliamentary decisions and investigat-

ing some important issues. The Accounting Chamber (Head — **V.Symonenko**) is attached to the Verkhovna Rada. It supervises the rightfulness of budget fund spending.

The Cabinet of Ministers as the supreme body within the system of executive authorities takes measures for providing Ukraine's defensive capability and national security. Within the structure of the Government's Secretariat, there is a specialised Department on Expert Assessment and Analysis of Defence Mobilisation Activities, Law Enforcement and Judicial Bodies (Head — **Major-General A.Palamarchuk**). The Government is in charge of all-round support for the power structures' activity¹⁵. The mission of control over the proper use of budget funds is assigned to the State Audit Service.

Local state administrations and councils see to the performance of the Constitution and laws of Ukraine, acts of Ukraine's President, the Cabinet of Ministers and other executive bodies, including with respect to units and servicemen of power structures located on their territory. Local authorities play an especially important role in the issues pertaining to the support for everyday activity of military garrisons, sponsorship and emergency situations whereby troops are busy accomplishing internal functions.

Bodies of judicature and prosecution oversee the observance of laws in the defence sector, bring violators to responsibility, resolve disputes, initiate and examine criminal cases.

Within the system of civilian control, **mass media, political parties, public institutions, including non-governmental research organisations, academic community**, perform the function of a feedback link between the authorities and society, form public opinion, identify problem areas in the defence sector, propose the ways of their resolution, therefore influencing the Government's decision-making process.

The Church primarily concentrates its activity in military formations on education and guaranteeing human rights of servicemen with respect to the freedom of conscience and faith; influential Christian confessions have made co-operation agreements with some military formations.

¹² The results of the performed analysis are presented in the research paper by a UCEPS expert. See: Grytsenko A. Civil-Military Relations in Ukraine: On the Way From Form To Substance. — *NATO Fellow Paper*, July, 1, 2000 (www.nato.int/acad/fellow/98-00/grytsenko.pdf).

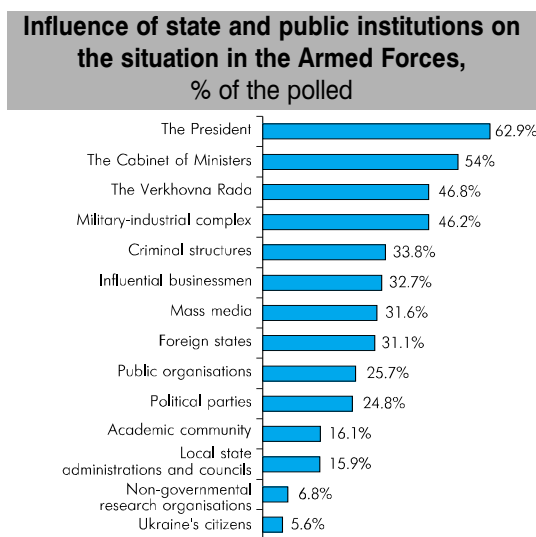
¹³ The following bodies may be ascribed thereto: Co-ordinating Council for Social and Legal Protection of Servicemen, Retired Servicemen and Their Dependents, Co-ordinating Council for the Development of the Ukrainian Cossacks, etc.

¹⁴ First of all, the Committee on National Security and Defence (Chairman — **B.Andresiuk**, First Deputy Chairman — **Lieutenant General A.Chykal**; the Committee consists of 22 People's Deputies, six of them — active duty military), the Committee on Legislative Support for Law Enforcement (Chairman — **Lieutenant General I.Bilas**), the Budget Committee (**O.Turchynov**).

¹⁵ It goes about drafting budget proposals (the Ministry of Economy, the Ministry of Finance), financial support (State Treasury), co-ordination of international (the Ministry of Foreign Affairs), educational and research (the Ministry of Education and Science), regulatory (the Ministry of Justice), economic (State Property Fund) and other kinds of activity.



Some idea on the level of influence of different subjects of civilian control on the activity of military formations can be drawn from the results of a public opinion poll conducted by the UCEPS Sociological service (see *Diagram "Influence of state and public institutions on the situation in the Armed Forces"*)¹⁶.



Ukraine's citizens believe that the President of Ukraine exerts the strongest influence on the situation in the Armed Forces (62.9% of the polled consider his influence to be "strong" or "very strong"). The second top position, by the level of influence on the Army, is occupied by the Government (54%), the third — by the Verkhovna Rada (46.8%). It is closely followed by the military-industrial complex — 46.2%. Far less influential are mass media (31.6%), public organisations (25.7%), political parties (24.8%), academic circles (16.1%) and local authorities (15.9%). Non-governmental research centres and ordinary citizens have practically no influence on the Army whatsoever (6.8% and 5.6% respectively).

At the same time, respondents point to the noticeable influence on the Armed Forces on the part of "non-traditional" subjects of civilian control over the military — criminal structures (33.8%), influential businessmen (32.7%) and foreign countries (31.1%). While foreign influence appears to have no negative colouring (it primarily reflects Ukraine's relations with NATO, the EU, OSCE, whereby the observance

of commonly recognised democratic norms presents an important element of these relations), the noticeable influence on the situation in the Army on the part of business, to say nothing of criminal circles, evidenced by respondents, arouses concern and requires deep analysis.

It is very important that state and public institutions, in one or another form dealing with civilian control, later be united into a single system of democratic civilian control over Ukraine's military sector, that would meet the criteria of effectiveness specified in Section 1.

2.2 THE ESTABLISHMENT OF BODIES FOR CO-ORDINATION AND CONTROL OF SEPARATE POWER STRUCTURES BY THE PRESIDENT OF UKRAINE

These bodies include, first of all, the National Security and Defence Council (NSDC) of Ukraine and the General Military Inspectorate (GMI) under the President of Ukraine.

The NSDC of Ukraine (established in 1996¹⁷) is a constitutional body responsible for co-ordination and control of the executive branch activity in the sphere of national security and defence. The Prime Minister of Ukraine, the Minister of Defence of Ukraine, the Head of the Security Service of Ukraine, the Minister of Internal Affairs of Ukraine and the Minister of Foreign Affairs of Ukraine, are ex officio members of the NSDC of Ukraine. The NSDC can also incorporate heads of other central executive bodies¹⁸. The NSDC Secretary (**General of the Army of Ukraine Ye. Marchuk**) is in charge of the organisation of its work and implementation of the Council's decisions.

During 1992-2000, Ukraine's NSDC ten times reviewed defence issues at its meetings. These issues included the State Programme for the Construction and Development of Ukraine's Armed Forces through 2005, the State Programme for Reforming and Development of Ukraine's Armed Forces through 2005, the State Programme for the Development of Arms and Military Hardware, Ukraine's performance of international arms and disarmament treaties¹⁹, funding of Ukraine's Armed Forces, the situation with Ukraine's mobilisation resources, preservation of ammunition depots, and planning the strategic employment of Ukraine's Armed Forces.

¹⁶ The poll was held in October, 2000; 2000 citizens aged above 18 were polled in all of Ukraine's regions.

¹⁷ In 1992-1996, the National Security Council of Ukraine was active, as an advisory body under Ukraine's President.

¹⁸ Apart from the above-mentioned members of the Council, the head of state by his decisions introduced there the Minister for Emergencies, the Minister of Environmental Protection and Natural Resources, the Head of Administration of the President of Ukraine, the Minister of Finance, the Head of the State Committee for Protection the State Border, the Minister of Justice, the Chief of the General Staff of Ukraine's Armed Forces, the President of the National Academy of Sciences and the Secretary of Ukraine's NSDC. Therefore, the NSDC of Ukraine presently includes 15 persons, seven of them — military servants.

¹⁹ The decisions made were reflected in relevant documents dealing with Ukraine's nuclear status, its observance of flank limitations, strategic bombers, etc. For more detail on Ukraine's NSDC activity, see: Horbulin V. On the Activity of Ukraine's National Security and Defence Council in 1994-1999. — *Stratehichna Panorama*, 1999, No.4, p.18-22.



The Staff of Ukraine's NSDC (near 80 persons) renders everyday information, analytical and organisational support for Ukraine's NSDC. It employs mostly civilian experts, although there are many retired servicemen, too. The NSDC Staff operates a specialised Department on Defence Security Planning (Head — **O.Uruskyi**²⁰), whose competence encompasses the issues of defence and military-industrial policy (respective sections are chaired by **Major General V.Tiutiunnyk** and **Colonel B.Kostenko**).

The influence of Ukraine's NSDC Staff on issues dealing with power structures' activity is stronger in such domains as the development of the regulatory-legal basis, defence budget planning, human resources management, co-ordination of international military co-operation, drafting Armed Forces, weapon systems and military hardware development programmes, arms sales control, resolution of separate important issues (promotion of the AN-7X project, preparation of the Ukrainian-Russian agreement on strategic bombers, etc.).

GMI under the President of Ukraine (close to near 40 persons) is a body of presidential oversight of Ukraine's military formations. GMI is headed by **Colonel General V.Sobkov**. Unlike the NSDC Staff, it employs much more active or retired servicemen (generals and senior officers). GMI's primary functions are inspecting and overseeing the activity of military formations²¹.

Over the recent years, information analysis departments were established at the command

structures of military formations, and on their basis, an automated information system was created, accessible to the General Military Inspectorate. Proceeding from the analysis of this information, GMI is to provide the President of Ukraine and Ukraine's NSDC with real-world information on the activity of the Armed Forces and other military formations.

Hence, the head of state has effective levers of control over the Military organisation of Ukraine. The significant representation of active or retired servicemen in these structures points to the predominantly "military nature" of civilian control on the part of Ukraine's President.

2.3 MECHANISMS FOR CO-OPERATION BETWEEN THE BRANCHES AND SEPARATE BODIES OF STATE POWER FOR RESOLVING DEFENCE ISSUES ARE ESTABLISHED

Co-ordinated efforts of the authorities made it possible to achieve some progress in the most sensitive areas, such as defence budget planning, approval and oversight, drafting state programmes of power structures' development, and arms sales control.

The most critical sphere in civil-military relations is the **budget sphere**, since the interests of different ministries, departments, political parties and social groups intersect the budget process.

In Ukraine, decision-making with respect to defence budget lies in the competence of the Verkhovna Rada and the President of Ukraine. Relevant decisions are drafted by the Cabinet of Ministers, Ukraine's NSDC, the ministries of economy and finance, power structures and specialised parliamentary committees. The function of control rests with the Presidential Administration, Ukraine's NSDC, GMI, the Accounting Chamber of the Verkhovna Rada, the State Audit Service, the General and Military Prosecutors' Offices, and judicial bodies.

The variety of channels of working out decisions pertaining to defence budget and control over its execution presents more possibilities to achieve compromise (acceptable for all parties) and rule out wrong decisions. This practice is applied in the majority of democratic countries.

²⁰ O.Uruskyi occupied this position till October 9, 2000. As of the moment of the Analytical report completion, it remained vacant.

²¹ GMI operates inspectorates: of the Armed Forces and Civil Defence Forces of the Ministry for Emergencies; of the Border Troops and Territorial Communication Centres of the Department of Special Telecommunication Systems and Information Protection under the Security Service of Ukraine; of the Internal Troops of the Ministry of Internal Affairs of Ukraine; of different kinds of support (maintenance, logistics, financial-economic and medical support) for military formations; on humanitarian issues, education, military discipline and military schools, research centres and organisations of the Association for Assisting Ukraine's Defence. For more detail, see: Sobkov V. The Role and Place of the General Military Inspectorate under the President of Ukraine within the Structure of Ukraine's Military Organisation. — *Nauka i Oborona*, 1999, No.4, p.10.



Joining efforts of the Ministry of Defence, Ukraine's NSDC Staff and specialised parliamentary committees makes it possible to discuss the defence budget more specifically and draw its structure somewhat closer to the western standards²². Starting from 1998, the number of its expense items reached 16, which has made it more transparent, gradually moved it away from mere **audit** and made it more **functional**²³. In comparison to the previous years, the items of other power structures' expenses were also presented in more detail²⁴. **Therefore, the process of power structures' budget formation is gradually improving and becoming transparent for the legislative branch and for the public.**

Drafting state programmes of power structures' development presents possibilities for walking away from the permanent solution of everyday "survival" problems, set long-term strategic targets, balance national needs and resources in the long run and lay fundamentals for steady progress.

So far, no radical positive changes are seen here, since even the State Programme for Reforming and Development of Ukraine's Armed Forces through 2005, approved recently, has a deficiency that brings titanic efforts of its developers to naught: the set targets are not backed with resources, so the Programme is simply impracticable and will repeat the fate of its predecessor of 1997. UCEPS experts repeatedly pointed to this fact in their publications.

However, one cannot but notice the following important thing: the Ministry of Defence was in fact the only central executive body (out of dozens) that managed to work out a comprehensive development programme through 2005. Other Ukraine's ministries (agencies) don't have such programmes, including the ministries responsible for purely civilian sectors (economy, finance, energy, transportation, education, culture, etc.). The same refers to other power structures in Ukraine.

At present, the Defence Ministry spares no efforts to complete the State Programme for the Development of Arms and Military Hardware

and submit it to the Verkhovna Rada. During the development of its draft in the Ministry of Defence, sections dealing with other military formations were incorporated therein.

It is worth noticing that in his programme speeches, President L.Kuchma calls measures at reforming the military sector a "nation-wide assignment" and demands "imparting new dynamism to this work". The head of state termed "optimising the structure and numerical strength of military formations subordinate to other agencies, specifically the Ministry of Internal Affairs, the Security Service of Ukraine, the Ministry for Emergencies and Border Troops", an important and urgent task²⁵. This makes it important to preserve and apply the accumulated valuable experience of joint work of different branches, civilian and military specialists. The experience of this co-operation will be useful for training civilian servants for possible employment in the military sector, and, therefore, strengthening civilian control over power structures.

UCEPS experts believe that dozens of civilian specialists (diplomats, economists, lawyers) from different Government bodies involved in relevant activities within the framework of formulating the above-mentioned state programmes present the cadre reserve that over time can reinforce power structures and strengthen the civilian component in their management.

Arms sales is one of the most closed spheres, which often provokes abuses due to its high profitability and, again, secrecy. Dozens of uncontroverted publications in Ukraine's mass media prove that over the first three years of independence, control over the sales of arms and military hardware in Ukraine was rather fragmentary and not very effective²⁶.

Since then, measures have been taken in Ukraine aimed at establishing a system of arms sales control, and today, there are grounds for speaking about reliable civilian control of that sector. Resolute actions of the Government in this domain were urged by the following factors: (1) the real threat of irreversible loss of a large share of the military-industrial complex poten-

²² Military Reform in Ukraine: the Start Or Another False Start? — UCEPS Analytical report, *National Security & Defence*, 2000, No.1, p.22.

²³ The budget classifier was introduced in Ukraine in 1998. Till that time, budget expenditures were described in the budget by a couple of lines.

²⁴ For instance, the 2000 budget presents nine articles of Ukraine's Security Service expenses, while in the previous years — only two.

²⁵ The speech of President L.Kuchma at the expanded meeting of the Ministry of Defence Board on November 23, 1999.

²⁶ Until now, the final results of investigation performed by the ad hoc investigative commission of the Verkhovna Rada of the previous convocation have not been made public. There is no exact information whether such a commission is operational in the present Parliament, or it was liquidated along with other special (temporary) commissions of the Verkhovna Rada in summer, 2000. Therefore, the public has not received a convincing answer about rumours of enormous (\$20-30 billion) losses of the state in the result of the alleged uncontrolled sale of arms in that period.



tial²⁷; (2) Ukraine's losses on the arms market in the result of unco-ordinated actions of national arms producers; (3) pressure on the part of influential foreign countries and international organisations in order to prevent Ukraine's violations of international norms of arms trade; (4) criticism in the Verkhovna Rada and mass media. Furthermore, Ukraine obtained serious expert and financial assistance, primarily from the U.S.²⁸

An important element of civilian control in this sensitive sphere is **Ukraine's State Export Control Service** (Head — **O.Leheida**), that sees to the observance of applicable regulations in this sphere, first of all — through the mechanism of licensing trade in defence or dual-use items. The state also defines a short list of organisations (enterprises) that have the exclusive right to carry on negotiations with foreign partners, sign contracts, make deliveries, etc.

Reliable control over arms sales is possible on the condition of due co-ordination of all concerned structures, including the State Export Control Service, State Company "Ukrspets-export", the Ministry of Defence, the Ministry of Foreign Affairs, the Security Service, the State Customs Service, the State Committee for Protection of the State Border and many others. According to the head of state decision, such co-ordination is entrusted to the **Commission for the Policy of Export Control and Military-technical Co-operation with Foreign Countries under the President of Ukraine**. The Commission was established in 1999. It is headed by First Deputy Secretary of Ukraine's NSDC **Colonel General V.Radchenko**²⁹.

In July, 2000, the President of Ukraine established the **State Commission for Ukraine's Defence-industrial Complex** as a central executive body possessing a special status (Head — **V.Horbulin**). The Commission enjoys vast powers at co-ordinating the activity of Government bodies, various enterprises and organisations in the military-technical sector. This body will evidently actively participate in the development (co-ordination) of draft State Programme for the Development of Arms and Military Hardware — this would encourage better substantiation and definition of its strategic targets and priorities with account of the possibilities and limitations of the national economy, direc-

tions of Ukraine's military-technical co-operation with other countries.

The strengthening of these important bodies will help to impart concrete substance to civilian control over the military sector through the higher efficiency of Ukraine's military-technical co-operation with other countries, working out a balanced (backed with resources) State Programme for the Development of Arms and Military Hardware, and the renewal of production at defence enterprises.

2.4 THE NETWORK OF NON-GOVERNMENTAL RESEARCH AND PUBLIC ORGANISATIONS IS EXPANDING

Ukraine's society, or at least its elite, begins to comprehend the importance of strong democratic civilian control over the military sector in Ukraine. This is proven by public organisations' activity in this sphere³⁰.



Point of view

*Oleksandr PARFIONOV,
Executive Director,
Ukrainian Centre
for International Security Studies*

Democratic countries are interested in operating a developed network of non-governmental research institutions. The advantage of strong non-governmental analytical centres is that they offer an independent, alternative and unbiased view of urgent problems that need to be resolved. Furthermore, they employ charitable funds, sponsor funds or their own assets for such research rather than limited budgetary resources.

Within the system of civilian control, non-governmental research institutions can fulfil in Ukraine a number of important tasks, such as: monitoring and control over the observance of human rights in the Army; monitoring of the extent to which the principles of non-politicisation and transparency are adhered to within the Armed Forces; drafting of proposals as to military reform; and increasing public awareness of the problems of the military.

An important precondition of the mature democracy is the ability of the authorities to hear independent opinions, and to be receptive to criticism. Ukraine's authorities might order independent surveys. Such co-operation could be beneficial to everyone concerned: the authorities, non-governmental research centres and the general public.

²⁷ Only over the last four years, the number of enterprises and organisations within Ukraine's military-industrial complex decreased four-fold, the number of their employees — seven-fold. See: Zhurets S. Defence Industry Needs Your Protection! — *Kievskyi Telegraf*, July 31- August 6, 2000, p.8.

²⁸ The U.S. allocated close to \$14 million for introducing an automated system of export control in Ukraine. See: *UNIAN*, December 8, 1998.

²⁹ The Commission co-ordinates the positions of different ministries and agencies and makes decisions as to the sale of arms and military hardware to a specific country, with account of requirements of international regimes that limit Ukraine's activity in this field.

³⁰ In the first years of independence, few experts addressed the issue of civilian control and the military sector in general. From mid-'90s, conferences and round tables on these subjects were sporadically held. At present, the situation is changing for the better: in 2000 alone, the UCEPS project "Civilian Control over the Military in Ukraine: on the Path from Form to Substance" is at least sixth civilian control-related event held by Ukraine's non-governmental organisations.



Point of view

Heorhiy KRIUCHKOV,
People's Deputy of Ukraine

Non-governmental research organisations could have a greater impact on the civilian control over the Military organisation of the state, and, therefore, promote the overall preparedness and combat readiness of the troops, the development of democratic principles in this sector, the securing of constitutional rights and social guarantees for the military as provided by the law, and the provision of the authorities and mass media with unbiased information, based upon a system of qualified analysis of the situation in this important sphere of nation-building.

In such domains as human rights, patriotic education of servicemen and preparation of youths for military service, an important role belongs to the Organisation of Soldiers' Mothers, the Union of Officers of Ukraine, Ukrainian Cossaks³¹, some youth associations.

At present, there are close to 50 non-governmental research centres in Ukraine and this figure is continuously increasing. Few of them are active in the military sphere — one can mention the Ukrainian Independent Centre for Political Studies, the Ukrainian Centre for International Security Studies, the Ukrainian Centre for Economic and Political Studies, the Centre for Army, Conversion and Disarmament Studies, the Centre for Non-proliferation Studies, the Centre for European and International Studies and the Centre for Peace, Conversion and Foreign Policy³². The main source of funds for their activity is the support of charity foundations, foreign representative offices and separate business structures.

Non-governmental research centres employ a significant intellectual potential. Ukraine's Government could use this potential more effectively for the benefit of the state and entire society³³.

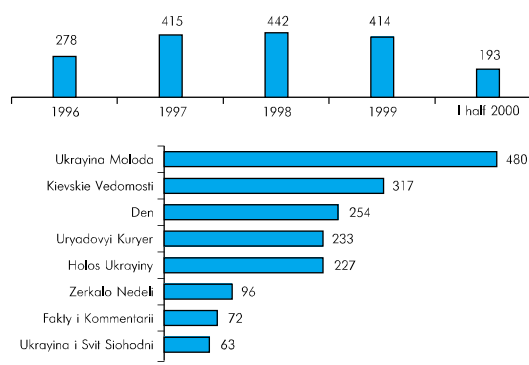
Generally speaking, some positive changes are evident in the activity of non-governmental research centres and public organisations dealing with civilian control. The employment of their potential (creative activity, experience) depends, first and foremost, on the establishment of mechanisms for co-operation with Ukraine's authorities.

2.5 MILITARY FORMATIONS ARE BECOMING MORE OPEN FOR SOCIETY, AND MORE CO-OPERATIVE IN RELATIONS WITH MASS MEDIA AND THE PUBLIC

Granting journalists true information about the state of affairs and on the main directions of power structures' activity, readiness of the military leadership to promptly respond to important events that concern journalists (and, correspondingly, ordinary citizens) and their unprejudiced attitude to critical publications are the guarantee of trust in civil-military relations in general, and the high authority of power structures' leaders in particular.

The declared course toward building fundamentals of democracy in Ukraine had a positive effect on the consolidation of mass media positions in treating military subjects. The number of materials dealing with military formations rose significantly: after 1996, periodicals published close to 2000 articles and commentaries (see *Diagram "The number of publications on military issues"*)³⁴.

The number of publications on military issues



³¹ The activity of these organisations is described in materials by the Head of the Union of Officers of Ukraine B.Kozhyn and the Hetman of Ukrainian Cossacks I.Bilas, presented in this issue.

³² Out of the mentioned organisations, only the Ukrainian Centre for Economic and Political Studies and the Centre for Army, Conversion and Disarmament Studies have their own WEB-sites on the Internet, where materials pertaining to the military sector regularly appear.

³³ An example of fruitful co-operation between non-governmental analytical centres and the Government is presented by the experience of the *RAND Corporation* (USA). Its projects include "Monitoring of international technology transfers" (ordered by the U.S. Administration and the U.S. National Scientific Foundation), "Co-operation with private companies for satisfying the needs of the US Army" (ordered by the U.S. Army Chief of Arms), "Comparative analysis of expenditures on servicemen and civilian personnel" (ordered by Under Secretary of Defense for Personnel), "Assessment of potential of employing the reserve in local conflicts" (ordered by Assistant Secretary of Defense for Reserve) and some other. *RAND* is also active in Ukraine: American experts render assistance to the Ministry of Defence of Ukraine in implementing up-to-date know-how of defence planning, study possible ways of Uzin airbase conversion (ordered by the governments of the U.S. and Ukraine). Apart from interaction with influential analytical structures, such as *RAND*, a common practice in the West is the involvement of scholars representing university research centres. For instance, in 1998, two professors (O.Subtelny from Toronto and N.Mykhailiushyn from Ottawa) examined the state of civil-military relations in Ukraine pursuant to an order of Ministry of Defence of Canada.

³⁴ UCEPS experts analysed the 1996-2000 archives of non-departmental periodicals that more or less regularly publish materials on military subjects: the newspapers *Holos Ukrayiny*, *Den*, *Zerkalo Nedeli*, *Kievskie Vedomosti*, *Ukrayina i Svit Siohodni*, *Ukrayina Moloda*, *Uryadovyi Kur'er* and *Fakty i Kommentarii*.



Serhiy NAHORIANSKYI,
Colonel, Director
of the Press Service -
Press Secretary
to the Minister
of Defence of Ukraine

Point of view

The leadership of the Ministry of Defence considers the press to be one of the main components of the system of civilian control over the Armed Forces, and understands that ongoing mass media interest in the life of the Armed Forces is journalists' contribution to the civilising of our Armed Forces.

Every day, the Minister and his deputies obtain digests of publications of leading Ukrainian newspapers and magazines, as well as summaries of television, radio and news agency reports. Ukraine's military leadership is well aware of military and political topics discussed in the press; promptly responds to critical and controversial articles, and is always ready to communicate with journalists.

As in many other modern armed forces of the world, the main objective of Ukraine's MoD information policy is facilitating maximum transparency of the Armed Forces to the public. Therefore, the MoD Press Service readily grants mass media timely and comprehensive information, and makes every effort to help journalists in obtaining trustworthy and unbiased information on subjects of interest. In 2000, we published more than 240 press releases, held 16 news conferences and briefings, and gave more than 100 written responses to mass media inquiries. This is not to mention the countless telephone calls by journalists to the MoD Press Service and press centres.

The Ministry of Defence was the first military structure in Ukraine to establish its WEB-site on the Internet. This site has been viewed by more than 15,000 visitors from 60 countries. Today, our Ministry issues 14 newspapers and magazines, and broadcasts four television and two radio programmes. In my opinion, they reflect the Armed Forces life, and do not omit existing problems. At the same time, being aware of all the deficiencies of "departmental" press, employees of our information structure co-operate with many civilian journalists. In 2000 alone, the MoD Press Service and press centres of military services and operational commands organised 274 field trips for more than 2,000 journalists.

The Ministry of Defence can be reproached for certain miscalculations in its information policy, although one cannot but recognise a steady tendency toward greater transparency of Ukraine's Armed Forces. I believe such openness to be an indubitable indicator of democratisation in the country to the benefit not only of society, but also of the Armed Forces, since they constantly have to search for paths toward their further improvement. This is fully in line with the purpose of reforms presently being undertaken by Ukraine's Armed Forces.

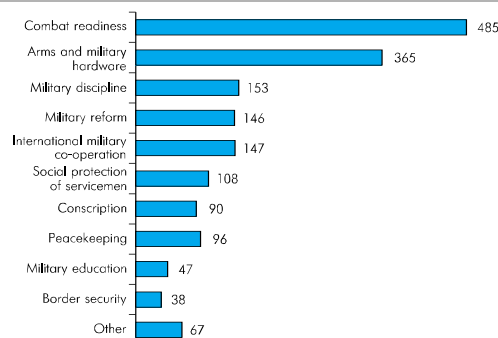
One of the obvious ways to provide for a more unbiased and competent presentation of military topics by the mass media — is via improving the background knowledge of journalists specialising in military subjects. Regrettably, there are few such journalists in Ukraine. Therefore it would be incorrect to state that the level of objectivity and competence of materials devoted to the Armed Forces differs greatly from the general body of media products. I don't see any particular problem specific to the Armed Forces alone in this respect. At all times, under equal access to information, the quality of journalistic material has been determined by the professionalism, honesty, and civic awareness of the author and publication. This time and this country — are not an exception.

Analysis shows that defence issues are in the focus of such dailies as *Ukrayina Moloda*, *Kievskie Vedomosti*, *Den* and *Uryadovyi Kurier* (see Diagram "The number of publications on military issues"). The newspapers *Zerkalo Nedeli* and *Den* can be distinguished for their level of analysis and influence on the national political elite. In our opinion, good knowledge of military topics is demonstrated by such journalists as V.Badrak, S.Zhurets, S.Chornous, V.Chykalin and others.

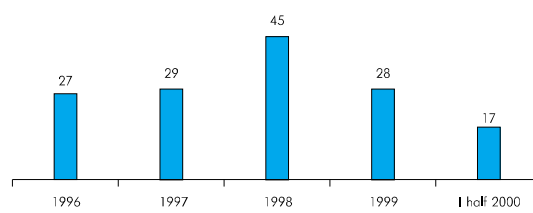
The range of the defence-related issues covered by the press is clearly expanding. This makes it possible to draw the authorities' and society's attention to a wider range of defence problems (see Diagram "Coverage of military issues in mass media").

As is clear from the Diagram, mass media pay particular attention to the problems of combat readiness (485 publications), arms and military hardware development (365) and military discipline (153). Mass media always vividly respond to accidents involving the military³⁵. The problems of military reform in Ukraine also remain topical for journalists (see Diagram "The number of publications on military reform").

Coverage of military issues in mass media, the number of publications



The number of publications on military reform



³⁵ This was the case after the "Tochka" missile hit a residential building in the town of Brovary, after publication of information about the conditions of ammunition storage at depots outside Kyiv, disappearance of journalist G.Gongadze, exposure of the "anti-constitutional conspiracy", the outbreak of toxicodermatitis in the Mykolayiv region. For instance, in course of one month, Ukraine's press published over 80 materials about the Mykolayiv contamination, which mentioned the Ministry of Defence in different contexts. Critical publications somehow influence the behaviour of power structures' leaders, making them publicly announce their position. This is surely a step forward in comparison with the Soviet times.



There are first signs of mass media influence on the definition of military reform directions. Evidently, public discussion of the problem of draft and inexpediency of preserving conscript service, along with other factors, had an effect of the position of the Defence Ministry, which announced the course toward reducing the term of conscript service to 12 months (in 2005) and complete transition to the professional Armed Forces (by 2015).

Progress is also evident in the work of **departmental mass media**, that cover the activity of separate power structures. The total circulation of the Interior Ministry publications alone makes 273 thousand copies. The Ministry of Defence publishes 14 newspapers and magazines, operates its own television and radio studios. One of their functions is "providing for co-ordinated actions of different social institutes, groups, ordinary citizens for solving the tasks of strengthening the country's defence capability"³⁶. This is an important aspect of civil-military relations in society.

Every power structure now has its own press service. By the number of briefings and the volume of timely information made available to the public, journalists distinguish the activity of the Ministry of Internal Affairs.

The ministries of defence, internal affairs, emergencies, and the Security Service of Ukraine have opened their WEB-sites on the Internet. At present, they give only superficial information coverage of the state of affairs in the military; they are evidently insufficient for any serious analysis; the information is renewed with delay. **However, even these changes are a step forward, toward greater openness of military formations for the public.**

2.6 UKRAINE'S MILITARY ORGANISATION HAS BEEN FREED OF PARTY INVOLVEMENT, POLITICAL PARTIES HAVE NO SIGNIFICANT INFLUENCE ON ITS OPERATION

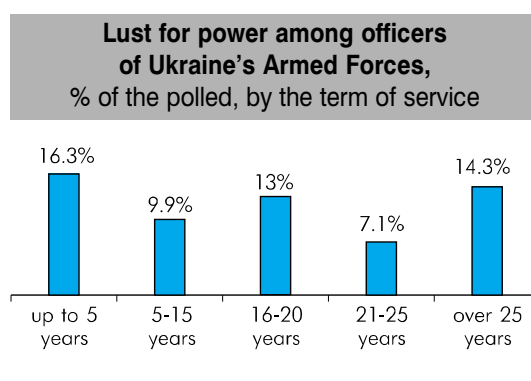
To be sure, military servants, just like other citizens, have their political preferences and support one or another political party at elections. However, the Military organisation of the state has been freed of party influence; furthermore, there are reasons for speaking about its de-politi-

cising, since over the years of independence Ukraine's military formations have never been involved into political conflicts or exerted any noticeable influence on the political developments in the country. UCEPS experts believe that this was conditioned by the following factors.

First of all, the Verkhovna Rada approved legislative acts that prohibit establishing organisations of political parties within military formations³⁷. In this way, by contrast to the Soviet times, when CPSU locals were active in every unit, Ukraine's power structures have been freed of party influence. This allowed to rule out direct influence on the military on the part of political parties, whose number has exceeded one hundred in Ukraine. The military units' non-involvement into political struggle is conducive to strengthening civilian control, and prevents their going out of the Government's control.

Second, opinion polls show that Ukrainian officers remain quite loyal to the institutes of state power. Ukraine's military is the most sympathetic to the President of Ukraine (38.8% of the polled) and the Verkhovna Rada (21.6%).

Third, the military rests great hopes in democratic rather than forcible mechanisms of state administration. Only 18% of polled servicemen believe that "Ukraine's Army can assume control over the situation in Ukraine and establish order in society"³⁸. The results of other polls³⁹ testify to the absence of pronounced striving for power in the officers' corps: it is inherent only in one officer out of ten (*see Diagram "Lust for power among officers of Ukraine's Armed Forces"*).



³⁶ "The Concept of Development of the System of Ukraine's Armed Forces Mass Media", approved by the Minister of Defence of Ukraine order on January 20, 1994. The issues of the Defence Ministry information policy are dealt with in the article by Colonel General V. Bannykh "The Ministry of Defence — for Effective Co-operation with Mass Media", published in this issue.

³⁷ Pursuant to Article 11 of the Law of Ukraine "On the Armed Forces of Ukraine", "activity of any political parties and movements in Ukraine's Armed Forces is prohibited". Article 5 of the Law of Ukraine "On Social and Legal Protection of Servicemen and Their Dependents" contains a similar provision: "Servicemen cannot be members of any political parties, organisations or movements".

³⁸ Razumtsev O. The Army Does Not Believe in a Military Threat. — *Mizhnarodna Bezpeka*, 1999, No.1, p.78.

³⁹ Razumtsev O. Social Aspects of Armed Forces Reform: the Spirit of Ukrainian Officers. — *National Security & Defence*, 2000, No.2, p.42.



Despite social and economic problems, Ukraine's population also gives preference to democratic forms of state governance: "military rule" is going to be supported by only 7.1% of polled citizens⁴⁰.

Orientation of the military and the entire population toward resolving the complex problems of the present day through the available mechanisms of state power, abiding by the principles of democracy, creates favourable conditions for strengthening civilian control over Ukraine's power structures.

2.7 CADRE BASE OF CIVILIAN CONTROL EXPANDS

Even in the absence of a system of goal-oriented training of civilian specialists for executive positions within power structures in Ukraine, the number of experts who could assume such positions is rising. We believe that **the state leadership should commence the formation of the cadre reserve (relevant database) for future appointments**⁴¹.

The cadre reserve could incorporate civil servants who got the experience of defence issues' resolution within the Presidential Administration, Secretariat of the Government, the Verkhovna Rada, National and Security and Defence Council Staff, the General Military Inspectorate under the President of Ukraine, the State Export Control Service, the ministries of foreign affairs, economy, finance, justice, education and science, etc.

Power structures can employ Ukraine's People's Deputies who previously worked in the Verkhovna Rada committees dealing with national security, defence and legislative support for law enforcement.

The potential of many former Government officials and military leaders who quit civil (military) service for different reasons, but possess the knowledge, experience and desire to work, also remains unclaimed.

Ukraine's foreign partners render assistance in civil specialist training for employment in power structures. Ukrainian representatives are regularly invited to attend training courses (undergo probation), the more so as their organisers encourage the participation of civilian specialists dealing with defence issues.



Point of view

*Doctor Hans-Hubertus MACK,
Lieutenant Colonel (GS),
German Army, Professor*

The stability of every political system depends on how successful it is in satisfactorily arranging the difficult relationship between its political leadership, the military subsystem and an open democratic society over the long term.

In order to be able to subordinate the military, the armed members of society, to civilian political control, the in part different value systems of the military and civil society must first be accepted. At the same time, measures must be taken to assuage the tensions that might ensue. This can occur by integrating the army into society in two ways. On the one hand, the military must be legally and organisationally anchored in the Constitution, which should clearly and unequivocally assign rights, responsibilities and authorities to both the political leadership and the military. On the other hand, the role of the individual soldier within society should be clear. Among other things, a soldier must be able to appropriately participate in community life, on a personal, social and legal level.

Civil-military relations play an important role in the courses offered by the George C. Marshall European Center for Security Studies, but the intent is to include this theme in the much more comprehensive Concept of Co-operative Security. Civilian and military participants — from Eastern Europe and Central Asia — are urged to view the various and complex security problems within and among states in a more strategic light. In this respect, the George C. Marshall Center offers a unique opportunity to initiate a constructive dialogue, not only between the civilian and military elites of Eastern Europe and Central Asia, but with western countries as well, and to build long-lasting relationships of trust and co-operation. Developing modern concepts to solve problems in civil-military relations is therefore of great importance. There is also the added advantage of being able to contrast and compare views and to exchange specific experiences with other states.

In the future, we will continue to promote this through alumni programmes, by putting on conferences on specialised topics and by offering expanded-upon courses using the most modern technology.

Civilian and military participants from Ukraine — have very impressively contributed to this common effort in the past several years. Their participation is therefore essential.

⁴⁰ Bychenko A., Zhdanov I. UCEPS Opinion Poll: Nation, Power, Referendum. — *National Security & Defence*, 2000, No.2, p.9.

⁴¹ The experience of civilians in the Defence Ministry proved that their appointment should be preceded by diligent work aimed at reforming the structure of the central apparatus, and clear delimitation of functions between civilians and the military. Employed at top executive positions were: V.Shmarov — Defence Minister (1994-1996), A.Dovhopolyi — Deputy Minister of Defence for Armaments (1996-2000), O.Urban — Director of the Foreign Relations Department of the General Staff of Ukraine's Armed Forces (1995-1996), and a small number of former and present deputy department heads.



*Mykola NESHCHADYM,
Lieutenant General,
Head of the Main
Department of Military
Education, Ministry of
Defence of Ukraine*

Point of view

Since the establishment of the system of military education and training in Ukraine, much attention has been paid to the issues of humanisation of military education and its unification with education at civilian educational establishments, as well as the issue of training civilian specialists within the system of military education for their subsequent appointment to executive positions within state structures related to the functions of civilian control over the military sector.

For instance, the Concept of Military Education in Ukraine, approved by the Government Resolution No.1410 of December 15, 1997, provides that military education should be integrated into the state educational system on a unified regulatory-legal basis. Furthermore, the Concept was intended to "...form and provide for the development of high moral qualities of the citizen of Ukraine and the defender of the Fatherland".

The State Programme for Reforming and Development of Ukraine's Armed Forces through 2005, approved by the Decree of the President of Ukraine No.927/2000 of July 28, 2000, set the task of "...continuing integration of military and civilian education, wider employment of the possibilities and scientific potential of higher educational establishments, ... expanding the possibilities of military educational establishments for training ... civilian specialists".

Today, the humanitarian and socio-economic training requirements set by the state for civilian specialists possessing a higher education apply to the training of military specialists as well. Additionally, the curricula provided more hours for such important subjects as "Business Course in the Ukrainian Language", "Fundamentals of Psychology and Pedagogy", and "Foreign Language", and introduced a separate course of "International Humanitarian Law".

A decision was taken to commence training of civilian specialists at short-term (up to two weeks) courses at the National Defence Academy of Ukraine, for their further employment at executive positions within state structures, beginning in 2001. At present, the programme of civilian specialists training is being completed. It is set to incorporate the subjects of national security, strategic planning, military strategy, strategic military leadership, planning and management of strategic operations, etc. **Exercises are planned to involve state administration officials, representatives from the defence industry, mass media dealing with defence issues, and from political parties.**

With the purpose of arranging such courses, the Government Resolution is being drafted, which will be submitted for the Government's approval after its co-ordination with relevant departments of the Ministry of Defence, the General Staff of Ukraine's Armed Forces, other ministries and agencies.

We believe that the implementation of these planned events will help to raise the level of professional training of civilian specialists involved in the solution of defence issues, and, therefore — to deepen civilian control over the military sector in Ukraine.

The U.S. IMET (International Military Education & Training) programme also offers vast possibilities for personnel training. In 1994-2000, Ukraine was allocated more than \$7 million within the framework of that programme; 212 people underwent training, including 62 civilians from the staff of the Verkhovna Rada, Government structures and military formations (*see Table "IMET programme: general indicators"*)⁴².

Total of 96 representatives of Ukraine, including 40 civilians, were educated at **training courses in the George C.Marshall European Center for Security Studies**. Another 200 persons were trained at short-term courses or took part in seminars⁴³.

Ukraine obtains significant assistance within the framework of NATO's "Partnership for Peace" Programme: our representatives are invited to courses of civil-military relations organised in Belgium, the Netherlands, Turkey, Switzerland, Sweden and other countries.

Western non-governmental organisations also play a prominent role in the organisation of specialist training for Ukraine. We in Ukraine, are well aware of the "Harvard Programme"⁴⁴, which involved 89 Ukraine's representatives, including 46 generals and officers and 43 civilian specialists, within three years. Among them were Ukraine's People's Deputies, representatives of Presidential Administration, the staff of the Cabinet of Ministers, Ukraine's NSDC, GMI under the President of Ukraine, power structures, ministries and agencies, Ukraine's research centres and NGOs.

IMET programme: general indicators

Fiscal year	Training expenses, \$ thousand	Number of students	
		Total	In that, civilians
1994	600	8	1
1995	707	40	23
1996	1,019	33	9
1997	1,015	37	9
1998	1,250	46	16
1999	1,250	48	4
2000	1,375	33	1
Total	7,216	212	62

⁴² According to the Office of Defence Co-operation of the U.S. Embassy in Ukraine.

⁴³ See: Kennedy R. Ukraine Is Not a Buffer Zone But a Bridge Between the East and the West. — *Narodna Armiya*, September 29, 2000, p.3. It is worth noting that special training within the framework of the IMET Programme and in G.Marshall Centre was undergone by high-level civilian and military executives: among the former — K.Hryshchenko, L.Minin, V.Chumakov; the latter included generals I.Bizhan, M.Hudym, S.Malynovskyi, V.Muntiyany, V.Paliy, B.Pylypiv, V.Sytnyk, O.Shchykotovskyi etc.

⁴⁴ A special issue of the *National Security & Defence* magazine was devoted to this programme (2000, No.7).



Another example is the training programme "Democratic Civil-military Relations", annually organised in Canada with participation of specialists from the leading universities and non-governmental research centres of that country. Every time the programme involves three Ukrainian representatives (from the ministries of defence, foreign affairs, Ukraine's NSDC Staff and other Government bodies).

Of course, training of civilian specialists for accomplishing defence assignments must be organised in Ukraine. This is an objective of national significance. In this connection, hopes are pinned on the National Defence Academy of Ukraine, on whose basis relevant training courses are planned, starting from 2001.

CONCLUSIONS

The analysis of civilian control in Ukraine proves the existence of some positive tendencies that can be consolidated and furthered.

The regulatory-legal basis has been formed that governs the basic issues of operation and further development of the system of civilian control over the military. There is a network of state and public institutions in place that perform the function of oversight of the power structures' activities.

Within the system of state governance, the bodies for co-ordinating and controlling the power structures' activities have been created. In the result, the President of Ukraine has obtained important levers of control over the Military organisation. Reliable civilian control has been established with regard to the arms trade.

The mechanisms of co-operation between the branches of power and separate bodies of state governance are being established with the aim of advancing the military sector and working out long-term state programmes. The process of formation of the power structures' budgets is gradually being perfected and

becoming more transparent both for the legislative body and for the public.

The cadre basis of civilian control is expanding. Dozens of civilian experts (diplomats, economists, lawyers) from different bodies of state power, who were involved in responsible projects within the framework of formulation of state programmes for the defence sector development, present the reserve of executives capable of reinforcing power structures and strengthening the civilian component in their leadership.

Ukraine's foreign partners render weighty assistance in training civilian experts for employment at power structures. At the same time, training of civilian specialists for defence assignments must be commenced here in Ukraine. This is an important objective of a national significance.

Military formations are gradually becoming more open for society, their interaction with mass media is improving. A network of non-governmental research centres and public organisations is being formed. Employing their potential (creative activity, experience) primarily depends on the establishment of mechanisms of co-operation with Ukrainian authorities. For this reason, it is very important that the state and public institutions presently involved with some functions of civilian control, later be united into a single system of democratic civilian control over Ukraine's military sector.

Ukraine's Military organisation has been freed of party involvement, and at present, political parties have no significant influence on its operation. Orientation of the military and the entire population at solving complex problems of the present day through the available mechanisms of state governance, on the basis of abiding by the principles of democracy, creates favourable conditions for strengthening civilian control over Ukraine's power structures.

3. CIVILIAN CONTROL OVER THE MILITARY IN UKRAINE: CORRESPONDENCE TO THE EFFECTIVENESS CRITERIA

Plans remain meaningless piles of paper, unless requirements and resources match.

John COLLINS

The strengthening of civilian control in Ukraine should be preceded by the analysis of its present correspondence to the basic criteria of effectiveness. Lacking this, it is hard to define the strategic targets and priority measures aimed at further development of the system of civilian control over the military sector.

By contrast to the previous section, where we spoke about the achievements on the path of establishing the system of civilian control in Ukraine, Section 3 makes emphasis on unresolved issues and negative manifestations of civil-military relations. The analysis was made through collating the assessments with the effectiveness criteria formulated in Section 1.

Criterion 1. The political leadership of the state has clearly defined the role, functions and missions of all power structures

In general terms, the role, functions and missions of each of Ukraine's power structures are legislatively defined. However, the relevant provisions of Ukraine's Constitution and the law are too general. The acts of the President, the Cabinet of Ministers, ministerial public acts (as publicity is a pre-requisite to parliamentary and public control) also contain few concrete provisions and background data.

In such a situation, it is very difficult for the military to substantiate the numerical indicators of required manpower and materiel, funds, supplies, technical and other resources, work out plans of combat training and operational employment. The civilians' possibilities for the objective audit of budget proposals put forward by the military, control of the objectives and the

level of training of troops, their readiness to accomplish their missions, on the basis of specific indicators, are also limited.

For instance, the effective legislation specifies defensive functions of separate military formations as follows: for the Internal Troops of the Ministry of Internal Affairs — "participation, in wartime, in territorial defence in the vicinity of guarded objects"⁴⁵, for the Border Troops — "repelling the invasion on Ukraine's territory of armed formations, stopping armed and other acts of provocation on Ukraine's state border"⁴⁶.

Without specifying potential enemies and possible directions of threat, such formulations make it difficult to answer the following questions: What manpower and materiel are needed for performing those functions? What weapon systems should be deployed with the troops? What the organisational structure of military formations and the location of units should be like? What indicators should be used for checking their combat readiness? How can budget proposals be substantiated on the basis of such functions? Proceeding

⁴⁵ The Law of Ukraine "On the Internal Troops of the Ministry of Internal Affairs of Ukraine", Article 9.

⁴⁶ The Law of Ukraine "On the Border Troops of Ukraine", Article 6.



from these indistinct functions, the military can “reasonably” maintain the necessity of keeping a 400 thousand strong grouping with a budget worth \$2 billion. Civilians can equally “reasonably” approve its manpower at a level of 20 thousand men and allocate \$20 million for their maintenance. If this results in the curtailment of combat training, it will be impossible to prove that its level does not meet the requirements.

It is noteworthy that **the State Programme for Reforming and Development of Ukraine’s Armed Forces through 2005 somehow specified their functions and assignments.** However, this specification is still too far from being acceptable. Here are just two examples.

The State Programme stipulates that “the Armed Forces must be constantly ready for the participation in peacekeeping and humanitarian operations under the auspices of international organisations with up to one brigade (numbering 2,000–3,000 men)”⁴⁷. However, there is a big difference between training 2,000 and 3,000 men. It is known that the maintenance of 240th peacekeeping battalion in Bosnia (with only 400 men) cost close to 20 million hryvnias a year. The question is, is it worth providing for such “scissors”? And how can the troops’ readiness to accomplish their missions, or the intended use of budget funds be checked without defining, how many soldiers are to be trained — 2,000, or 3,000?

Another example is the definition of the missions of Ukraine’s Navy in the State Programme: “destroying enemy targets; assistance to the Ground Forces at combat operations in seaboard directions”⁴⁸.

Unfortunately, such indistinct formulations of the missions make it difficult to determine, how many warships of different classes Ukraine needs, how many aircraft of the naval air arm (and what types), and does it need any at all? Indeed, “destroying enemy targets” can involve aviation of the Air Force, missile forces, artillery of the Ground Forces, and Air Defence Forces. Furthermore, “assistance to the Ground Forces at combat operations in seaboard directions” can be provided by the naval forces of the Border Troops, or even by mercantile fleet (if “assistance” includes sealift).

Some other questions also remain unanswered: What country can attack Ukraine from the sea — Russia or Turkey, since no other country in the region has sufficient forces for this? If this is (theoretically)

Russia, will it be tempted to attack from the sea, and should Ukraine build its Navy proceeding from the possible scenario of war with Russia, whose consequences would be disastrous for the whole Europe? And if (again, theoretically) Ukraine is attacked from the sea by Turkey, are there any doubts as to the possible reaction to this on Russia’s part (whose Black Sea Fleet will be stationed in the Crimea till 2017)?

If more questions are asked (by civilians and the military, and they ought to ask those questions), then, a more general problem arises: Does Ukraine need the Navy, proceeding from the necessity of accomplishing the missions formulated in the State Programme? Or, maybe, the Navy is needed, but the State Programme does not define other, more important missions assigned to it? Or, maybe, the “true” (secret) State Programme puts everything correctly, and the above-mentioned booklet was issued by the military only to familiarise journalists, the public and military attaches?

More attention should be paid to the State Programme objective providing for the merger of the two fleets (the Navy and the naval forces of the Border Troops) into one force⁴⁹ capable of ensuring the protection of Ukraine’s economic (sea) zone and maritime boundary in peacetime, and performing combat missions in the event of aggression. In this case, the (later) spared monies could be channelled to other purposes, such as strengthening the intelligence, the Air Force, the Marines, and missile troops.

The Military Doctrine could play an important part at defining defence functions and missions. However, the present Military Doctrine of Ukraine (1993) has long become obsolete, given the recent changes in the world, the situation in the regions and near Ukraine’s frontiers. Furthermore, Ukraine’s capabilities at maintaining the existing Military organisation structure declined drastically. In the result, the lowering of its combat readiness poses a real threat to national security⁵⁰.

No effective mechanism of Military Doctrine drafting has been created in Ukraine. The same refers to other defence-related bills. To be sure, some experience has been gained, but it is premature yet to speak about a systematic work. Probably, no one was made responsible for drafting the Military Doctrine, since drafts have been developed by the Ministry of Defence, expert groups and separate experts,

⁴⁷ The State Programme for Reforming and Development of Ukraine’s Armed Forces through 2005. — A special edition of the Ministry of Defence of Ukraine, Kyiv, 2000, p.22.

⁴⁸ Ibid., p.34.

⁴⁹ Ibid. UCEPS experts argued in favour of such a merger in the Analytical report “Military Reform in Ukraine: the Start Or Another False Start?”. See: *National Security & Defence*, 2000, No.1, p.4,33.

⁵⁰ For more detail, see: Havrylenko O. Does Ukraine Need a New Military Doctrine? — *National Security & Defence*, 2000, No.1, p.40-47.



each separately, for five years now... In May, 1997, the Minister of Defence of Ukraine O.Kuz'muk said in his speech in the Armed Forces Academy, that the new Military Doctrine "has already been drafted"⁵¹. The fate of this draft is unknown. Later, Parliament took a decision on the development of the new Military Doctrine before the end of 1999. This document was not published in mass media or distributed among People's Deputies. According to the recent statement by the NSDC Secretary Ye.Marchuk, Ukraine won't have a new Military Doctrine till the end of 2001⁵².

The Concept (fundamentals of state policy) of the National Security of Ukraine (1997) was intended to become the basis for formulating relevant legislative base, drafting doctrines, strategies, concepts, state and departmental programmes in different spheres of national security, including the military one. However, the mechanisms for implementing this provision have not been defined. For this reason, not a single document of national importance has been approved on its basis over the four years that passed after its approval. Up until now, even the laws mentioned in the Verkhovna Rada Resolution No.3/97-BP of January 16, 1997 — "On the National Security of Ukraine" and "On Foreign Intelligence" — have not been passed.

The effective legislation contains some contradictions and does not regulate entirely the possibility of the Armed Forces involvement into the performance of internal functions. As Minister of Defence O.Kuz'muk put it, the Army "already actually performs" some of them, which requires clear regulation on the "legislative level"⁵³.

Ukraine's regulatory-legal base should lay solid fundamentals for the power structures' development and stable operation. Regrettably, it does not fully perform this task. Therefore, the problem of inadequate funding of military formations lies not only in the limited resources of the state, but also in the indefiniteness of the power structures' functions and missions, with account of the national needs and capabilities.

Generally, one can speak about the limited effectiveness of the system of civilian control over

the military sector in Ukraine, judging by this criterion. The ambiguous definition of the power structures' functions in Ukraine's Constitution and the laws and the absence of a list of specific missions that should be elaborated in regulatory acts make it impossible to purposefully train military formations for future employment, or realistically plan their development.

Criterion 2. A system of civilian control ensures a reliable scheme of power structures' subordination to the head of state, clear delimitation of powers and responsibility between government bodies, between civilians and the military

There are no grounds for casting doubt on the reliability of Ukraine's power structures' subordination to the popularly elected head of state: Ukraine's President, in fact, is in sole charge of their activity. Formal (and more particularly real) levers of presidential control are much stronger than the levers of influence on military formations on the part of the Cabinet of Ministers or the Verkhovna Rada. **Given the frequent rotation of the Government and the lasting political confrontation between the President and the Verkhovna Rada, this practice can be assumed justified.**

Ukraine's legislation delimits the powers and areas of responsibility of different bodies of state power, but the President beyond doubt has the dominant role in strategic decision-making⁵⁴. Parliament's role is confined to mainly formal approval of the defence budget and review of bills dealing with power structures' operation, which are normally drafted by those structures themselves.

The Cabinet of Ministers for the most part resolves matters of the power structures' everyday operation. Truly important powers of the Prime Minister ("guidance, co-ordination and control of the activity of the Ministry of Defence, the Ministry of Internal Affairs, Ukraine's Security Service, the State Committee for Protection of the State Border of Ukraine, and Department of the State Guards Services,

⁵¹ See: Zhurets S. Forward, to the Past! — *Den*, April 25, 2000, p.3.

⁵² This conclusion can be drawn proceeding from the words of Ye.Marchuk that the development of Ukraine's National Security Strategy is planned to be completed in the first half of 2001, and that this Strategy could form the basis for working out Ukraine's Military Doctrine. See: *INTERFAX-UKRAINE*, October 9, 2000.

⁵³ Kuz'muk O. The Development of Ukraine's Armed Forces Is a Planned, Thoroughly Grounded and Public Process. — *Narodna Armiya*, February 24, 2000, p.4. UCEPS experts stressed the necessity of legislative regulation of the issue of internal functions of Ukraine's Armed Forces in January, 2000 (*National Security & Defence*, 2000, No.1, p.48-52).

⁵⁴ Some deficiencies and contradictions in the effective legislation persist. For example, Ukraine's Constitution provides that the President of Ukraine is the Supreme Commander-in-Chief of the Armed Forces only, although other legislative acts entrust defensive functions also to the Border Troops, the Internal Troops of the Ministry of Internal Affairs, Civil Defence Forces of the Ministry for Emergencies, the Security Service units, etc. Such uncertainty in the Basic Law can cause a conflict of laws, for instance, when the Supreme Commander-in-Chief's orders (directives) set operational tasks not only for the Armed Forces, but also for other military formations.



within his authority”⁵⁵) are not backed with adequate organisational and human resources.

First of all, in contrast to other important spheres of the Government’s activity, no relevant Government Committee in charge of preparation and co-ordination of the Government’s decisions in line with the state strategy in defence and law enforcement spheres was established.

Second, the formal replacement (at the end of 1999) of the previous scheme of subordination of power structures’ heads, that envisaged preparing strategic decisions within the limits of their competence solely within presidential structures, was not conducive to raising the Government’s role. The ministers of defence and internal affairs were not included into any of the Government Committees, which also proves the insignificant role of the Cabinet of Ministers within the system of control over power structures.

Third, the Government’s Programme of Action “*Reform for Wellbeing*” does not define the strategic targets of defence and law enforcement sectors at all; neither does it define the immediate tasks, terms and mechanisms of their accomplishment, or allocated resources⁵⁶. This means that the power structures *reforming* and the provision of *wellbeing* for servicemen and their families are out of the focus of the Government’s activity.

Ukraine’s NSDC (headed by the President) and the Government somewhat duplicate each other: both structures are entrusted with the duty of co-ordination and control of the executive bodies’ activity in the domain of national security and defence⁵⁷.

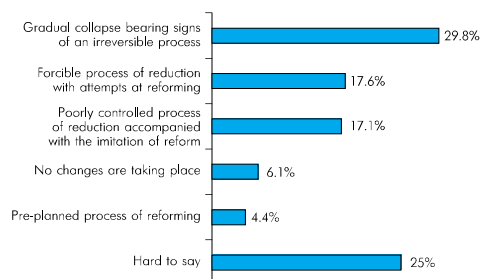
Therefore, we appeared in a contradictory situation, where (a) the President of Ukraine has broad powers with respect to control over the activity of troops, but his responsibility for the state of affairs is, in fact, limited, since he does not resolve financial issues and has no structures for ensuring current support for the Military organisation; (b) the Verkhovna Rada is in charge of budget, but does not approve programmes of the defence sector development and, consequently, bears no responsibility for their execution; (c) the Cabinet of Ministers does not resolve strategic issues, and correspondingly is not responsible for the final result (to make it worse, Governments do not live long in Ukraine). In this way, **oversight of power struc-**

tures exists, and is quite effective, but it is hard to find those responsible for the present critical situation.

The situation is still complicated by the fact that Ukraine has no *mechanism of direct control and responsibility of civilians*. The power structures have few civilians employed in executive positions, so their powers and responsibilities are automatically shifted to the military. As a result, the key sectors, which in the democratic countries are traditionally controlled by civilians (oversight of the implementation of national defence policy, logistics, maintenance, personnel education and training, international co-operation, legislative activity, relations with the authorities, etc.), are governed by generals in Ukraine. **Since within power structures civilians are formally not in charge of those sectors, it so appears that the duty of control of the military is vested in the military. The outcome is known: Ukraine’s Military organisation, and first of all, its main element — the Armed Forces, is in a deep crisis.**

The results of the poll conducted by the UCEPS Sociological service show that the outcome is known not only to experts, but also to ordinary Ukrainian citizens (*see Diagram “The assessment of changes taking place in the Armed Forces by the populace”*). Only 4.4% of citizens believe that the changes in the Army present a “pre-planned process of reforming”; by contrast, two thirds of the polled tend to give negative assessments: 29.8% of citizens termed them as a “gradual collapse, which bears signs of an irreversible process”; roughly the same number of respondents said that this was a “forcible process of reduction with attempts at reforming” (17.6%) and a “poorly controlled process of reduction accompanied with the imitation of reform” (17.1%).

The assessment of changes taking place in the Armed Forces by the populace, % of the polled



⁵⁵ See: Appendix 1 to the Cabinet of Ministers of Ukraine Resolution No.83 of January 21, 2000 — “Functional powers of Ukraine’s Prime Minister, First Vice Prime Minister, Vice Prime Ministers and the Government Secretary of the Cabinet of Ministers”. It is worth reminding that the Law of Ukraine “On the Cabinet of Ministers” intended to fix the division of powers and responsibilities within the system of the executive branch has never been adopted (and even its separate key provisions have not been finalised yet).

⁵⁶ See: Grytsenko A. Government Programme: Does Anything Like This Exist? — *Zerkalo Nedeli*, March 18, 2000, p.7.

⁵⁷ See: Kartavtsev V., Chornousenko O. Conceptual Fundamentals and Problems of Legal Regulation of Ukraine’s National Security System. — *Polityka i Chas*, 1998, No.1, p.3-9.



The assessments of combat readiness of Ukraine's Armed Forces and other power structures are presented in the UCEPS Analytical report "Military Reform in Ukraine: the Start Or Another False Start?", published in January, 2000. Its main conclusion is as follows: the military formations' combat readiness remains low, and without resolute actions of the political leadership of the state, the Military organisation will soon be unable to defend Ukraine's national interests against military threats⁵⁸. Unfortunately, the following nine months gave no reason to be optimistic.

Several years ago both the head of state⁵⁹ and the military leaders objectively assessed the combat readiness of Ukraine's Armed Forces. Then, in 1996 (when the military hardware was not so obsolete, and the defence budget was several times higher than the present one), Colonel General I. Bizhan said that the combat readiness of the Army was declining⁶⁰. Now in 2000, we more and more often hear **general declarations of the Armed Forces' readiness to accomplish any assignment of the President and defend our Fatherland.**

Civilians who have no background military knowledge often assess the level of combat readiness of the Army proceeding from the number of main weapon systems (tanks, aircraft, warships, air defence systems) and the numerical strength of the Armed Forces. Indeed, judging by these indicators, Ukraine looks much stronger than the majority of European countries. However, the numerical strength of the Army and the quantity of weapon systems are only two indicators; no less important ones are the level of combat training, the status of the Armed Forces provision with materiel, the military's morale, and many others. Some quantitative and qualitative assessments of these parameters, made by servicemen themselves, are presented below.

Combat training

The level of combat training of Ukraine's Air Force, defined as one of the *priorities* of the

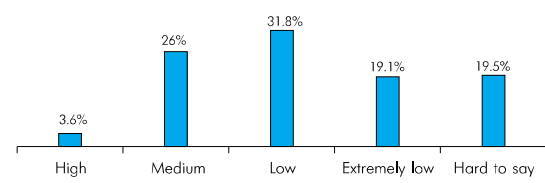
Armed Forces' construction, arouses concern: "As far as the overall picture of the military service is concerned, this year, we encountered still greater difficulties. We obtained four times less fuel than over the same period last year"⁶¹. For this reason, only 40% of pilots can have flying practice⁶².

In other services, the situation is similar: "Inadequate material support makes combat training simplified and limited. The majority of vehicles and weapon systems are kept at military depots and not used due to the lack of fuel. There is also a shortage of personnel in the units. For this reason, no large-scale exercises with full deployment, involving large contingents, are conducted"⁶³.

The Border Troops command is also concerned about the problems of combat training: "Inspections show that the process of forming professional skills of frontier guard commanders is superficial. The old, time-tested methods have been forgotten, and new, more effective ones — not found. The result is the imperfect work of the entire system of personnel training... To be plain, the level of training, especially with respect to NCOs, contracted servicemen and conscripts, for guarding the frontier in the present conditions is still far from what is needed"⁶⁴.

Ukraine's citizens are disillusioned about the Armed Forces and other military formations' readiness to protect them from a serious threat (see Diagram "The assessment of the level of servicemen training by the populace"). More than half (50.9%) of respondents assess the level of

The assessment of the level of servicemen training by the populace, % of the polled



⁵⁸ It is worth noting that other experts produced similar assessments: "Defence reform, understood only as structural and numerical changes in the Armed Forces and given under the complete control of the Defence Ministry, is running idle... The state of affairs in the military sector and the condition of the Armed Forces are becoming intolerable and require extraordinary measures". See: Medved A. The Present Status and the Prospects of Civilian Control of Ukraine's Armed Forces. — Ukrainian Centre for International Security Studies, Kyiv, 1999, p.23.

⁵⁹ "Ukraine Does Not Need Funny Armed Forces, But It Needs of Full Value Army". President Kuchma's speech at an extended meeting of the MoD Board on December 13, 1996. — *Uryadovyi Kuryer*, December 17, 1996, p.3,4.

⁶⁰ "The lack of funds for acquisition of fuel and spares leads to pilots, tankmen, truck drivers losing their skills. Without adequate practical exercises, the level of training of the personnel and co-ordination of all arms and services of Ukraine's Armed Forces decreases. Especially disturbing is the situation in the Air Force and Air Defence Forces, whose combat readiness continues to decline. This is connected with the low rate of repair and insufficient remaining life of the main types of aircraft and airborne weapon systems... The Armed Forces are capable of accomplishing set missions with certain limitations, specifically: extended terms of combat readiness due to undermanning, the absence of required supplies of fuels, lubricants and other materiel". See: Bizhan I. The Guarantor of Security and Territorial Integrity of the State. — *Uryadovyi Kuryer*, September 3, 1996, p.7.

⁶¹ Strelnykov V. Military Aviation Holds out Thanks to Devoted People. — *Narodna Armiya*, August 23, 2000, p.4.

⁶² Badrak V. Ukrainian Weapons of the 21st Century. Whom to Make Friends with? — *Zerkalo Nedeli*, September 16, 2000, p.2.

⁶³ Lavreniuk A. LTC Lytvyn's Commanding Priorities. — *Narodna Armiya*, April 21, 2000, p.5.

⁶⁴ Shysholin P. The Border Troops Proved to Ukraine's People Their Ability to Accomplish the Missions under Any Circumstances. — *Prykordonnyk Ukrayiny*, July 2000, No.21, p.3,4.



servicemen training as “low” and “extremely low”, less than a third (29.6%) — as “high” and “medium”.

Logistics

The work of the logistical service cannot be termed other than the fight for survival: “With UAH 283 million needed for the Defence Ministry food provision, in reality, we can expect only UAH 170 million. As of today, the daily ration of a soldier costs UAH 4.65. As far back as March, this sum was equal to UAH 3.60”⁶⁵. The ‘privileged’ Air Force has the same problems: “For six months, only 13% of the needed funds was allocated for the provision of Air Force units”⁶⁶. Logistical support of the Border Troops is no better than that of the Armed Forces: “In the first half of 2000, logistical support was organised in the conditions of insufficient funding for the maintenance of troops. In fact, we obtained only 55% of funds earmarked by the Border Troops’ budget. For the provision of food, only 36% of the planned amount was allocated, but the logistical service of the Border Troops manages to provide rations for the personnel even in such conditions”⁶⁷.

Medical support

The situation is simply intolerable: “Our minimum requirement for the acquisition of medicines, confirmed by the Ministry of Finance and the Ministry of Economy, makes UAH 220 million a year. After the adjustment in the Cabinet of Ministers, we were told that the minimum sufficient level of the medical service funding makes UAH 70 million, but the budget allocates only UAH 19 million, and our bills are paid in the amount of UAH 8 million, which makes 3.6% of the required amount. We expect the year 2000 to be still worse”⁶⁸.

Maintenance

Funding for the acquisition of weapon systems and military equipment is scarce. “The Armed Forces are funded on the minimum

level, that allows only to maintain everyday activity of the Army, without implementing any expensive programmes of training and equipment”⁶⁹. Over the last five years, the state earmarked \$311 million for the acquisition, modernisation and repair of weapon systems and military equipment. This money was enough to buy 10 MIG-29 warplanes, or equip one tank regiment with new hardware⁷⁰, or build one frigate. However, even this (insignificant for a five-year term) renovation of equipment did not take place, since the earmarked funds have never been granted.

According to the estimates of the National Institute for Strategic Studies⁷¹, Ukraine’s fighting potential decreases by 9% a year due to the absence of spare parts and other materiel, delay in preventive maintenance and repair. Therefore, today, it does not exceed 20% of Ukraine’s potential in 1991. With account of absence of real practical skills of arms and equipment operation among the military, it can be assumed equal to 10%.

Law abidance

On the face of it, every kopeck must be spared in the critical situation. However, facts prove to the contrary: “Mismanagement, irresponsibility, ignorance, unwillingness to defend economic interests of the state have become the norm of behaviour for some commanders and executives... In 1999, losses and shortages of materiel rose almost 2.5 times against 1998. The largest amounts of losses and shortages falls on the Western and Northern Operational Commands — UAH 9.3 million and 7.6 million, respectively... The amounts of financial infringements also rose. Unlawful spending of budget funds rose almost two-fold... Embezzlement and theft amounted to UAH 318 thousand. These crimes implicated, among others, financiers, i.e., those to whom public funds are entrusted by virtue of their position. The greatest losses and shortages were connected with fuels, lubricants and hardware: they rose almost ten-fold, compared to 1998”⁷².

⁶⁵ Tkachuk R. The Risk of Default Must Be Equal to Zero. — *Narodna Armiya*, July 13, 2000, p.5.

⁶⁶ Lysytsiya N. The Road to Mastery and to the Pilot's Heart Lies through the... Logistical Services. — *Narodna Armiya*, September 26, 2000, p.3.

⁶⁷ Lishchynskiy O. Despite All Difficulties, the Troops Are Provided with Everything They Need... — *Prykordonnnyk Ukrayiny*, No.21, July, 2000, p.5.

⁶⁸ Bilyi V. Military Medical Service Existed, Exists and Is Set to Survive. — *Narodna Armiya*, April 7, 2000, p.4.

⁶⁹ Shchykotovskiy O. The Role of Civil Service in Ukraine's Armed Forces' Structures and the Ways of Its Raising. — *Narodna Armiya*, March 31, 2000, p.3.

⁷⁰ T-80UD tanks, 2C19 152-mm self-propelled howitzers, “Strila 10M3” SAMs, and other weapon systems.

⁷¹ The National Security of Ukraine, 1994-1996. — National Institute for Strategic Studies, Kyiv, 1997, p.75.

⁷² Tkachuk R. A Centralised Control System Will Fight the Hydra of Crime in the Army. Notes from the meeting of control and audit bodies. — *Narodna Armiya*, May 18, 2000, p.4.

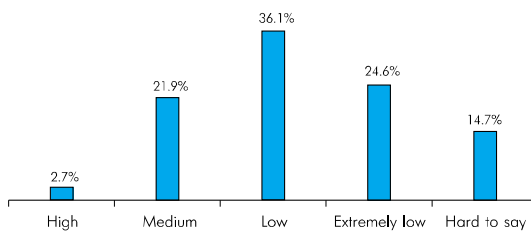


The morale

The results of sociological surveys prove that the social mood of officers in recent years has been generally negative. Under the conditions of scanty combat training and social problems consuming all their efforts, suicides are not rare among regular officers. Deputy military prosecutor of the Kyiv garrison H. Ryabenko says: "Today, officers — people with higher education and a huge potential — cannot self-actualise. They feel not needed for their state... In some, constant stress can cause a breakdown, and lead to suicide"⁷³. In 1999, over 60 suicides were registered in Ukraine's Armed Forces. For comparison: in the U.S. Armed Forces, that numbers five times more servicemen than Ukraine's, there were 65 suicides in 1999.

The results of an opinion poll held by UCEPS show that Ukraine's population pitches a very low estimate to the military's morale and discipline (see Diagram "The assessment of morale and discipline in the Armed Forces and other military formations by the populace"). More than 60% of citizens assess the level of morale and discipline among the military as "low" and "extremely low", only 2.7% of the polled believe it to be "high".

The assessment of morale and discipline in the Armed Forces and other military formations by the populace, % of the polled



Generally, without proper attention on the part of civilian leadership of the state, the Army appeared in a deep crisis: servicemen themselves call the state of combat training, logistics and maintenance unsatisfactory. Military servants' morale is suppressed. With account of other indicators (staff training, condition of weapon systems and military hardware, etc.), one can draw the conclusion that the Armed Forces are unprepared for accomplishing their missions. Readiness of the Border Troops and other military formations can be assumed limited.

Therefore, Ukraine has failed so far to build a reliable system of civilian control, with clear

delimitation of powers and responsibilities between Government bodies, between civilians and the military. The state of civilian control over the military sector in Ukraine cannot be assumed satisfactory, since one of its basic principles — responsibility of civilians for the effectiveness of power structures — is violated.

Criterion 3. A system of civilian control ensures effective supervision over power structures by Parliament, primarily through the adoption and control of the defence budget

The present powers of the Verkhovna Rada with respect to control of the military are rather limited, as compared to the practice of advanced democratic countries. In fact, it does not operate a single effective lever of influence on power structures.



Point of view

*Heorhiy KRIUCHKOV,
People's Deputy of Ukraine*

Despite the many declarations on strengthening legal fundamentals and promises to introduce effective civilian control, despite the commitments assumed by Ukraine within the framework of co-operation with European structures, including with NATO, to a large extent military sector remains closed to civilian control.

The Constitution of Ukraine limits the powers of the Verkhovna Rada to determining the fundamentals of foreign policy, adoption of relevant laws, ratification of international treaties, adoption of the state budget, exercising control (through the Accounting Chamber) over budget implementation, including with respect to national defence expenditures, and approval of the overall structure, numerical strength, and functions of the Armed Forces, the Security Service and other military formations established pursuant to Ukraine's laws.

In contrast to democratic countries of the world, Parliament of Ukraine is deprived of legal grounds to influence personnel policy in the military sector, which reduces the effectiveness of control. Parliamentary committees are not empowered with any supervisory functions. Although they scrutinise implementation of specific laws, formally, this is not in line with norms of the Constitution.

Of late, the Verkhovna Rada has adopted a number of legislative acts that have brought defence legislation in conformity with the Constitution. However, this has not been the case with the Security Service, since the relevant draft law has yet to be submitted to the Verkhovna Rada. **In some instances, laws adopted by Parliament are not implemented. In my opinion, the state of analytical support for the process of civilian, including parliamentary, control over the military sector cannot be termed satisfactory.**

⁷³ Kim Yu. An Apartment for the Major. Household Problems Present the Most Frequent Reason for Suicide among Officers. — *Kievskie Vedomosti*, June 23, 2000, p.10.



Ukraine's legislation does not provide for such 'classic' parliamentary powers as approving long-term national programmes in the military domain, giving consent to key nominations, laying down fundamentals and controlling human resources policy in power structures, oversight of the combat readiness, and broad functions of control entrusted to the specialised parliamentary committee.

The problem is that the powers of the Verkhovna Rada were significantly reduced with the adoption of Ukraine's Constitution. Hence, parliamentary influence on the solution of defence issues can be strengthened only through amending the Basic Law, which seems impracticable, given the internal political situation in the country.

The head of state, by his decree, has approved the State Programme for Reforming and Development of Ukraine's Armed Forces through 2005. The Programme was approved without a prior broad discussion in Parliament, as Ukraine's Constitution does not require this. It is noteworthy that this document defines the parameters of the **total numerical strength of the Armed Forces**⁷⁴, although the Constitution puts it

as the exclusive prerogative of the Verkhovna Rada. Parliament does not review the development programmes of other power structures, either, which reduces the possibility of their proper funding at the implementation stage.

The Verkhovna Rada in fact has no influence on the human resources policy in the defence and law enforcement sectors. Under the effective legislation, the President does not need Parliament's consent to appoint (dismiss) the Minister of Defence, the Chief of the General Staff, heads of other power structures; nominate deputy ministers in relevant ministries, approve the list of the Armed Forces positions to be filled by higher officers, give the highest military ranks, etc.

Parliamentary control in the field of military-technical co-operation is actually absent, too⁷⁵. Presidential and Cabinet of Ministers' acts govern virtually all issues of arms export and import.

There is no information about the activity of the Verkhovna Rada's Ombudsman on Human Rights in the Army, not a single report of the observance of human rights and freedoms of servicemen and their families has been made public.



Anatoliy LOPATA,
Colonel General,
in 1993-1996 — Chief
of the General Staff of
the Armed Forces of
Ukraine

CONTROL OVER THE INTELLIGENCE SERVICES

Point of view

In accordance with the constitutional principle of the division of power, control over the activity of intelligence services should be vested in the executive and legislative branches. The experience of recent years shows that the head of state should remain the main supervisor over the intelligence services. This is related to secrecy shrouding the national intelligence community. For this reason, formal supervisory functions of Parliament with respect to intelligence is the domain of relevant committees and subcommittees. Few people should have access to intelligence issues.

We should concede these functions a formal character, especially if People's Deputies abide by the unwritten principles of unconditional support for intelligence service activities, and non-interference vis-a-vis inspections or reviews of special methods and organisation of intelligence operations, financial support of its activities, etc. Such an approach to supervision on the part of Parliament is erroneous, since this makes intelligence services non-accountable to society, and allows them to plan and perform any operations under the guise of protecting national interests in violation of the national legislation. For this reason, **a permanent committee should be established in Parliament, commissioned with controlling the activity of intelligence services. Its activity might cover the following issues:**

- ❖ review of draft budgets of intelligence services and control over the use of funds in course of a year;
- ❖ drafting legislative acts in the domain of intelligence (including foreign intelligence);
- ❖ control over the organisational structure of intelligence services;
- ❖ approval of presidential nominees for the posts of head and first deputy head of the intelligence service, and the heads of the military intelligence in the rank of lieutenant general - colonel general;
- ❖ analysis of intelligence service activity and of separate problems in which intelligence has played an important part.

Some issues of the intelligence service and special service activities may remain the exceptional prerogative of the President and the National Security and Defence Council of Ukraine. Such issues require legislative definition and the division of control functions between the two branches of power.

In my opinion, control over Ukraine's military intelligence should be also vested in the following persons: the Chief of the General Staff, the Secretary of the National Security and Defence Council, and the Head of the Juridical Service of the Ministry of Defence. There should be a National Intelligence Committee (Council), for co-ordinating the activity of intelligence branches of all power structures, summarising and verifying of information, and drawing conclusions on the basis of the most important surveys and proposals on the national security and defence.

Control over the activities of the national intelligence services should envisage mass media access, to obtain commonly accessible information pursuant to the Law "On the Freedom of Speech". However, active interference of the press into intelligence activities can create a serious problem of imbalance between the freedom of press, citizen's right to access to the information and reasonable limitation of special information with the purpose of protecting state secrets.

⁷⁴ For instance, in 2005 — 375 thousand people, including 295 thousand militaries.

⁷⁵ "The U.S. Congress should be informed about every contract in the sphere of arms trade exceeding \$25 million and about the sale of any weapon system or type, whose unit price makes \$7 million. After that, the legislative body of the U.S. should within 30 days either approve or ban the contract". See: Kudashkin V. A Comparative Legal Analysis of Military-technical Co-operation of the Leading World Exporters of Arms and Military Hardware. — *Voenno-tekhnicheskoe Sotrudnichestvo*, 2000, No.34, p.52.



In addition to the limited influence of Parliament on the definition of priorities in the development of military formations, the crisis in their funding to a large extent was conditioned by the **imperfection of the budget process itself**.

The practice of its limitation by a year-term has proved ineffective; the procedure of defence budget formation (substantiation) requires serious changes. The world experience offers rational approaches to the defence budget drafting and approval. As a rule, they are based on the cyclical (one cycle equal to two or three years) goal-oriented planning method of "planning — programming — budgeting". This process rests on long-term development plans, adjusted every year.

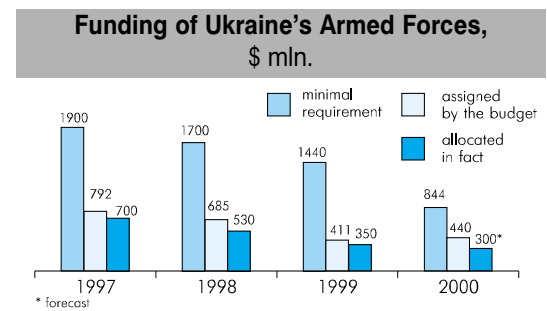
Time limitation is not the only problem of the budget process. No less important are the frequent changes in the tax legislation, a significant 'shadow' sector of economy, and the non-functional character of the budget. These factors complicate both the collection of budget revenues and the effective use of the allocated funds. Meanwhile, without resolving those issues one can hardly hope for a stable funding of power structures, the transition from "fight for survival" to development, and for drawing closer to the standards of the developed countries. Here, the role of parliamentary control (in the broad sense) over the military sector could be stronger.

Meanwhile, we found ourselves in rather an absurd situation. The Verkhovna Rada seemingly stands for the deep reform of the Armed Forces, for strengthening the national defence capability, and, at the same time, Parliament approves the defence budget that is insufficient even for maintaining personnel at a decent level; combat training, let alone deep reform, does not deserve mention at all; Parliament approves the numerical strength of military formations unaffordable for the national economy even after 15-20 years of steady economic growth at a rate of 5-7% of the GDP a year.

In such a situation **it's difficult to speak about realistic assessments, the preparedness to make important political decisions and, generally, the responsibility of the legislative body for the combat readiness of the troops**. Probably, one of the reasons for this lies in the poor informing of People's Deputies, and the low level of analytical support for parliamentary committees and individual MPs.

For instance, according to the estimates produced by the military, the normative requirement of the Ministry of Defence in funds for 1999 was equal to UAH 29.6 billion, the minimum requirement — UAH 9.8 billion⁷⁶. Meanwhile, the budget earmarked only UAH 1.7 billion for national defence — six times less than the minimum requirement, and 17 (!) times less than the normative requirement. **Neither the National Security and Defence Committee nor the Budget Committee have published their own estimates of the budget requirement different from the military's estimate. If the imbalance between the normative requirements of the military and the capabilities of the state makes not 17%, but 17 times, it means that the situation cannot be improved through 'cosmetic' changes, and responsible political decisions must be taken.**

A steady tendency toward reducing the defence budget in Ukraine has been observed for several years now (see Diagram "Funding of Ukraine's Armed Forces"). As a result, Ukraine allocates close to \$1,550 a year for maintaining one serviceman, while Russia spends for this purpose \$3,750, Turkey — \$12,700, Hungary — \$14,750, Poland — \$18,350. And if we look at the developed western countries, in France and Germany, this figure exceeds \$90 thousand, in Great Britain — \$170 thousand, in the U.S. — \$190 thousand. Therefore, **by contrast with Ukraine, in those countries the bodies of state power, including Parliament, managed to find a balance between the defence needs and the possibilities of their support with funds.**



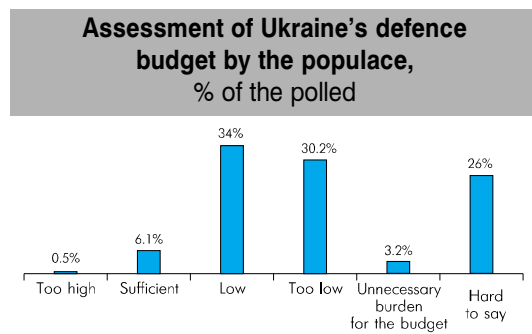
According to the UCEPS expert estimates, maintenance of Ukraine's Armed Forces in their present strength (as well as in the strength approved for 2005) under the NATO standards will cost \$5.5-7.5 billion a year, which is comparable with the total state budget of Ukraine. It is noteworthy that these estimates mainly coincide with the estimates produced by the military⁷⁷.

⁷⁶ "Given the actual economic situation in the country, Ukraine's MoD determined the minimum necessary requirement of funds, i.e., the level which allows Ukraine's Armed Forces to ensure the survival of troops till the moment of economic stabilisation in the country — UAH 3.1 billion. Pursuant to the Law of Ukraine "On the State Budget of Ukraine in 1999" the amount of expenses on national defence was established equal to UAH 1.7 billion". See: Muntiyan V. The Problems of Ukraine's Defence Budget. Democratic Control and the Armed Forces of Ukraine (the materials of the seminar, January 25, 1999). — The Ukrainian Centre for International Security Studies. Occasional papers, May 1999, No.9, p.24-30, <http://www.isn.ethz.ch/cmr/library/index.htm>.

⁷⁷ "The cost of maintaining professional 150 thousand-strong NATO armed forces is estimated at \$3.2-3.4 billion". See: Matiukh M. Professional Army. How Can the Dream Come True? — *Narodna Armiya*, April 21, 2000, p.3.



Ukraine's population has no illusions as to the funding of the military, and assesses its level accordingly (see Diagram "Assessment of Ukraine's defence budget by the populace"). 64.2% of respondents assess the present defence budget as "low" or "too low". Only 6.1% believes its level to be "sufficient", 0.5% — "too high".



Therefore, the possibilities of parliamentary control over the military sector in Ukraine are rather limited. At the same time, the Verkhovna Rada uses the few available levers of influence on the situation in power structures ineffectively. Parliament is unprepared, at the present moment, to offer ways of radical improvement of the situation in power structures and initiate drafting and adopting responsible political decisions pertaining to the military sector, in co-operation with the President and the Government.

Formally, parliamentary control over the military exists, but the present level of military formations combat readiness and the lack of evident changes for the better testify that it is far

from the world standards, judging by this effectiveness criterion, and requires practical deeds.

Criterion 4. A system of civilian control ensures high prestige of the military service in society, and high level of public trust in power structures

The prestige of military service in Ukraine is very low. This is witnessed by a number of indicators, first of all — the results of public opinion polls. According to the results of a sociological survey conducted by UCEPS, more than one third (34.4%) of respondents consider professional military service (of officer, non-commissioned officer, contracted serviceman) "prestigious" or "very prestigious". Out of 14 professions mentioned in the questionnaire, respondents attached the military the tenth place (see Diagram "Prestige of different professions among Ukraine's populace"). The military profession surpassed only those specialities that do not require high qualification or education.

Servicemen themselves (officers and NCOs) pitch a low estimate to the military service prestige, and the share of those who assume the military service prestige to be low is rising. While in 1993, 61% of the polled assessed the prestige of the military profession as "low" or "very low", in 1998, there were 87% of those⁷⁸.

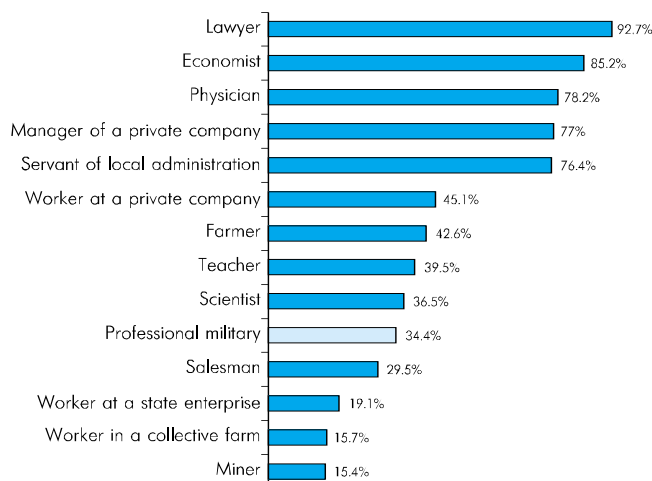
Another indicator of the falling prestige of military service in the eyes of professionals themselves is the unwillingness to pass their profession over to the children. In 1993, such unwillingness was expressed by 49% of the polled, in 1998 — by 66%⁷⁹.

Proceeding from the fact that the professional prestige is conditioned by the system of incentives and benefits (primarily of material nature), established by the state and society for a certain professional group, the fall of the military profession's prestige in Ukraine is understandable. Its main reasons are the following.

The profession of a military servant no longer allows maintaining a decent standard of living for the serviceman and his family. Although in 2000 basic pay was raised, and money allowances were paid regularly, there is still a long way to go to ensure a normal social and political status of military servants.

Legitimate social rights of servicemen are violated. The legislative norm of "officer service

Prestige of different professions among Ukraine's populace, % of the polled



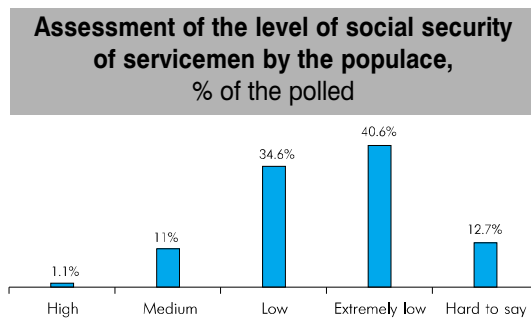
⁷⁸ See: Afonin E. The Establishment of Ukraine's Armed Forces: Social and Socio-psychological Problems. — Kyiv, 1994, p.242,246; Grechaninov V. Ukraine — the Country of Unrealised Hopes: an Outside Look at the Choice of Ukraine's Political Course. — Kyiv, 1999, p.32.

⁷⁹ See: Military Reform in Ukraine: the Start Or Another False Start? — UCEPS Analytical Report, *National Security & Defence*, 2000, No.1, p.11.



under a contract”⁸⁰ is unenforceable, the provision of “prohibition of servicemen rights’ infringement”⁸¹ is not observed. In January, 2000, a Government resolution “temporarily” seriously restricted social rights of military servants⁸². Hence, the “real practice often runs contrary to Ukraine’s Constitution and international documents pertaining to human rights”⁸³.

The public also negatively assesses the social security of servicemen. According to the sociological surveys conducted by UCEPS, more than 75% of Ukraine’s citizens consider its level to be “low” or “extremely low”, and only 12.1% of respondents assess the level of social security as “medium” or “high” (see Diagram “Assessment of the level of social security of servicemen by the populace”).



A significant imbalance persists in the levels of money allowances for servicemen serving in different power structures. This is manifested not only in different base pays⁸⁴, but also in the different amounts of damages payable under obligatory state insurance policies. For instance, the death of an employee of a public prosecutor’s office, militia, customs service, tax administration and some other state structures is usually valued in the amount of the ten-year salary and makes UAH 40-70 thousand. At the same time, for military servants, the insured amount is established equal to the hundred-fold average per capita aggregate income and makes only UAH 4,100. Hence, the insured amounts differ ten-fold and more⁸⁵.

Society and the military rest great hopes upon the transition to professional military service. However, if the present approaches to defence reform persist, these expectations can be vain⁸⁶.

The decline of the military service prestige has a negative effect on the populace’s trust in the Armed Forces. There are evident signs of alienation (the gap between the interests and the perception of social values) by the military and society.

UCEPS sociological surveys demonstrate relatively high level of confidence of Ukraine’s population in the Army. However, this fact should not lull anyone. First of all, this level of confidence is indeed *relative*, that is, *comparatively* higher than the still lower indicators of public trust in other state and social institutes. **If we look at the absolute figure (close to 30%), this indicator can be assumed neither high, nor sufficient for maintaining stable solidary relations between the Army and society.** Second, over the last five years the level of public trust in the Armed Forces has been falling slowly but methodically. According to Socis-Gallup, in 1996, the Army enjoyed complete trust of 40% of citizens, in 1997 — of 35%, and since the end of 1998 this indicator has been fluctuating between 31-27%. At the same time, the share of people who “do not trust the Armed Forces at all” rose from 19% in 1996 to 24-27% from the end of 1998. **Therefore, the share of people who “do not trust in the Armed Forces at all” has almost compared with the share of those who preserved full confidence in the Army.**

An objective factor conducive to alienation between society and the Armed Forces is the **rapid decline in the share of potential conscripts called up to military service, that is, of those who understand it and feel some sympathy to the problems and needs of the military.** While in 1982 more than 85% of potential conscripts served in the Army, in 1992, there were close to 55% of those, and in 1997-2000 — only 12-15%.

Polling of professional servicemen reveals negative tendencies in their assessment of the

⁸⁰ The Law of Ukraine "On Universal Military Duty and Military Service", Article 2.

⁸¹ The Law of Ukraine "On Social and Legal Protection of Servicemen and their Dependents", Article 2.

⁸² The Cabinet of Ministers of Ukraine Resolution No.12 of January 8, 2000.

⁸³ "For workers and employees, Articles 116 and 117 of the Labour Code stipulate that in case of non-payment of due amounts on the day of retirement through the fault of the owner or his authorised body, the entity or organisation must pay the employee his average salary over the entire period of delay up to the date of actual settlement". See: Kachan I. International Agreements on Human Rights in Ukraine's Armed Forces. — *Narodna Armiya*, May 19, 1999, p.6.

⁸⁴ These issues are examined in more detail in an article by V.Shtepa "The Problems of Social Security of Servicemen" published in this issue.

⁸⁵ Reform of Insurance System in Ukraine: Conceptual Background. — UCEPS Analytical Report, *National Security & Defence*, 2000, No.4, p.27.

⁸⁶ "Today, half of 29 thousand contracted servicemen don't have housing, and in 2015, there must be close to 150 thousand of those!". See: Matiukh M. Professional Army. How Can the Dream Come True? — *Narodna Armiya*, April 21, 2000, p.3.



Valentyn BADRAK,
Director,
Centre for Army,
Conversion and
Disarmament Studies

Point of view

Unfortunately, at the present moment it is premature to speak about a high level of democratic civilian control over the defence sector in Ukraine. There are two main reasons that hamper the establishment of such a control. The first one is seen in the remnants of Soviet stereotypes, which dictated that the main areas of activity of the defence sector, the Armed Forces, the KGB and other power structures were hidden behind a veil of secrecy. Second, almost all present leaders occupied high positions in the Soviet times, and this cannot but affect the transparency of power structures in Ukraine.

The accountability of power structures to the Verkhovna Rada is also rather limited. In Ukraine, Parliament still has no levers of control over the appointment of ministers in charge of military and law enforcement agencies, for which reason the latter often ignore the position of the Verkhovna Rada on specific issues. Furthermore, all such ministers attempt to influence domestic policy in Ukraine.

Regrettably, the establishment of Ukraine's National Security and Defence Council has failed to bring about any noticeable strengthening of democratic control over the defence sector. It is not involved in drafting basic documents that determine the defence and military-technical policy of the state; instead, these (atypical for the Ministry of Defence) functions are still vested in it.

Despite the official delimitation of functions between the Minister of Defence and the Chief of the General Staff, and even the introduction of the latter into the National Security and Defence Council of Ukraine, the MoD remains military and its head remains a military figure.

The level of democratic control over the military sector has been demonstrated by a number of accidents, the most telling example of which was the position taken by the Defence Ministry during the tragedy in the town of Brovary, where a tactical missile hit a residential building. Another example: information about Ukraine's Armed Forces that Ukraine gives to international organisations, is practically inaccessible to Ukrainian journalists. **The fact that many journalists prefer not to sign their critical articles also points to a low level of democratic control.**

Dealing with the defence sector requires that journalists and members of Parliament possess special qualifications lacking in both these groups. For this reason, during the decision-making process, executive officials or People's Deputies lobbying a certain ministry can easily convince Ukrainian MPs and win their votes. The majority of journalists also work perfunctorily, their work need to be improved.

One cannot but notice that the level of control over the military in Ukraine is gradually increasing. However, this process is far too slow for a state building an open and democratic society.

At present, only foreign institutions organise educational events for Ukrainian journalists. Neither power structures, nor the authorities in general arrange educational events that could enlighten journalists on ways of co-operation and presenting information about Ukraine's military structures.

Deepening a democratic civilian control over the military depends upon the establishment of a network of competent non-governmental analytical centres in Ukraine.

In the developed countries of the West, the role of recognised intermediaries belongs to non-governmental research centres that prepare reports and publish their surveys in mass media. In Ukraine, the network of such organisations is still undeveloped; non-governmental structures' ties with the press and Parliament are rather weak. In democratic countries, the authorities contract out for studies and expert evaluation services. In Ukraine, such studies, even if performed, arouse only sharp criticism on the part of authorities.

Therefore, I believe that the development of non-governmental organisations and the establishing of close ties with journalists and the Parliament to be the most important factors conducive to enhancement of democratic civilian control over the defence sector. Independent analytical centres could also expand educational activity, for instance, by holding seminars and round-tables for journalists on specific military issues.

civilian population's attitude to the military. The overwhelming majority (61%) of respondents believe that the populace treats servicemen "indifferently", 15% is sure that the populace "disrespects" servicemen, 12% — found themselves in a situation where "their dignity was humbled". Only 8% of polled officers testified that the population treats them "with respect"⁸⁷.

Therefore, in Ukraine, military service has lost much of its prestige. The level of public trust in the military, though relatively high, is gradually decreasing. In such a situation it is hard to speak about the effectiveness of civilian control of the military sector in Ukraine, judging by this criterion.

Criterion 5. The presence of favourable conditions in society for open discussion and taking important state decisions on defence issues involving broad public

Up until now, Ukraine has failed to find the balance between personal, social and state interests that would determine the rational degree of transparency of the Military organisation of the state. Despite some increase in the role of mass media, non-governmental research centres and public organisations, **public discussion of defence problems has not yet become a norm of behaviour for politicians, the military and society.**

⁸⁷ See: Grechaninov V. Ukraine — the Country of Unrealised Hopes: an Outside Look at the Choice of Ukraine's Political Course, p.32-33.



Serhiy ZHURETS,
Journalist

Point of view

Formally, the defence sector in Ukraine is beyond the focus of public and authorities' attention. In the long run, the situation looks like normal. Otherwise, there could be suspicions that someone is going to fight with us, or we are going to fight with someone. In any case, Ukraine faces quite a few economic and social problems whose negative impact on national stability is greater than the impact of weak democratic control over the military sector. Against this background, the treatment of military topics in mass media remains, so to speak, a personal matter for fanatics of these subjects. But what is the contribution of such publications to civilian control over the military sector in Ukraine?

This contribution can hardly be called significant. One of the reasons for this is the lack of understanding in society that more information about the armed structures makes the country safer, and the maintenance of such structures — less expensive. One may dispute what is required to sustain Ukraine's defence capability: a missile cruiser off the harbour, new tanks in garages, or a system of truly reliable communication between large and small units. After this dispute is resolved, the issue of allocation of the scanty funds can be resolved. However, all these remain purely theoretical issues, since in practice, the executive and legislative branches — the so-called "partners" of the Fourth Power — pay little attention to the problem and to critical publications. The latter are fraught with problems for the journalist himself. Meanwhile, the heads of our armed structures still fail to understand that they are not just many-starred generals who wear spangled uniforms, but first of all that they are public politicians. Being under the fire of criticism is an element of their work, as significant as any other element. Instead, there is a veritable system of taboos that are rarely violated. This applies particularly to investigating the real motives behind various appointments, or the influence of personal ties on the stability of one or another top executive's position within the armed structures.

Therefore, in the best-case scenario, a journalist who writes on military subjects in Ukraine acts as a publisher of information, which is not secret, but which would not be voluntarily made public by the relevant agency. This is the greatest contribution of mass media to the strengthening of democratic control, since such actions do not allow the armed structures to entirely turn into a "thing-in-itself", so characteristic of the stagnant Soviet era, and evinced by the fact that today **the defence establishment evidently attempts to limit the leaking of information**. If one compares the number of interviews of the Ministry of Defence or the General Staff executives with the civilian or military press three or four years ago with relevant numbers for today, the tendency toward "internal conservation" becomes evident. All this occurs, despite the fact that in its time, the Ministry of Defence demonstrated perhaps the greatest openness and transparency in relations with the press.

Nobody will do this work for us. If a journalist wants to look into the military, economic or any other subject, he or she should consistently work in this direction, even if it takes years. However, this is just the beginning. The ending will be a success only when this process involves all the parties. When the culture of discussion is formed, and the participants get rid of their obstinacy and dismiss the idea that a colonel is always cleverer than a major, then there will be an understanding that "the country that has no problems in military-civil relations is in reality the country that has no democracy".

A practice should be implemented whereby documents that describe the current state of affairs within armed structures are made public. Then journalists, experts, analysts, ordinary citizens will be able to hold discussions in mass media more competently, and such discussions will result in proposals that later can be implemented through specific decisions taken by the executive and legislative branches. Meanwhile, even the White Paper (the first attempt to follow the example of civilised countries), once intended to be issued every year, encountered insurmountable problems. And, finally, we should attempt to play by the rules of unbiased journalism, as much as possible in our situation.

There is no ultimate register of state documents that must be published. This limits the possibilities for public discussion of the state of affairs in the Military organisation. The Directive of Ukraine's President about annual publication of the White Paper "Defence Policy of Ukraine" remains not executed since 1997. This Paper was intended to elaborate policies, defence expenditures and national approaches to the containment of possible military conflicts. Mass media don't publish approved defence budgets (with a detailed classifier of expenses), let alone the reports of their execution. **Parliamentary Committee on National Security and Defence has not published a single report on the state of affairs in military formations.** Summarised materials of the

General Military Inspectorate under the President of Ukraine are accessible to a limited circle of top executives.

The state's activity in the field of arms trade is not transparent either. Control of mass media and NGOs over military-technical co-operation has not yet achieved the level observed in the western countries. Even general summarised information is not made public in Ukraine⁸⁸, only reports of separate contracts (agreements) or comparative data are published. For instance, in March, 1999, the head of State Company *Ukrspetsexport* V. Malev reported that by the results of 1998, Ukraine increased exports of arms and military hardware by roughly one third⁸⁹. In Ukraine, there is practically no national non-

⁸⁸ For instance, the U.S. Congress investigative service reported that the volume of the U.S. arms exports in 1999 amounted to \$11.8 billion. Russia's Centre for Strategy and Technology Analysis reported that between August 1999 and September 2000, Russia's State Company *Rosvooruzhenie* concluded contracts worth \$5 billion.

⁸⁹ News conference held on March 24, 1999.



governmental organisation engaged in professional research of the sector of military-technical co-operation⁹⁰.

The Soviet system of civilian (political) control inherited by Ukraine continues to noticeably influence the behaviour of its military leaders. This is manifested in the following.

- ❖ The military has retained a stereotype of professional monopoly with respect to 'true understanding' of the nature and problems of the Armed Forces and other military formations.

- ❖ Some military leaders too slowly get rid of the standard perception of large-scale army and front operations being the main task of the Armed Forces, while seeing the rest as of secondary importance.

- ❖ The military often continues to set defence targets and priorities as they see fit, sometimes not distinguishing between national and military security. The role of civilians in defining strategic priorities of defence policy is very weak.

- ❖ The military retains (sometimes unconscious) belief that the state is obliged to ensure implementation of any plans whatsoever worked out by the military at its discretion, without proper attention to the real situation, bearing in mind the idea of 'proper conditions', that would be created in the future.

The status of military formations reflects the state of affairs in society. Given the generally weak fundamentals of democracy in Ukraine, there are no grounds to expect that the military will soon get rid of the Soviet legacy, and particularly the negative attitude to public discussion of military issues.

UCEPS experts believe that the power structures' openness for public and parliamentary control remains low. Furthermore, in comparison with mid-90s, the formal side has now overshadowed the substance in the military's relations with society and mass media, and the internal censorship is becoming tougher:

"Over the recent six month, military censorship has "risen its head" too high in the Army. In dealing with arms, censor requirements prohibit even public pronouncing of the names of new national designs. The designations of military units many times attended by journalists suddenly became secret. Furthermore, even

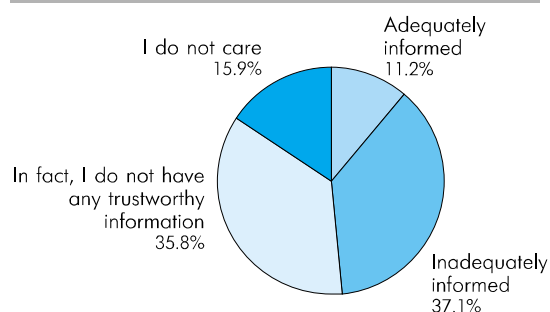
the specific positions of officers and generals should be named with caution. These requirements are tougher than in the times of the Warsaw Pact and the Cold War"⁹¹.

Circulation of the departmental mass media remains low: for instance, *Narodna Armiya* is printed in 7000 copies only. This limits the ability of mass media of the Ministry of Defence to influence the public opinion on defence issues. Chief editor of the *Narodna Armiya* V.Korol described the military mass media as follows: "In military newspapers (and we are not an exception), the very notion of analytical and critical materials — the most constructive and effective forms — has virtually disappeared. The reason lies in self-censorship, despite the external freedom"⁹².

The power structures remain unprepared to respond promptly to extreme situations in mass media. For instance, the Ministry of Defence admitted its involvement with the tragedy in Brovary only on the fourth day, having previously announced that the missile hit the target at the range. There were problems caused by incomplete information or delayed reaction to resonant events on the part of the Ministry of Internal Affairs, the Ministry for Emergencies, and Ukraine's Security Service. The power structures experience evident difficulties acting pursuant to the democratic norms⁹³.

Ukraine's ordinary citizens know little about military problems. UCEPS sociological surveys (see Diagram "The level of the populace's awareness of the situation in Ukraine's Armed Forces and other military formations") show that only

The level of the populace's awareness of the situation in Ukraine's Armed Forces and other military formations,
% of the polled



⁹⁰ The first attempts at conducting such studies were made by the Centre for Army, Conversion and Disarmament Studies and the Centre for Non-proliferation Studies.

⁹¹ Zhurets S. The Army Attacks Internet, and Simultaneously Toughens Censorship. — *Den*, March 24, 1999, p.2.

⁹² See: Starozhytska M. The Cost of the Military Secret. — *Kievskyi Telegraf*, August 28 - September 3, 2000, p.7.

⁹³ It is noteworthy that the instruction for U.S. Armed Forces personnel communicating with the press reads: "Behave professionally. Remember that journalists are not enemies but influential members of society". An example of this being not a mere declaration but a norm of relations was the recent dispute between General B. McCaffrey and *The New Yorker* correspondent S.Hersh. The latter accused the general of violating the laws of war and committing unjustified atrocities during the Gulf War. In response, the general himself (!) wrote an article where he presented the reasons behind his position with respect to the events that concerned the journalist, leaving it for the public to decide who was right. See: McCaffrey B. Return Fire. — *Armed Forces Journal International*, August 2000, p.14-16.



11.2% of citizens consider themselves “adequately informed” about the state of affairs in military formations. In contrast, almost three-quarters of respondents (72.9%) pointed to the insufficiency of relevant information: 37.1% were “inadequately informed”, another 35.8% — “in fact, did not have any trustworthy information”.

Such important problems as defining political, organisational and financial targets and limitations in the Military organisation construction, the priorities of development and the internal restructuring of the Armed Forces, are rarely addressed by the public and mass media. They are discussed within a narrow circle of experts.

Military problems are of little interest for Ukraine’s population. According to the UCEPS sociological survey, only 18% of Ukraine’s citizens take an interest in mass media materials devoted to military issues. The overwhelming majority (82%) “is not interested at all” or “is not particularly interested”.

Non-governmental research centres possess a significant potential for establishing the democratic norm of public discussion of defence issues, forming the public opinion and assisting the Government. However, their possibilities (especially financial) are very limited, and, furthermore, Ukrainian politicians have not yet come to the comprehension of the need of broad co-operation with them. For this reason,

significant intellectual and organising potential of NGOs remains unused.

Therefore, no favourable conditions for open discussion and taking nationally important decisions on military issues, involving broad public, have been formed in Ukraine.

CONCLUSIONS

Despite the evident positive changes, the situation in the sphere of civilian control over the military in Ukraine causes concern. No clear delimitation of the powers and responsibilities between state bodies, and between civilians and the military has been provided. The combat readiness of Ukraine’s Armed Forces, the level of their funding and the level of social protection in all military formations give no reason to be satisfied. The prestige of the military service remains low in the eyes of the public and the military itself.

Hence, UCEPS experts believe that the general situation in the sphere of civilian control over the military sector in Ukraine can be assumed as such that does not meet the basic effectiveness criteria. The negative assessment is primarily caused by the violation of one of the fundamental principles of democratic civilian control — the responsibility of civilians for the effectiveness of the power structures.



4. CONCLUSIONS AND PROPOSALS

To be, or not to be — that is the question...

William Shakespeare

Despite some evident successes, Ukraine has not yet built a reliable system of civilian control over the military sector, that would provide for a clear delimitation of the powers and responsibilities between civilians and the military. The situation with civilian control in Ukraine cannot be assumed satisfactory, since one of its fundamental principles is being violated — the responsibility of civilians for the effectiveness of power structures.

It is very important to employ a positive potential of civilian control exactly now, in the period of deep transformation presently undergone by Ukraine. The Armed Forces, law enforcement bodies, other power structures could play a weightier stabilising role. However, if the present negative trends persist, Ukraine's military formations themselves can turn into a source of economic, political, social, environmental and other problems that will endanger the life of society. Regrettably, signs of movement exactly in this direction are already seen (see page 11 of the Analytical report).

Presented below are the proposals of UCEPS experts regarding the development of the system of civilian control over the military sector in Ukraine and the improvement of its effectiveness.

4.1 Proposals regarding the definition of the roles, functions and missions of power structures

Within a three-month term, the new version of Ukraine's Military Doctrine should be prepared and approved, presenting an integral system of views of the political leadership of the country with respect to the ways of preventing military conflicts, preparing the country for repelling a possible aggression, the targets of military construction, and background data for planning the development and employment of military formations.

The functions of the military formations should be formulated realistically and concretely, and should specify numerical indicators. For this purpose, a target-oriented expert examination of the laws of Ukraine "On the Armed Forces of Ukraine", "On the Border Troops of Ukraine", "On the Internal Troops of the Ministry of Internal Affairs of Ukraine", "On Civil Defence in Ukraine", "On the Security Service of Ukraine", etc. is needed. After the adoption of Ukraine's Military Doctrine with account of the expert examination results, amendments to aforesaid laws (or, whenever necessary, their new editions) should be drafted. **The procedure of Ukraine's Armed Forces employment for the performance of internal functions should be legislatively fixed.**

The laws of Ukraine "On the National Security of Ukraine" and "On Foreign Intelligence" should be promptly finalised and approved.

The law of Ukraine "On the Defence of Ukraine" should be amended, **to provide for the obligatory parliamentary approval of the State Programme for Reforming and Development of Ukraine's Armed Forces.** The key provisions of the present State Programme for Reforming and Development of Ukraine's Armed Forces through 2005 should be reviewed, in order to match the defence needs and the available (expected) resources.

Ukraine's NSDC should consider the important issues of military construction at its regular meetings, namely: the discussion of the draft Military Doctrine of Ukraine; elaboration and delimitation of functions among military formations; the ways of more efficient use of the defence budget (liquidation of excessive structures, reduction of personnel, decommissioning of overly expensive weapon systems not needed by Ukraine); social security of servicemen.

Urgent measures must be taken to strengthen state analytical institutions. The research activity should be aimed at prompt application of the obtained results.



Non-governmental research centres should be involved into independent expert examination on matters dealing with national security and defence. At present, independent studies can be conducted on an order of the Government, covering the following issues: the prospects of transition to professional service in different military formations; rational targets of reducing the power structures' manpower; possible variants of curricula for civilian higher educational establishments dealing with national security and defence; the ways of overcoming haring of conscripts and strengthening discipline in the military; variants of organising stand-by voluntary reserve of the Armed Forces; priorities in Ukraine's peacekeeping activities, etc.

4.2 Proposals regarding the delimitation of powers and responsibilities between different bodies of state power and between civilians and the military

The division of powers between presidential and governmental structures in matters dealing with civilian control over the military sector should be reviewed. The Law of Ukraine "On the Cabinet of Ministers of Ukraine" clearly defining the powers of the Government, including in the defence sector, should be adopted in the shortest possible term.

A Government Committee in charge of defence and law enforcement activities should be established, to provide for a better substantiation and co-ordination of the Cabinet of Ministers decisions on these matters, and to raise the political weight of the heads of the power structures. A position of Assistant Prime Minister for Defence Issues should be introduced.

Measures should be taken for balancing the controls and responsibilities of the President, the Government and the Verkhovna Rada in the sphere of arms trade and international military-technical co-operation. The preparation and consideration of draft Law "On State Export Control in Ukraine" should be accelerated.

The powers of the General Military Inspectorate under the President of Ukraine should be extended, to cover the intelligence, and special services, and law enforcement bodies.

The institute of civil servants should be established, to be employed at key executive positions within power structures — ministers, first deputy and deputy ministers, heads of main departments. A Working Group dealing with the issues of civil service implementation within power structures should be established as part of the State Commission for Administrative Reform in Ukraine. A programme of replacing top executives of the power structures, the staff of Ukraine's NSDC and the GMI under the President of Ukraine with civilian politicians and

civil servants should be worked out. **Further on, exclusively civilian candidates should be appointed to the positions of the power structures' heads.**

Responsibility of civil servants can be raised through the division of political (agency director), patronage (his assistants) and administrative posts. The latter's involvement in political activity should be limited, as such activity (especially during election campaigns) is not conducive to effective operation of the authorities, provokes infringements and abuses. Such limitations will strengthen the protection of civil servants themselves, and particularly rule out their division on the basis of the party affiliation.

The State Department on Civil Service of Ukraine should create a personnel reserve (database) of state servants for filling executive positions in the power structures. This reserve of personnel should include civil servants who obtained the experience of dealing with defence issues in the Administration of the President of Ukraine, the Government's Secretariat, the staff of the Verkhovna Rada and the National Security and Defence Council of Ukraine, the General Military Inspectorate under the President of Ukraine, the State Expert Control Service, the ministries of foreign affairs, economy, finance, justice, education and science, and some others; some of People's Deputies, former Government officials and generals possessing proper knowledge, experience, and creative potential.

Personnel from this reserve should be the first candidates for training abroad under programmes of defence and security co-operation. The people sent for training abroad should sign contracts providing for 5-7 years of mandatory civil service after the graduation from a foreign educational establishment, and a mechanism of indemnification of expenses in the event of non-execution of this requirement.

The National Defence Academy of Ukraine should initiate regular seminars (3-5 days) for journalists specialising in defence matters. The Academy should invite authoritative Ukrainian and foreign civilian guest-speakers who have the experience of working at executive positions in the power structures or who are famous for their theoretical works.

The planned training of civilian specialists at two-week courses on the basis of the National Defence Academy should commence as soon as 2001. **Civil servants of grade 4-6, involved in the defence decision-making process, should be trained at three-month courses jointly with military servants.**

The Ministry of Education and Science of Ukraine, in co-operation with power ministries, should work out a programme of establishing a network of security research organisations (centres) in the leading universities. Educational courses and



research programmes dealing with civil-military relations, international security, conflict study, etc., should be introduced at Ukraine's higher educational establishments. **The programmes of officer training for all power structures should include a mandatory course of civil-military relations.**

4.3 Proposals concerning effective methods of parliamentary control over power structures

It is required to define priorities of financing certain power structures as well as fix a list of the protected items in defence budget within Budgetary Resolution of the Verkhovna Rada.

Draft defence budget should be submitted to the Verkhovna Rada both in audit and in functional form. It is necessary to envisage the existence of special budgetary items for the *development* of power structures in "National Defence" and "Law Enforcement Activity and State Security" Sections of the State Budget. Discussion of these items and voting for them are to be only made following preliminary approval (consent) of the State Programmes (of Reforming and Development of the Armed Forces, Development of Armaments and Military Hardware, Special Equipment, etc.).

To ensure purpose-oriented utilisation of budget resources allocated for the financing of power structures activity. **It is necessary at the legislative level to determine the procedure of bringing the officials to criminal and administrative responsibility, provided such officials are guilty in non-execution of defence budget** (failure to adhere to the priorities fixed in the Budgetary Resolution in the case of budget sequestration, misuse of resources, as well as failure to finance protected budgetary items).

The Parliament's Budget Committee in co-operation with Finance Ministry and economic departments of Ukraine's power structures should make draft proposals concerning **implementation of goal-oriented procedures of formation of budgets for power structures** (according to the cyclic procedures as follows: "planning — programming — budgeting").

The Verkhovna Rada is to complete investigation of possible facts of non-sanctioned trade in arms in 1991-1993 and make results of this investigation available to public.

To establish two new subcommittees having a special status within the Parliament's National Security and Defence Committee: Foreign Intelligence Subcommittee (authorised to supervise activity of intelligence services) and Subcommittee on Arms Trade and International Military and Technical Co-operation.

To ensure regular (twice a year) open parliamentary hearings on issues connected with the activity of power structures.

To raise the level of information and analytical support to the activity of the Verkhovna Rada Committees and individual Deputies. To increase the amount of resources that are allocated for the People's Deputies and Committees to perform expert's investigations.

4.4 Proposals concerning measures required to ensure high prestige of military service in society as well as high level of confidence to power structures on the part of citizens

It is necessary to stop the practice of silencing of servicemen's problems because such a practice undermines their confidence in the civilian authorities of the state.

To establish a voluntary stand-by reserve within the Ukrainian Armed Forces; this would let not only to solve a problem of mobilisation readiness, but also establish stronger ties between the military and civilians.

To liquidate maladjustment in the wages, salaries and pensions that are paid to the servicemen of various power structures. The amount of official salaries is to be adjusted in accordance with the subsistence level established by the laws as well as in accordance with the inflation rate.

To establish uniform rates for insurance payments under the state obligatory insurance of servicemen serving in different power structures; to increase rates of such insurance payments up to the level of officers and employees of law enforcement bodies. To liquidate current indebtedness and stop the practice of delays in payment of insurance indemnities.

To intensify the struggle with bribery in military registration and enlistment offices; to perform extra certification of officials and employees of such offices. **To reduce the term of conscript military service to 12 months beginning from the 2001 spring already.**

To implement the practice of **regular polls in the military** in order to reveal in advance any moods and needs existing among the servicemen, as well as to prevent the development of negative trends and conflict situations in military collectives.

To take urgent measures in order to ensure the financing of medical assistance to the military according to the normative figures. **To include expenditures for medical support into the protected items of the power structures' budget.**

To establish consulting and advisory bodies for promoting defence and law enforcement activities. These bodies are to be established in the form of commissions, councils, etc. functioning on a voluntary basis under local state administrations. Such bodies should include representatives



of local communities and military units located in their territory, as well as military veterans.

To introduce a system of incentives for individuals and business entities supporting the military.

The Church's activity in power structures should not be confined to performance of religious functions only. **The Church is able to promote observance of human rights in military formations, as well as to ensure training of servicemen in accordance with principles of international humanitarian law.**

To support activity of non-governmental organisations with the purpose of military and patriotic education of the youth. To ensure more active involvement of servicemen in sports and cultural events at educational institutions; to increase the number of visits of young men to military units and warships, etc.

4.5 Proposals concerning the development of favourable conditions in society for the open discussion of important governmental decisions on military issues as well as for making such decisions with involvement wide range of general public

The Parliamentary Committee on the Freedom of Speech and on Information should launch independent expert analysis of the laws of Ukraine "On Information", "On the State Secrets", "On Citizens' Associations", "On Printed Media" as well as other laws in order to ensure observance of rights of citizens (rights of citizens' associations) to obtain complete and true information on the activity of power structures, and on the state of affairs in the military sector. Proper amendments to the above mentioned laws are to be made in accordance with the results of such expert analysis.

The Parliamentary Committee on Human Rights, National Minorities and Inter-national Relations is to submit propositions concerning the strengthening of administrative and criminal responsibility of power structures' officials for concealment of information that may include data on the threat to health and life of servicemen and citizens, on infringement of rights, freedoms, and social guarantees of servicemen and members of their families.

To fix at the legislative level the list of those documents on activity of power structures that must be made available to the general public, as well as to define the procedure of preparation of these documents and the periodicity of their publication. UCEPS experts believe that this list should include the following documents: White Paper "Defence Policy of Ukraine"; annual reports on execution of

defence budget and law-enforcement agencies' budgets; regular reports of the Parliamentary National Security and Defence Committee on the state of affairs in power structures (the reports are to be prepared on the basis of assessments made by People's Deputies); generalised materials of parliamentary hearings on military issues; annual reports of the General Military Inspectorate under the President of Ukraine in respect of the state of affairs in the power structures, etc.

To ensure urgent publication of White Paper "Defence Policy of Ukraine" on the basis of the Resolution signed by President L.Kuchma as early as in January 1997 (the Resolution envisages annual publication of this Paper).

To establish advisory voluntary bodies subordinate to the heads of power structures, the General Military Inspectorate under the President of Ukraine and the Chairman of the Parliamentary National Security and Defence Committee. To ensure the involvement of scientists, representatives of non-governmental research centres and public organisations, mass media, veterans of power structures to the activity of such bodies.

To implement obligatory weekly press conferences in all power ministries with the participation of top level officials (in the rank of a head of main department and higher). To ensure proper working conditions for journalists it is desirable to fix permanent time and place for such events; do not establish restrictions for participation of media representatives through any accreditation procedures.

The data on the current funding of military formations, by the items of expenses, should be published monthly in the *Narodna Armiya* and in other departmental periodicals. The central publications of the power structures should present monthly reports of lost servicemen specifying the cause of death.

Servicemen instructions for communicating with mass media should be work out, telling about the importance of mass media in democratic society, presenting advice as to the proper style of communicating with journalists, and the requirements of the effective regulatory-legal acts applying to publication of information.

Measures should be taken for improving the contents and typography of departmental newspapers. These papers should regularly publish problem articles and analytical materials on military issues produced by non-governmental research centres.

UCEPS experts believe that the implementation of these proposals will help to harmonise civil-military relations, improve the combat effectiveness of the Military organisation of the state and the prestige of military service, and raise the public confidence in Ukraine's power structures.

NGOs AS THE BASIS FOR CIVIL SOCIETY



*Doctor Ivan BILAS,
Lieutenant General,
Hetman of the Ukrainian Cossacks,
Head of the Parliamentary Committee on
Legislative Support for Law Enforcement*

As Ukraine moves from totalitarianism to civil society, the role of non-governmental organisations is increasing. In my view, important positions among such organisations are occupied by the Union of Officers of Ukraine (UOU) and Ukrainian Cossacks.

The Union of Officers of Ukraine was established in 1991 as an organisation of patriotic officers who wanted to preserve the military formations, arms and equipment on the territory of the former Ukrainian SSR for their employment as the basis for the formation of the National Armed Forces of Ukraine. Members of the Union prepared legislative background materials for the adoption of the first laws on Ukraine's Armed Forces by the Verkhovna Rada. However, the conflict that emerged between patriotic officers (mainly at the middle level) and top-level senior officers and generals who opposed national transformations while proclaiming patriotic slogans, led to the latter's victory and the ousting of the UOU from the Army. At present, the leadership of the armed structures neither encourages nor tolerates UOU membership by officers of the Armed Forces, Ministry of Internal Affairs, and Ukraine's Security Service. They realise that their subordinates — UOU members, will be the first to inform the public about problems and offences (sometimes even crimes) within military collectives. UOU members have always insisted on the military-patriotic education of servicemen on the basis of national statehood, high morale and patriotism, and they have performed this work among their subordinates. UOU members — MPs have more than once informed the Supreme Commander-

in-Chief of Ukraine's Armed Forces, President L.Kuchma about this situation. Unfortunately, such appeals to the head of state usually have resulted in a painfully negative reaction on the part of the Ministry of Defence, the Ministry of Internal Affairs and Ukraine's Security Service leadership.

Ukrainian Cossacks is an international national-patriotic and defence-sports all-Ukrainian public organisation. This organisation was established in 1990 with the purpose of assisting the establishment of Ukraine as a sovereign democratic state ruled by law, building the National Armed Forces of Ukraine on the basis of Ukrainian Cossacks' progressive customs and traditions, preparation of youths for military service, military training of Ukrainian Cossacks, manning of separate units with conscripts from among Ukrainian Cossacks, retraining of Ukrainian Cossacks - reservists.

Over the past ten years, Ukrainian Cossacks have gained significant experience in the field of patriotic education of youth in the spirit of Ukrainian Cossack chivalry, the Ukrainian national idea, and devotion to the Ukrainian people and Fatherland. The Concept of Cossack chivalry education was worked out, and is presently being successfully tested at educational establishments in some of Ukraine's regions. The children's and youth organisation "Moloda Sich" was established, and Cossack lyceums are now active in Donetsk, Zaporizhya and Kharkiv.

In the ranks of Ukrainian Cossacks, pre-conscripts now undergo military and sports training, are mastering traditional Cossack marital



arts (at the schools "Spas", "Khrest", "Svarha", "Hopak") and participate in annual all-Ukrainian Cossack tournaments "Cossack Games".

In 1998, we concluded an agreement with the Association for Assisting Ukraine's Defence, providing for co-operation in training aviators and naval multi-athletes for serving in Ukraine's Armed Forces.

In April, 2000, in co-operation with the National Federation of Aviation Sports, the Association for Assisting Ukraine's Defence and Ukraine's Air Force, we organised the first-ever National polar expedition "Ukraine — North Pole - 2000". It involved an airdrop to the North Pole from an IL-76 aircraft, and a simultaneous transcontinental AN-28 flight with a North Pole landing. One world record and two national records of Ukraine were established in the course of this event.

We agreed with the Minister of Defence on the issue of establishing separate Cossack units in the Armed Forces in 2001, developing and introducing a single uniform and Cossack ranks. Similar work is also underway with the Border Troops, and the Ministry for Emergencies.

Taking into account the role of Ukrainian Cossacks in the present life of the state, President L.Kuchma established, by his Decree No.1283/99 of October 6, 1999, the Co-ordinating Council for the Development of Ukrainian Cossacks under the President of Ukraine, and approved the Regulations of this Council by another Decree No.1610/99 of December 22, 1999.

The present state of relations between the military and society (ordinary citizens) is determined at two levels. **At the first level**, relations between the bulk of servicemen (conscripts, NCOs, junior officers) and ordinary people are formed. At this level, relations are quite transparent and sincere. Relations between senior officers, the leadership of the Armed Forces, and ordinary citizens are formed at another level. Since the openness of armed structures in Ukraine (with account of democratic civil society requirements) is critically limited, we would assess the relations **at the second level** as critically poor as well. This does not help in establishing civilian control over the activities of armed structures in Ukraine.

In Ukraine, the rule of "not airing one's dirty linen in public" is quite strictly observed. The leadership of the armed structures strictly abides by this principle. It sees its role and the place of its structures as a state within state.

An important pre-requisite for forming democratic civil society in Ukraine is a civilian control over the military. Thereby, I consider the appointment of a civilian Minister of Defence and the heads of other armed structures in Ukraine both expedient and practicable. However, we should not stop at this.

Within the structure of the Ministry of Defence, the Ministry of Internal Affairs, the Security Service and other military formations, there are maintenance and logistics divisions. We believe that the majority of positions there should be assigned to civilians, in addition to civilian heads of the relevant structures. Civilian specialists employed at military units must adhere to the requirements of a democratic society, such as national citizenship, orderliness, honesty, competence and civic patriotism.

Today, in Ukraine there is a sufficient number of young professionals dedicated to the national interests, who could assume leading positions in the armed structures. They are not associated with the present clans or nomenklatura. Perhaps precisely for this reason the leadership of the state does not consider these people as possible candidates and does not appoint them to leading positions in the armed structures. Unfortunately, the Soviet principles of personnel management, such as nepotism, bribery, etc., are deeply rooted in this communist-ersatz-democratic society. The situation needs to be improved, as the building of a democratic state ruled by law requires similar democratic principles to be introduced in the sphere of state personnel policy.

CLOSED POWER STRUCTURES ARE DANGEROUS FOR SOCIETY



*Borys KOZHYN,
Vice Admiral, Head of the Union
of Officers of Ukraine,
People's Deputy of Ukraine*

A veil of secrecy stands in the way of normal relations between the power structures and society in Ukraine. This veil poses a huge danger. Military arms are a fearsome phenomenon, and we know from history what can occur if they appear in dishonest hands. The question arises: is there any counterbalance to this danger? The answer is yes. This counterbalance not only exists, but is also well developed in the majority of democratic countries throughout the world. I have in mind democratic civilian control over the state, and first and foremost over its armed structures.

Civilian control is an imperative of our times. We cannot stand aside and watch the bureaucracy hampering reform of our society, attempting to privatise the administrative functions of the state, adapting them to their own interests, merging with criminal "shadow" capital, and creating an atmosphere of secrecy, mis-

trust, intimidation, denunciation, and so on. In order to counter this force and strengthen the sprouts of democracy in Ukraine, society should be given levers of influence on the state and effective public (civilian) control over all branches of power and local self-administration bodies. The above applies in its entirety to the military sector. Problems in the Army will continue until we introduce effective civilian control.

While in democratic countries the public really influences the situation in the defence sector, in Ukraine, which is still building its national security system, the necessity of civilian control over the Armed Forces is only just beginning to be understood. I am sure that civilian control should apply not only to armed structures of Ukraine itself, but also to units of foreign armed forces temporarily stationed on our soil. I have in mind the Black Sea Fleet of the Russian Federation, primarily — its intelligence arm, which has a free rein on our territory.

Officially, a system of civilian control over the Armed Forces already exists in Ukraine. We have a civilian Government, Parliament is elected by national elections, and the Court is independent. However, much needs to be done for this system to comport with international democratic standards. According to the Constitution, Ukraine is a democratic state, and civilian control over the military, that is, the subordination of armed forces to political authorities, is an inalienable prerequisite of any democracy. This means that, since all decisions dealing with national defence are political decisions, they are





to be taken by elected officials to whom the people have entrusted the exclusive right to implement policy. Ukraine reiterated its firm position regarding the establishment of democratic civilian control over its Armed Forces on the international scene by signing the Code of conduct regarding military-political aspects of security at the 1994 Budapest OSCE Summit.

However, we should be sincere, and first of all — with ourselves. Today's realities include a lack of social protection of servicemen, deficiency of housing, abuse of younger servicemen by their older peers, obsolete equipment, and so on.

We cannot ensure the defence of Ukraine's national interests without proper transparency of the armed structures.

According to the Constitution, Ukraine is a democratic, socially oriented rule of law state. Its recognised highest social value is the individual, his or her life and health, honour and dignity, immunity and safety. Therefore, when speaking about the role of non-governmental public organisations (the Union of Officers of Ukraine, the Ukrainian Cossacks, the Organisation of Soldiers' Mothers, veterans' organisations, etc.), one must give due respect to their indisputable authority, influence and efforts in the creation and establishment of Ukraine's Armed Forces. These public organisations are an important component of Ukraine's national security system, ensuring the protection of its sovereignty and territorial integrity.

Public-patriotic organisations of the nation-building type assist in the development of servicemen — conscious patriots of their Fatherland — by advocating national ideology and national military traditions. Unfortunately, today, their role in this process within the Armed Forces is meagre; in some instances, our efforts are intentionally blocked. I am sure however that in the future, with the formation of civil society institutes, the Union of Officers of Ukraine and other public organisations will play a much weightier role.

“90 PER CENT OF OUR SERVICEMEN ARE BUSY GUARDING THEMSELVES”*



*Viktor TKACHUK,
Secretary of the Parliamentary Committee
on National Security and Defence,
People's Deputy of Ukraine*

— Today, a battalion of the marines is trained for two months in order to take part in an exercise. And this is the elite of Ukraine's Armed Forces. What can be said about other units then? I dare guess that 90% of our officers and soldiers are busy guarding themselves, engaged in economic activity, but are unprepared to defend their Fatherland.

— **Is everything indeed so bad in our Army?**

— I am not a military leader, so I don't want to give grades out to generals.

A programme of Armed Forces reform exists, but there is an impression that it was written by Nostradamus, who could clearly imagine the country's future. In recent years, all European armies have been reduced by 40-60%, they have different priorities with respect to combat mission assignments and deployed weapons systems.

In Western Europe, the military command works in close contact with the political leadership and foreign offices of their respective countries, so their armies are being reformed in an all-round way, primarily for the purpose of local conflict settlement. The reform of our Armed Forces does not take due account of the domestic situation and the necessity of defending Ukraine's interests on the European continent. The time of heroic deeds has passed away and at present, a small, combat-efficient professional Army is needed.

— **Do you mean that it would be enough to replace the military Minister of Defence with a civilian?**

— In response to my request to explain what military strategy is taught in higher military schools, one high-ranking general said that all these books are classified 'confidential'. On a recent trip to the U.S., I found this manual translated into English. It is accessible via the Internet. Isn't it stupid?! Here is the main problem: the

Army attempts to live by its laws, under the scanty soldier's blanket. Being conscious of the necessity of military secrecy, I strongly oppose the verbal classification of all Army problems as a “Secret”.

— **But you will probably not deny that the social environment also has an effect on the situation in the Army. They say, the Army is a cross-section of society...**

— Unfortunately, the present Army has literally turned into an Army of workers and peasants. God only knows whether it is good or bad. There was a time when students served in the Army, maybe unwillingly, but at that time, the Army was evidently cleverer and healthier. It's no secret that today, only backwards students and those who cannot grease somebody's palm to avoid the draft are called up to serve. Regrettably, the prestige of the military uniform has dropped. The lack of housing for the officers, insufficient money allowances, reduction of combat training terms, transformation of military units into the “collectives of communist (i.e. free) labour” turn the eighteen months of military service into a “fairly tale of lost time”.

— **Do you have any realistic recipe for the Army getting out of its present deadlock?**

— The army of any European country, seen by Ukraine as a model, is better than ours. I have studied several different systems of military building. There is a simple and clear correlation: the wealthier a country is, the more sophisticated weapons it has and the better its army is trained. One thing is clear: the whole army needs to be reformed and, not one battalion per year. I believe that a kind of combined effort of the Armed Forces, the military-industrial complex, including arms sales, and intelligence can be beneficial for Ukraine. Such symbiosis will make it possible to employ the available manpower more effectively and to bring order to supplies.

* The interview was published in *Kievsky Telegraf* on October 9, 2000. The subset is printed.

IT IS NECESSARY TO STRENGTHEN THE INFLUENCE OF CIVILIANS WITHIN POWER STRUCTURES



Valeriy SHMAROV
People's Deputy of Ukraine,
in 1994-1996 — Minister of Defence of Ukraine

I believe that the appointment of civilians to executive positions in the Ministry of Defence (and other military structures) does not require much discussion: time has come for its practical implementation.

First of all, the logic of building a democratic state ruled by law in Ukraine requires this, since an effective mechanism of civilian control over the military presents an important element thereof.

Second, this need is reiterated by the present complex situation in the power structures, the low pace of their building and reforming, and many other complex problems that cannot be resolved by servicemen themselves. Their efforts must be backed, co-ordinated and led by politicians.

Third, there is the positive experience of western countries and our neighbours — former Warsaw Treaty partners, who were quite successful on this path, while we, after nine years of independence, have not only failed to make any progress, but in some instances moved in the opposite direction in personnel management. I can only mention that after the dismissal of A.Dovhopolyi, there is not a single civilian who occupies a more or less influential post in the military establishment.

Finally, common sense and unbiased analysis of the present situation points to the necessity of civilian appointments for executive posi-

tions in the Defence Ministry. We cannot and have no right to demand from the military more than they can do. **Politicians should realise both the (rather vast) possibilities of the military, and their limitations (also evident) in the resolution of the complex nation-wide problems.**

Civilian nominees for executive positions in the Ministry of Defence should perfectly know the environment they will have to work in. Military servants are qualified professionals. Officers and generals are trained to defend their Fatherland by force of arms all their lives. This makes the core of their education and professional training. Its basic elements are the effective use of arms, destruction of the enemy, the ability to endure (both physically and mentally) and preserve fighting efficiency in critical and supercritical conditions, readiness to sacrifice their health and even life for accomplishment of a combat mission. **Military service is a very difficult profession that can be mastered only by true patriots. The people who have chosen the military profession and devote all their life to it deserve deep respect on the part of society and proper support from the state.**

Politicians should not demand from generals the accomplishment of alien duties going beyond the framework of their education and experience. The military cannot and should not draft concepts, doctrines, laws, state programmes, prepare economic, foreign policy, demographic, social and other justifications for this purpose,



draw the lists of potential enemies of Ukraine, prioritise its relations with military-political alliances or define the directions of Ukraine's military-technical policy.



Indeed, these issues are immediately related to Armed Forces activity, but their solution requires multi-sided, complex analysis, where the military component is only one element, and not the most important one. Upon the analysis of threats to Ukraine's national security, it becomes clear that the most serious of them lie not in the military sphere. And even potential military threats not always can be effectively contained through the use of the available military tools of state policy. More useful for Ukraine can be preventive measures in the political, diplomatic, economic or information domains, which are beyond the professional education and activity of the military. It would be unjust to demand from generals deep knowledge and clear understanding of the tendencies of regional and global international developments, the prospects of internal economic, political and social processes, economic, political, demographic and other possibilities and limitations of the state, etc.

Thus, leading executive positions in the Ministry of Defence should be occupied by civilians — not simply civilian people wearing plain

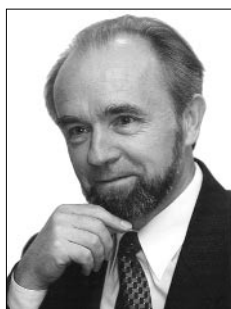
clothes instead of military uniforms, but broad-minded specialists with proper education and experience. Regrettably, there are few such people in today's Ukraine, so civilians need to be specially trained for these responsible offices.

The work of civilian specialists at executive positions in the Defence Ministry will be effective, if they manage to combine at least three important components in their activity: political, economic and military. This particularly refers to the civilian Minister of Defence, since I am sure that **the next Defence Minister in Ukraine should be a civilian — a politician rather than a general**, as provided in the President of Ukraine Decree on Administrative Reform of December 15, 1999.

Deep understanding of priorities of Ukraine's internal and external policy, the state and prospects of its economic development (relevant possibilities and limitations), the nature of threats to Ukraine's national security, the ways of employing military force, along with other levers of state policy, the role and place of power structures in the overall pyramid of state power and in society as a whole — the combination of these factors will guarantee the successful work of a civilian Defence Minister. Similarly important are the strains that are significant for every minister: the ability to form the climate of initiative and creative work among his or her subordinates, receptivity to criticism and alternative propositions, and the ability to establish friendly and fruitful horizontal relations: with parliamentary committees, political parties, public organisations and mass media. Regrettably, these evident things need to be reiterated, since the practical activities of some high-ranking generals prove the lack of understanding of the importance of those factors on their part.

To be sure, it will take months and even years for civilians to occupy a proper place in Ukraine's power structures, but this work must get started as soon as possible — already, too much time has been wasted.

THE PROBLEMS OF SOCIAL PROTECTION OF SERVICEMEN



*Valerii SHTEPA,
People's Deputy of Ukraine*

I would like to point out three most urgent problems of social protection of servicemen: the level of money allowances, the irregular and incomplete payment of salaries and social benefits, and the low level of housing provisions.

The first problem is the level of money allowances. The Cabinet of Ministers of Ukraine Resolution No.829 of May 22, 2000 "On Military Servants' Money Allowances" introduced a new scheme for servicemen's base pay. Official salaries have been significantly raised. Nevertheless, servicemen's wellbeing, especially at remote garrisons where officers' wives normally have no jobs, remains poor.

The second problem lies in the irregular and incomplete payment of money allowances and social benefits. State arrears as to the money allowances and social benefits provided by Ukraine's legislation, owed to servicemen, civilian personnel and dependants, persist. The amount of those arrears has somewhat decreased, but remains high: some UAH 200 mln. for all military services. This significantly derogates the well-being of servicemen and affects the combat readiness of Ukraine's Armed Forces.

Here is a short reference. The basic pay of a platoon commander presently is UAH 135-145 (as of October 1, 1999 — UAH 90), of a company commander — UAH 145-160 at present and UAH 100 before the rise, of a battalion commander — UAH 155-170 today, and UAH 105 in the not so distant past, a regiment commander — UAH 170-185 and UAH 115, respectively. If an officer's wife is unemployed, a monthly average per capita income makes: in a

lieutenant's family — close to UAH 130, in a lieutenant colonel's family — close to UAH 190.

Can this situation be assumed normal? I don't think so, especially considering the social protection in other military formations where its level is much higher.

For instance, an operational commissioner of the Security Service (whose rank is not higher than a captain) at present receives a base pay of UAH 175, which is equal to that of an Armed Forces regiment commander (a colonel). A senior operational commissioner (a major) is paid UAH 195 — slightly below the base pay of an Army division commander (a major-general).

The comparison between the base pay within staffs of military formations is also not in favour of the Armed Forces. For instance, before the May 2000 rise in official salaries, the base pay of a section head (a colonel) in the Ministry of Defence amounted to UAH 135, and after the rise — UAH 200-225, while a section head in the Security Service staff has a pay of UAH 280. The head of a detached department of the Ministry of Defence (a major-general) presently has base pay of UAH 235-250 (UAH 155 before the rise), while his colleague in the Security Service has a fixed salary of UAH 310.

Official salaries of Ukraine's Armed Forces' servicemen also yield to the salaries fixed at the State Guard Department, and in some instances — to the salaries of the Ministry of Internal Affairs executives. For example, an Armed Forces regiment commander (a colonel) and a Ministry of Internal Affairs desk head (a major or a lieutenant-colonel) have equal base pay —



UAH 185, an Army division commander (a major-general) and a Ministry of Internal Affairs section head (a lieutenant-colonel or a colonel) — UAH 210, etc.

The levels of retired officers' pensions within aforesaid structures are also different: former servicemen of the Security Service, the Ministry of Internal Affairs and the State Guard Department get higher pensions. For instance, the average pension of Ukraine's Armed Forces' division commander (a major-general) is UAH 370, with a ceiling of UAH 460; of a regiment commander — UAH 338 and 430, respectively; a battalion commander — UAH 312 and 398; a company commander — UAH 283 and UAH 361.

And now let us look at the Security Service and Ministry of Internal Affairs figures. A Security Service retired section head may get up to UAH 660, a department head — UAH 770, a section head within the Ministry of Internal Affairs staff — UAH 565, a detached department head of the Ministry of Internal Affairs — UAH 700.

Given the delayed and incomplete payment of the money allowances to servicemen, the overall picture of Ukraine's Armed Forces' personnel protection looks sorrowful.

How do I see the resolution of those problems, considering the economic capabilities of the state?

First of all, the issues of social protection of servicemen should be examined not separately for every power structure, but in one package, within the entire Military organisation of the state headed by one person — the President of Ukraine. In this case, heads of some power structures will no longer be able to seek unilateral advantages. The money allowances of servicemen in all military formations should be unified and legislatively fixed.

The first steps in this direction have already been made. On July 6, 2000, the Verkhovna Rada approved on the first reading the draft Law of Ukraine "On State Guarantees of Rights, Social Protection of Active and Retired Servicemen and their Dependants". One of its articles provides for such a norm. This draft law is presently being finalised and can soon be submitted to the Verkhovna Rada for the second reading.

The third problem is the housing for active and retired servicemen.

At present, the Armed Forces employ nearly 56 thousand servicemen whose housing conditions need to be improved, while for all military formations this figure is 111 thousand. Many retired officers also need better housing. With so many in need, it is unrealistic to resolve the housing problem only at the expense of the funds provided from Ukraine's state budget.

The attraction of non-budgetary funds of the power ministries also cannot radically improve the situation. Under these conditions, the main means of the housing problem resolution should be the implementation of the Comprehensive Programme of Housing for Servicemen and Their Dependants, approved by the Cabinet of Ministers of Ukraine Resolution No.2166 of November 29, 1999. The Programme envisages the construction of 5,816.3 sq. metres of housing, for which purpose UAH 4,274 mln. need to be allocated (in January 1, 1998 prices). The largest expenditures are planned in the Crimea, the Kharkiv and Dnipropetrovsk regions, and in Kyiv. The Comprehensive Programme also provides for the allocation of funds for renovation and repair of housing, utilities, healthcare, cultural and educational facilities.

At the same time, regrettably, no funds have been earmarked for the resettlement of retired servicemen from closed military garrisons. More than UAH 460 mln. are required for this purpose. Therefore, this problem remains unresolved.

Another practical step at accelerating the housing problem resolution and implementing "The Basic Guidelines for Providing Ukraine's Population with Housing in 1998-2005" was the President of Ukraine Decree No.276 of October 27, 1999 "On Measures for Completing the Carry-over Construction of Residential Buildings". It is expected that in the next few years close to 40 thousand families of military servants will improve their living conditions thanks to the commissioning of uncompleted residential buildings. This is surely not enough, but the trend for the correction of the situation has been set.

I believe that all-out resolution of those acute problems will not only improve the well-being of servicemen, but also significantly raise their social status and the prestige of the military profession, to the benefit of Ukraine's Armed Forces' combat readiness.

THE ARMY SHOULD SERVE THE NATION



*Nozizwe MADLALA-ROUTLEDGE,
Deputy Minister of Defence,
Republic of South Africa*

We strongly believe that there must be political and democratic oversight over the military. This is also a requirement of the Constitution. We have a civilian Minister of Defence as part of the civil-military relations system, we also have a civilian Defence Secretariat (as an integral part of the Ministry). The Secretary for Defence (head of Defence Secretariat) is a civilian as well as Inspector General, who is responsible for overall financial oversight. The Ministry must report to Parliament that controls budget spending. Of course, we also report to the Executive Power, the Cabinet also scrutinises what we do. So, we are very transparent in the way we conduct our business. I think this is very important. Particularly, in our case, since we came from an era where apartheid Defence Forces were given the free rein: they could spend money as much as they wanted on anything... So, from that experience we have learned that it is very important for the public to be able to scrutinise what we are doing. Society should have a strong voice in determining what we do, so at the end of the day Defence Forces were seen as a service of the nation.

The policy formulation resides mainly with the Minister of Defence who is a civilian head of the military. And policy is something that is worked jointly with the military. I don't think you can formulate policy in isolation from the military, because the military knows the technical aspects. The civilian Secretary for Defence is another adviser to the Minister of Defence on political issues. Other departments — trade, industry, finance, etc. also scrutinise our development. In the Armaments Programme, for example, all the departments are involved. And then the Parliamentary Committees that are very strong scrutinise the policy and shape it. There is also strong public debate on policy, and this is a transparent process — general public, the media, MPs, NGOs ask rather tough questions. The defence review process takes the essence of our defence course, and this is done through active public participation.

Civilians exercise oversight over policy implementation. The ministers have a special oversight function — they can appoint special investigative Commissions if there is something that is not quite right. The Minister of Defence has the authority to appoint Commission, which is led by a civilian (an expert-economist, for example). When we see that policies are not being implemented appropriately, we can intervene by saying that this must be changed. And where there is a need for policy change, through the Secretariat we would develop directions of change, but we must take them back through the Parliament and Parliamentary Committees.

We have structures within the Defence Forces, where they determine what the needs are, and then through the Chief of the General Staff those needs are brought to the highest decision-making body (Council), which is headed by the Minister of Defence and includes the Deputy Minister of Defence, Secretary for Defence and Chief of the General Staff. Through that structure the Minister gets to know what are the support needs of the Defence Forces.

Indeed, the military leaders have to prove their general needs. Sometimes we ask them to get together, all the services (the Navy, the Air Force and the Army), to figure out which service has more need, or whose need is more urgent. Then, on the basis of that discussion we must scrutinise budgets and we are looking towards that aspect that is more urgent at that point of time. The Minister then will go to the Cabinet and say: "We need further allocation as far as this aspect is concerned". So, the Minister represents the needs of the military to the Cabinet. When the budget is being allocated, he is the major spokesperson.

There is a sufficient awareness of civil-military relations in South Africa. We have universities, which run civil-military relations courses. We work with the King's College and other universities in the UK. There are many very creative programmes on civil-military relations from which we draw expertise.



ACTIVITIES OF THE INTERIOR MINISTRY ARE TRANSPARENT FOR SOCIETY



*Mykola ANUFRIYEV,
Colonel General of militia,
Deputy Minister of Internal Affairs of Ukraine*

In recent years, the Ministry of Internal Affairs has formed an articulate system of public information about the activities of the Ministry bodies. During the first six months of 2000, the overall quantity of topical materials published in the press, and broadcast on television and radio exceeded 10,000, which is 8.8% more than in the same period of 1999. Much attention is paid to highlighting such urgent problems as combating organised crime, protecting the economy against criminal encroachments, preventing and investigating (solving) grave offences, interdicting illegal drug trafficking, and related matters. National mass media are promptly provided with materials on the results of preventive large-scale field operations and special operations performed by the Ministry of Internal Affairs.

Every day, information and analytical programmes shown on the Ukrainian television, such as *UTN*, *TSN*, *Podrobnosti*, *Sytuatsia*, *Vikna*, *Visti*, and the special programmes — *Informatsiynna Prohrama*, *Novyny*, *Pravo*, *Rankovyi Patruľ*, *Nevyhadani Kryminalni Istorii*, transmit spot reports and comments of Ministry officials on urgent issues relating to Ministry of Internal Affairs activities, all prepared and shot by employees of the Public Relations Centre of the Ministry of Internal Affairs. In 2000, the First National TV Channel initiated an analytical weekly called *Resonans* and a radio feature with the same name on the First National Radio Channel, sponsored jointly with the Ministry of Internal Affairs.

Close co-operation has been established with central periodicals. Almost every national newspaper has a column devoted to criminal topics. They are provided with daily press-releases on militia efforts at solving the gravest and most resonant crimes.

In order to intensify this activity, the Public Relations Centre under the Ministry of Internal Affairs annually accredits up to 300 journalists. Mass media briefings and news conferences are regularly organised, involving the leadership of the Ministry and its main branches. In the first six months of 2000, 28 such events were arranged. Journalists are constantly invited to participate in briefings, raids and special operations of the Ministry of Internal Affairs bodies. Similar events are regularly arranged in the regions as well.





Regular meetings are organised between the Ministry of Internal Affairs leadership and the All-Ukrainian Guild of Chief Editors and editorial boards. Other events include Round-tables and "hot lines" with the citizens. In order to pay tribute to the heroic deeds of militiamen and form a new image of the law-enforcement officer, the Ministry of Internal Affairs jointly with editorial boards of periodicals organises such events as *Za Poklykom Sertsia*, *Geroi Nashego Vremeni*, etc.

The Ministry of Internal Affairs pays much attention to the development of departmental press. Today, militia periodicals cover all regions of the country. Their total circulation is 273,000 copies.

The Ministry of Internal Affairs holds an annual all-Ukrainian artistic contest devoted to the Day of Militia, for the best presentation of Ministry of Internal Affairs activities in mass media. The winners in the main nominations are awarded the Ministry prizes: statuettes of *Yaroslav Mudryi* of the 1st, 2nd and 3rd grade. Before the Day of Militia and the Day of Ukraine's Journalist, the Ministry rewards the best journalists and editorial boards which actively present the activities of Ministry of Internal Affairs bodies.

As far as the mass media's assessment of the Ministry of Internal Affairs is concerned, our Public Relations Centre daily monitors more than 40 periodicals, subscribed by the Ministry, in order to track critical materials on Ministry of Internal Affairs activities, pursuant to the Regulations "On the Procedure of Public Relations Centre under the Ministry of Internal Affairs of Ukraine Reacting to Mass Media Criticism of the Ministry activities". After registration, copies of these materials accompanied with a short annotation are submitted to the Ministry of Internal Affairs leadership for familiarisation and forwarded to relevant branch departments for reviewing and responding.

Such events are a useful tool for promoting public awareness of the activities of the Ministry of Internal Affairs of Ukraine.



DEFENCE MINISTRY — FOR THE EFFECTIVE CO-OPERATION WITH MASS MEDIA



*Viktor BANNYKH,
Colonel General,
Deputy Minister of Defence of Ukraine
for Policy and Military Co-operation*

The Ministry of Defence considers press to be an important tool of civilian control over the Armed Forces. This assumption lays down the foundation for the defence establishment's information strategy. In contrast with Soviet times, when working with the press was confined to a "ban or permit policy", today we assist mass media in their work.

We believe that further integration of military mass media into the national network will allow for better co-operation between the Ministry of Defence and mass media. In this regard, a total of fourteen newspapers belonging to operational commands and services, two journals (*Viysko Ukrayiny* and *Nauka i Oborona*), two publishing houses (*Varta* and *Narodna Armiya*), and two television and radio stations highlight the life of today's Armed Forces of Ukraine. All publications about the Armed Forces are analysed by the Defence Ministry's press service, which enables the Armed Forces' leadership to promptly respond to criticism and propositions, and help to resolve the problems raised in the mass media.

We follow materials about the Army that regularly appear in the newspapers or in elec-

tronic mass media with great interest. Just like everyone who is concerned about his or her job, we are happy to hear good news about the Army and are upset when we hear bad news. We treat critical and problem materials in mass media as a normal fact of life, although we would certainly like to see fewer such publications. Journalistic attention to military problems helps us to assess our work without prejudice, and most important of all, to draw conclusions that can change the situation for the better. We must critically admit that the majority of such reports and articles are not ungrounded. At the same time, in some instances we cannot agree with the authors' "accents" and "angles". Such situations emerge when some journalists and publications employ simplified or superficial approaches to defence matters.

Ukraine's citizenry could be better informed about the activities of the Armed Forces by introducing the military policy observer position on the staff of mass media editorial boards, or by appointing persons competent in military issues to take charge of such work. Experience shows that this practice can produce positive results for the benefit of both the Armed Forces and the publishing house.

HARMONISATION OF THE RELATIONS BETWEEN THE MILITARY AND SOCIETY



*Volodymyr BEREZHNSKYI,
Colonel, Director of the
Research Centre for Humanitarian Issues,
Armed Forces of Ukraine*

The present status of relations between the military and society is quite complicated. The only thing that can be said for sure is that these relations need to be significantly improved. First of all, the attitude toward servicemen on the part of society and the state should be changed.

Military service is extremely difficult and exacting. It requires from the military all-round training, all-out efforts and devotion to the interests of the state. Nevertheless, today, we do not observe the appropriate attitude on the part of the state, civilians or society toward military servants. How can this be explained?

We believe the main reasons for such an attitude to the servicemen to be the following:

- ❖ the general situation in society: the insufficiently effective system of state governance, drop in the standard of living, spiritual and political culture of the people;

- ❖ poor comprehension on the part of state leaders (and, correspondingly — the majority of the populace) of the true role and functions of the Armed Forces, and specifically, the life of a servicemen;

- ❖ the absence of proper communication between the military and civilian population;

- ❖ adoption of laws in Ukraine that have exempted many youths from the military service;

- ❖ the low level of military-patriotic education in society;

- ❖ degrading the role and capabilities of educational and psychological services in the Armed Forces, in bringing up military servants and working with the civilian population;

- ❖ negative influence (or no influence) of the mass media.

Servicemen's attitude towards official duties and ordinary citizens remains positive. At the same time, the majority of servicemen are not satisfied with their present status and their treatment. They wish their difficult work were duly appreciated and need social security for themselves and their families.

In order to improve the relations between the military and civilians, the following measures should be taken: the status and authority of the Armed Forces should be promoted on the national level; social and legal protection of the servicemen should be improved; all bodies of state power (including local authorities) and military commands should intensify all forms of their relations in the interests of society and the state; information and cultural ties between the Army and the people should be strengthened; the role and capabilities of the Armed Forces' educational services should be raised.

Closer ties between the military and civilians, on all levels, and their mutual respect will help to improve civilian control over the Armed Forces.

One of the main and urgent tasks of the present-day military building is the military-



patriotic education of servicemen. For the solution of this task, the Armed Forces operate a powerful system of education and moral-psychological support of servicemen. Both international and national experience shows that public organisations present another important factor of patriotic education, along with aforesaid system.

Today, the most influential such organisations in Ukraine are: the Union of Officers of Ukraine, the Ukrainian Cossacks, veterans' organisations and the Organisation of Soldiers' Mothers. To be sure, public organisations have different purposes, views and capabilities. At the same time, they are united in their desire to support the Armed Forces, bring up servicemen who are truly patriots of Ukraine, and are prepared to defend national interests by force of arms, if necessary. Those who are in charge of public organisations' involvement in servicemen's education should take into account their ability to perform this work, ahead of all other factors.

The Union of Officers of Ukraine unites nationally conscientious officers, patriots, who

are willing to pass on their experience to servicemen of the Armed Forces. We believe that the Union as a public organisation, might more actively participate in the military-patriotic education of young servicemen, provided there is proper co-ordination of activities with its leaders and individual members.

Veterans' organisations and the Ukrainian Cossacks can also play an important role in military-patriotic education. Today, they are not sufficiently involved into this work. The main reasons for this are inadequate support for their activities on the part of authorities, the insufficient interaction between military units and such organisations, and poor living conditions of most veterans and Cossacks.

The Organisation of Soldiers' Mothers is determined to encourage communication between the military and civilians, and supports patriotic education of the youth. Young people's send-off to the Army, commissions, speeches before servicemen at military units, exchange of letters, meetings with commanders — these and other forms of work are important for the patriotic education of servicemen.

Generally, public organisations are playing an important role in the military-patriotic education of Ukraine's servicemen, and can do even more. Encouraging their activity, rendering support for them is a common duty of both civilian (first of all, state) and military authorities, command structures and educational institutions.

I believe that the best way of assisting military-patriotic education is the state's care of those who are called to defend it by force of arms. When practice lags behind theory, talks and speeches alone, even delivered by retired specialists or close relatives, about traditions long lost and forgotten by everyone (with the exception of small part of active duty officers), cannot improve the situation.

THE GENERAL MILITARY INSPECTORATE WITHIN THE SYSTEM OF CIVILIAN CONTROL



*Valentyn VAILO,
Major General,
Chief of Staff of the General Military
Inspectorate under the President of Ukraine*

Regulation of relations between civilians and the military in Ukraine's society presents an urgent issue that needs to be resolved.

Today, Ukraine has been recognised as a nation that is seeking integration into the European structures and taking an active part in the building of a pan-European security system.

Civilian control over the activity of military formations in Ukraine would present an important step toward overcoming authoritarian rule and creating conditions similar to those in EU countries. This is a distinctive indicator of the democratic rule and openness of society.

Ukraine's legislative and executive branches have started introducing such control. This primarily refers to the transparency of the military budget. The military leadership is also examining variations of an experiment involving civilian personnel employment as top-level executives. However, not a single legislative act provides for civilian control over the military in the country.

We believe that there is a multiple mechanism of civilian control over the military in place. One of its elements is the President's supervision over the activity of military formations through the General Military Inspectorate under the President of Ukraine. It is vested with both military and civilian control, employing enough qualified specialists to accomplish these tasks.

One of the main assignments of the General Military Inspectorate is the supervision of budget funds for the military sector, their observance

of applicable laws, and social and legal protection for active servicemen, as well as Armed Forces veterans.

Today, Ukraine's military formations continue reforming the entire hierarchy of administrative structures with the purpose of optimising the numerical strength of the staff and raising its effectiveness. By commission of the Directive of the President of Ukraine, as many officer positions as possible, at headquarters, in units and military establishments, are being substituted with civilian personnel.

It is worth noting that attempts at replacing military personnel with civilians in executive positions within power structures have been made more than once. One instance is the employment of civilians at certain positions within the Ministry of Defence. We positively assess this practice and believe that it should be continued.





However, despite positive results in the activity of civilian executives, the style and work methods being ostensibly the same as the military leaders, this found no support in society and among the military.

In this connection, we consider it expedient to substitute military personnel with civilians at the level of department director (deputy director) only within structures in charge of officer quarters, capital construction, financial and medical

services, central research centres, legal and public prosecutor offices. Meanwhile, we believe that the process of substituting the above positions will require test trials and a proper legislative foundation. This will enhance the effectiveness and improve the results of operation of relevant structures, and in no case would the integrity of the defence organisation, its structure and the executive discipline of employees be affected.

The largest number of military personnel positions that can be replaced with civil servants exists in Ukraine's Ministry for Emergencies. Here, the tasks of civil defence and protection of the population must be performed by non-combatants.

In our opinion, replacement of general and officer positions related to the employment of troops (forces), combat operations and military duty missions — is inexpedient.

As far as the efficiency of civilian control in the military on the part of the President of Ukraine is concerned, the experience of the General Military Inspectorate under the President of Ukraine makes it possible to conclude that **its powers should be expanded, especially with regard to intelligence, law enforcement bodies and special services.**

CIVILIAN CONTROL IS EFFECTIVE AND ADEQUATE



*Volodymyr LOGINOV,
Lieutenant General of the Interior Service,
First Deputy Minister of Ukraine for Emergencies
and Protection of the Population from the
Aftermath of the Chornobyl Accident*

The issue of civilian control over the military in Ukraine is extremely acute and important for the national security of the state.

The duty of defending Ukraine's national interests against military threats is vested in the Military organisation of the state. It incorporates the Armed Forces of Ukraine, the Security Service of Ukraine, the Internal Troops, bodies and units of the Ministry of Internal Affairs, the Border Troops of Ukraine, military units of Civil Defence subordinate to the Ministry of Ukraine for Emergencies and Protection of the Population from the Aftermath of the Chornobyl Accident, the Department of State Guard of Ukraine and other armed formations which were established and operate in accordance with Ukraine's Constitution.

The Military organisation of the state defends Ukraine's national interests through exercising certain functions. Pursuant to Ukraine's Constitution and the National Security

Concept of Ukraine, such functions encompass: the defence of Ukraine, the protection of its sovereignty, territorial integrity and inviolability of its borders, fighting organised crime, countering external and internal military threats, protection of the population in the event of disasters, acts of God, dangerous social conflicts, epidemics, etc.

The Military organisation of the state acts on the basis of provisions of Ukraine's Constitution, the Law of Ukraine "On the Defence of Ukraine", Ukraine's Military Doctrine, other legislative acts and international treaties to which Ukraine is a party, and such general principles as: democracy and humanity, supremacy of the law, single command and collective decision-making, universal military duty of Ukraine's citizens, voluntary enlistment, transparency in the operation of the Military organisation of the state, keeping state and military secrets, disengagement from party influence, guaranteed social and legal protection of servicemen.

The Military organisation of the state is being prepared for accomplishing its functions and missions in peacetime, through the consistent work of all bodies of state power and administration in compliance with the effective legislation. The duty of supervision over the Military organisation's observance of the law is vested in the General Prosecutor of Ukraine and prosecutors empowered by him.

The effectiveness of the Military organisation of the state depends on the clear delineation of powers and functions between its military for-





mations. For this purpose, the functions of national interests protection in the military domain are categorised and prioritised, as external and internal, primary and secondary, general and specific.

The Ministry of Ukraine for Emergencies and Protection of the Population from the Aftermath of the Chornobyl Accident acts pursuant to the regulations approved by the President of Ukraine Decree No.1005/96 of October 28, 1996, the Geneva Conventions on the protection of war victims of August 12, 1949, and Protocols thereof.

The main assignment of the Ministry is the humanitarian mission, aimed at protecting the civilian population against future threats, help to contain the immediate aftermath of hostilities or

acts of God and to create conditions necessary for its survival. Duties of the Ministry encompass: alerting, evacuation, providing shelter, working in blackout conditions, rescue operations, medical assistance and first aid, spiritual relief, fire fighting, location and designation of dangerous areas, decontamination and other similar protective measures, emergency resettling and providing with necessary facilities for the population, urgent assistance in the restoration and maintenance of order in affected areas, prompt restoration of utility services, urgent disposal of the dead, assistance in preservation of vital facilities, etc.

Proceeding from the above, the Ministry, acting in close co-operation with other central executive bodies and local authorities in its activities, relies on mass media, research centres and Ukraine's public.

Throughout the vertical structure of the Ministry, close to 80% of executive positions (department heads, deputy heads of departments and above) are filled with civilians. Therefore, the civilian control over the military personnel within the Ministry is exercised on democratic grounds. It is effective and adequate.

As concerns the mass media reports on the Ministry's activity, the Ministry for Emergencies of Ukraine assumes them to be competent, unbiased and timely. This is ensured by the permanent close co-operation of the Ministry and its branches with the media, primarily through timely, full and impartial informing of journalists about the state of affairs and specific actions in different spheres of activity of Ukraine's Ministry for Emergencies.

THE ACTIVITIES OF POWER STRUCTURES SHOULD BE TRANSPARENT FOR SOCIETY



*Olexander SKIPALSKI,
Lieutenant General,
Deputy Minister of Ukraine for Emergencies
and Protection of the Population against the
Aftermath of the Chornobyl Accident*

I fully support the importance and necessity of strengthening democratic civilian control over power structures. It is a key factor that indicates the form of governance in a country.

The limits of expediency and necessity in restricting access to information in the interests of national security, and demands of society toward transparency of power structures should be based, in my view, taking into account the following factors: the level of development of democratic society, the perfection of presidential, governmental and parliamentary structures, the characteristic of state tools of power.

When attempting to define the limits of transparency of power structures in Ukraine beyond the description of mentioned above factors, one faces a painful question: have the com-

ponents of the former KGB of the USSR, the Ministry of Internal Affairs, the General Prosecutor's Office and the Supreme Court, as the pillars and the guards of the totalitarian regime, been transformed into power structures of the democratic state over the nine years of reform in Ukraine? I cannot give a positive answer to this question.

Moreover, I flatly reject the approach implemented in contemporary Ukraine, — translation into the Ukrainian language, adapting to the present situation and practical application as the regulatory-legal documents, the instructions of the former Soviet KGB. Proceeding from this system reference, all attempts to define the limits of transparency look declaratory and merely theoretical.

Urgency of the publication of the White Paper "The Defence Policy of Ukraine" proceeds from the postulate of power structures' transparency and Ukraine's demonstration to the world that it is a civilised country with a peaceful defensive doctrine.

One should pay attention to the art.116, p.7 of the Constitution of Ukraine that binds the Cabinet of Ministers to take measures for providing defence capability, national security, public order, and crime-fighting, and then compare these provisions with the Cabinet of Ministers structure. Who is the Vice-Premier in charge of this work? To whom are the heads of power structures subordinated? Who appoints them? Who directs them? How can Prime Minister, with his scanty staff of the Department of Expert Assessment and Analysis of Defence and Mobilisation Activities, Law-Enforcement and





Judicial Bodies, meet the requirements of the mentioned article of the Constitution, including the White Paper publication? This task is clearly beyond the Government's strength. In my opinion, the White Paper can be compiled and issued by Ukraine's National Security and Defence Council, which employs a powerful staff, operates the research centres and has sufficient powers.

In whole, for strengthening democratic civilian control over the military sector, the following measures should be taken in Ukraine:

a) the Verkhovna Rada:

❖ increase the role of the Committee on National Security and Defence, that lost much of its effectiveness after 1994;

❖ amend the Law of Ukraine "On State Secrets" with clear definition of what need to be protected definitely and at the same time the monopolised right of the separate state bodies to define the level and expediency of secrecy should be limited;

❖ clearly define concrete functions and tasks for power structures, provide their fulfillment by the proper financial, material and technical resources (through the machinery of military budget formation);

b) the President of Ukraine:

❖ pay his personal attention to define the proper role and place of the National Security and Defence Council, reinforce information and analytical support for its activity; rise the role of the National Security and Defence Council Staff and the role of its Secretary; establish research and expert departments on the main spheres of activities, involving a wide circle of scholars capable of generating new ideas, modeling and proposing new workable schemes and mechanisms;

❖ transfer some of powers in the sphere of defence policy to the Cabinet of Ministers;

❖ assign to the executive positions within power structures people with a democratic, law-abiding outlook, rather than carriers of a double-standard morality with dictatorial ambitions; the last issue should be risen as priority in nation-building.

BORDER GUARDS — FOR THE CO-OPERATION WITH PUBLIC



*Pavlo SHISHOLIN,
Colonel General,
First Deputy Head of the State Committee
for the Protection of the State Border of Ukraine -
Chief of the Main Staff of the Border Troops*

The State Committee for the Protection of the State Border of Ukraine, supports efforts of non-governmental analytical centres aimed to elaborate the essence of civil-military relations in Ukraine's society and substantiate the necessity of further development of democratic civilian control over the military for the sake of national security.

When accomplishing their mission of state border protection, the Border Troops naturally become focus of attention of state bodies and public organisations, established especially for supervision over the military, and those active in domains that intersect the official duties of the Border Troops.

The following measures can help to raise the effectiveness of interaction between the Border Troops and the structures that exercise civilian control over the military sector:

a) involve more competent state and public institutions into civilian control over the military sector;

b) reduce the time of presentation of analytical reports about the Border Troops' operational activities issued by relevant ministries and agencies, and about the problems experienced in course of activities undertaken pursuant to the assignments set by the President and the Government of Ukraine;

c) better understand the value of common interests, mutual respect of rights and commitments, rules and procedures of co-operation in the public and political domains on the part of supervisory bodies and controlled entities, the ruling out of ungrounded and biased assessment of the troops' activity;

d) promptly analyse observance of effective legislative acts, resolutions and directives by the legislative and executive branches, review reasonable proposals and adopt relevant decisions regarding the improvement of state border protection and resolution of social problems of the military.

The leadership of State Committee for the Protection of the State Border of Ukraine is interested in disseminating information about the activities of the Border Troops. This will help to enlighten the public on their role and place in the overall system of Ukraine's national security and would include presentation of the results of operational activity aimed to secure the political, economic and military interests of the country on the state border, citing examples of selfless service for the Fatherland and the people and raising the prestige of service in the Border Troops among pre-conscripts.

Information about the work of the border guards, regularly published in Ukrainian mass media, is usually impartial. However, in some instances, such publications are ungrounded and superficial, which forms a negative impression among the population of current border protection in Ukraine.

With the purpose of full and unbiased information of the populace about the activity of the Border Troops, it is expedient to arrange regular press-conferences, briefings, round tables, field trips to the state borders for journalists and writers who write about the border, and present special reports in analytical and information programmes transmitted on the Ukrainian radio and television.

TRULY DEMOCRATIC CIVILIAN CONTROL OVER THE MILITARY BARELY EMERGES IN UKRAINE



*Vadym GRECHANINOV,
President, Atlantic Council of Ukraine*

The establishment of optimal military-civil relations presents an important element of nation-building. Exactly these relations are called to ensure stability in society and most fully suit its interests. In a way, they present an intrinsic problem that appeared together with the emergence of a state and has remained a current issue “at all times and for all nations”.

Transformation of the external and internal conditions of our society's life is accompanied with the rethinking of many stereotypes, values and frames of reference. The norms of a democratic state ruled by laws find recognition, where civilised civil-military relations occupy an important place.

The priority tasks include the rethinking of the Armed Forces' and other power structures' role in the life of the country, and the principles of interaction between the military and society. The essence of addressing those problems and their legislative resolution lies in assisting Ukraine's Armed Forces transformation into an effective and transparent institute controlled by society, that in any situation would act in strict compliance with its intent, in accordance with the Constitution and the laws.

In Ukraine, the practice of civilian control over the military (in absence of any theory) has been limited. The Soviet system of the party

and state control over the military establishment of society had little in common with the sense associated with the term ‘democratic civilian control’ in democratic countries. Truly democratic civilian control over the military barely emerges. Unfortunately, at the present moment it is not conducive to the effectiveness of power structures performing their functions, and the public is not yet allowed access to the information about the country's defence capabilities.

Civilian control over the military is a prerequisite for the normal functioning of a civilised state. Beyond preventing any unlawful employment of forces, its importance is determined by the following factors.

First, the status of power structures and their ability to ensure national security are among the basic conditions of safe existence and development of society.

Civilian control on the part of society should promote the formation and establishment of really social accord in Ukraine, a consensus of different political forces on the issues of the Armed Forces mission, the procedure and rules of their employment, including states of emergency.

Second, the building and support of the Armed Forces and other military formations are among the most consuming items of budg-



et expenses. Taxpayer is truly interested in defining and observing reasonable limits regarding the volume, directions, structure and procedure of power structures' funding. However, his or her qualified participation in this process requires civilian control, to make it clear where taxpayers' money is channelled and how it is used.

Literally, control means inspection or supervision with the purpose of inspection, however, as a category of political science and sociology, the term bears much broader meaning. In social processes, control presents a set of measures providing for timely detection of negative phenomena and trends in the operation of certain entities, formations or institutions. Its essence lies not in the immediate resolution of long-felt problems and disputes but in the collection of information from institutes whose status makes them responsible for decision-making. In any event, civilian control over the military is not an end in itself. Its intention is not to win certain administrative functions away from the political and military leadership, but to encourage the identification and restriction of improper functioning in the Army, and thus promote the Armed Forces' combat readiness, and the unity of the Army and civilian population.

In this connection, it can be assumed that civilian control over the Armed Forces is a method of political management of the latter, the theory and practice of regulating civil-military relations. Noticeably, basic principles of civil society have precedence over the principles of military building. In this way, the primacy of policy and democracy over the Armed Forces is ensured.

The word "civilian" in the context of the term has a four-fold meaning. It is intended to stress that control is performed by non-military

state bodies, officials and public organisations, which are external, with respect to the military bodies. In other words, civilian control over the military presumes that military structures and their leadership are subordinate to all three branches of state power (legislative, executive and judicial), and to society, represented by public organisations and individual citizens.

At present, the mechanism of interaction between the branches of power in Ukraine in the sphere of control over power structures does not have a sufficient legislative basis. Sometimes, clarity is lacking, with respect to the competence and responsibilities of different authorities and officials. For instance, the norm of the Constitution on the President as the Supreme Commander-in-Chief is very important. However, in absence of by-laws elaborating this provision, it theoretically allows the President to neglect his duties as Supreme Commander-in-Chief of all power structures which are not covered by the notion of Ukraine's Armed Forces (the Constitution of Ukraine, art.106, p.17).

Unfortunately, the Verkhovna Rada is not always able to exercise its authority to resolve the military issues. On the one hand, this is conditioned by the limited defence budget that does not allow rational allocation of scanty funds for the needs of military formations. On the other hand, over the last six years the executive branch has actually built an invariable hierarchic line of command, with respect to the everyday administrative control of power structures: the President — the National Security and Defence Council staff — military and law-enforcement ministries. In this line of command and executive control, there is no space even for the Cabinet of Ministers. In fact, the system of power structures' control does not provide horizontal mechanisms of mutual restraint and counterbalances of the branches of power, that would rule out concentration of control over the Armed Forces.

In the majority of the Western developed countries, civilian control over the military is ensured through a civilian person in charge of the Ministry of Defence, who provides political administration for the Armed Forces. However, the task lies not in the simple replacement of the military minister with a civilian one, but in amending the functions and the staff of the military ministry for its transformation into a civilian structure, would not advocate the 'stance of the military' in the country and within the Government, but pursue the political course of the Government within the





Armed Forces. A modern Minister of Defence should possess good skills of management in the interests of the Armed Forces, encompassing the totality of strategies, principles, methods, ways and forms of all-round command and support of the Army with the purpose of raising the effectiveness of its employment and defence capability.

In a democratic country, the function of civilian control over the power structures rests not only with the state, but also with civil society. There are many channels and methods of influencing the military. First of all, these are different institutes and organisations, analytical centres created by civil society, that analyse the population's attitude toward the state's defence policy, the state of the Armed Forces, the living conditions of servicemen, etc. They are

capable of conducting public review of defence policy projects, decisions, programmes and events. By offering and explaining their proposals on defence policy issues, they facilitate the search of optimum ways of the political and military leadership's actions with account of public interests and dominant social sentiments. The main thing here is the receptivity on the part of state authorities.

Unfortunately, the present mechanism of civilian control, that is being formed in Ukraine rather spontaneously, does not allow an agreed upon approach and the required level of co-ordination of efforts of the regulatory bodies and society. In this connection, it seems that a legal and legislative formulation and support for the mechanism of civilian control over the military sector is needed, to provide for the combining and mutual supplementing of its different forms and levels, without breaking the principle of division of responsibilities of the branches of power and their democratic interaction with society.

Therefore, today the development of a special Law of Ukraine "On Civilian Control over the Military Sector in Ukraine" should be given a high priority. It should define the purpose, the essence and the arrangements of such a control, elaborate the competence of state power bodies, public associations, political parties and movements, mass media, and the procedure of their interaction at organising society's control over the military.

In Ukraine, civilian control, as a system of public and state institutes, should set the direction of military building, provide for the continued military policy in the interests of national defence and security of the country and its citizens. This direction will encourage a democratic trend in nation-building and help to support good neighbourly relations with all countries.



CIVILIAN CONTROL OVER THE MILITARY IS AN IMPERATIVE OF THE MOMENT



*Anatoliy LOPATA,
Colonel General,
in 1993-1996 — Chief of the General Staff
of the Armed Forces of Ukraine*

The geopolitical and international situation that has emerged in the post-Soviet era has set a number of vital problems before the new independent states. One of them is the establishment of a defence system and its adaptation to the new political and economic environment.

This covers the adoption of new laws on defence, the reduction of the Armed Forces and military establishments, and reorganisation of ministries, agencies and staff.

There is no uniform model of control over the Armed Forces. Different systems and approaches exist, but they are all united by the common principle of civilian control over the Armed Forces, determination of the Government's area of responsibility for avoidance of personal and institutional conflicts in accomplishing defence missions.

There is an expression: national defence is too a serious matter to be entrusted to the military, and too weighty a matter to be entrusted to civilians.

In Eastern European countries, which not long ago introduced democratic control over their Armed Forces, there has been a difference in different branches' views on the armed forces' role in the national defence and the scope of official duties of ministers of defence and chiefs of general staffs.

In democratic countries, political administration and civilian control over the armed forces are normally exercised by the top civilian officials. The military is responsible for the operational control over the Armed Forces structures. In this context, it is important to distinguish between political control and civilian control over the armed forces. Political control is specific of states ruled by authoritarian party regimes, or authoritarian dictatorial regimes and is clearly harmful for the armed forces. Civilian control is intrinsic in mature democracies.

One of the main principles of effective civil-military relations implemented in Western democracies is the principle of "joint responsibility for national defence". In practice, it means that the Government sets defence targets and provides necessary resources for their achievements, while the military ensures combat readiness of the armed forces for the accomplishment of those tasks.

However, it is worth noting that even in countries with long traditions of civilian control over the armed forces, in many sectors, responsibilities of government officials and military commands overlap. The powers of the military are delimited proceeding from their functions and activity. For instance, in the West, the military command believes that it should be in



control of the military doctrine of the state, organisation and structure of the Armed Forces within the framework of the effective legislation, along with the issues of the draft, military personnel training, promotion of commanders (upon agreement with the Government or Parliament), as well as planning military actions and controlling employment of the armed forces.

Stable civil-military relations require a strict legislative delimitation of functions between the Armed Forces and the Government.

To be sure, the most common traits describing the role of the President, the Prime Minister and Parliament in the domain of national security and defence are provided in national constitutions. In the new Central European democracies, this is the potential source of internal political conflicts, as events in Poland and Hungary have demonstrated.

Every state, including Ukraine, has laws regulating national security and defence spheres, which evolve over time. They determine the overall organisational structure of the Ministry of Defence and the General Staff, the key positions and the relations between the Minister of Defence and the Government (Prime Minister and the Cabinet of Ministers, in a parliamentary system). As far as the Ministry of Defence is concerned, the laws prescribe the responsibilities and rights of the Minister of Defence, his deputies and the Chief of the General Staff. This is very important, since they outline the functions and the area of responsibility of the Minister of Defence and the Chief of the General Staff within the system of national defence.

Delimitation of authority between the defence establishment and the Government

Stable civil-military relations require delimitation of authority between the Armed Forces and the Government, in the first place. In all countries, the head of state (the monarch or the President) is the Supreme Commander-in-Chief of the Armed Forces. In countries with presidential rule (France, Poland), the President plays a very important role in the national defence, while in the majority of countries with parliamentary rule, his role is close to symbolic. In those countries, real power in the domain of national defence is vested in the Prime Minister (with the exception of the USA, where such a post does not exist). In the United States the President is the true Supreme Commander-in-Chief. Together with the

Secretary of Defense, they exercise "team control". Although the competence and the powers of the Prime Minister in every country have their specificity, normally, he or she is responsible for the formulation of the national defence policy, the assignment of vast powers to the Minister of Defence and relevant ministries, co-ordination of the process of implementing political decisions and directives issued by Defence Councils or Security Councils, and the adjustment of defence programmes.

In all countries (with the exception of the USA) the Minister of Defence directly reports to the Prime Minister, who actually appoints the Minister of Defence, while the head of state formalises this nomination. Regrettably, undefined authority and responsibilities, and the lack of delimitation of powers between the President and the Prime Minister, and between the Minister of Defence and the Chief of the General Staff, create confusion in the civil-military relations, which can lead to government crises. This was the case in Poland, where President Lech Walesa dismissed (or accepted the resignation) of three Ministers of Defence and one Chief of the General Staff in four years. Similar problems were experienced in Ukraine and Hungary.

The Defence Ministry organisation

In most countries, laws on national defence outline the fundamental tasks of the Ministry of Defence and the General Staff's organisation. At the same time, the Minister of Defence and the Chief of the General Staff may take decisions aimed at streamlining the organisation of subordinate structures. In the USA, France, Portugal (and Poland, after 1995) relevant problems are resolved by the "defence" laws. The structure of civil-military institutions varies from one country to another. However, they all meet one fundamental requirement: the basic structures of the Ministry of Defence and the General Staff must be defined in "defence" legislation.

A typical Ministry of Defence consists of the following divisions: the minister's administration, special assistant ministers (inspector general, legal advisor, parliamentary advisor, assistant minister in charge of public relations), and at least three main departments (of strategic intelligence, support and training). The number and profile of departments vary in different countries, but all of them operate budget and financial divisions, immediately subordinate to the Minister of Defence. In some Western European countries, there are also state secretaries, who assist the Minister of Defence in administering the Ministry.



Organisation of military institutions

In every country, there is a General Staff (National Defence Staff, Joint Chiefs of Staff), that interacts with the Minister of Defence and reports to the Supreme Commander-in-Chief of the Armed Forces — the President.

Heads of the General Staff departments are subordinated to the Chief of the General Staff, who reports to the Minister of Defence within defined limits of authority.

In some countries, the Chief of the General Staff simultaneously acts as the Commander of the Armed Forces (Hungary), or is appointed to this post in case of war (Poland). The Chief of the General Staff has a weighty role. Most often, he is the military advisor to the Minister of Defence and the co-ordinator of staffs of the services; he interacts with the commanders of the military services, who directly report to the Minister of Defence, obtain political guidelines from the latter and follow the General Staff directives.

Division of functions and responsibilities

In some democratic countries, there are two branches responsible for directing the military — the Ministry of Defence and the General Staff. They closely co-operate both in peacetime and in wartime. The problems and disputes arising in connection with the scope of responsibility and functional duties are usually resolved amicably. However, this has not been the case with the countries which restored democratic rule (Germany, Spain, Italy, Portugal), and the new democracies (Poland, Hungary, the Czech Republic). The heavy legacy of dictatorial regimes (ideological homogeneity, political control over the armed forces, the lack of experience of independent administration of the national military institutions) — all left its mark on the civil-military relations. For instance, in Poland, Hungary and Ukraine, acute struggle for the spheres of influence on the armed forces was observed between the Minister of Defence and the Chief of the General Staff.

Civilians in the Ministry of Defence

Civilians can occupy high-ranking positions within Ministries of Defence. In Italy and Portugal, the law allows Ministers of Defence to appoint both civilian and military specialists for executive posts.

In Eastern European countries the transition of Ministries of Defence to the mixed (civil-military) system goes on slower. Hungary and Poland are the two exceptions. The encouraging development here is that all key positions in the Ministry of Defence have been gradually transferred to civilians. This particularly refers

to heads of some departments, namely: of defence budget and finance, personnel management, research, development, testing and acquisition of military hardware. This strengthens civilian control over the Armed Forces, deprives the military leadership of the Defence Ministry of monopoly, assists overall supervision over the professional activity of servicemen on the part of civilian officials, offers new specialists for employment in the Defence Ministry at the expense of experts who previously worked in the civilian sector, in private business and at universities.

Over the period of military service, servicemen tend not to acquire high (purely civilian) professional expert skills in national resources management, economy, budget and finance, and defence policy formulation. This is why civilian specialists are very useful in auxiliary positions.

One cannot say that Ukraine managed to escape the majority of mistakes made by other countries. Today, there is an urgent need for a clear legislative definition of the Armed Forces line of command, from the President and Prime Minister down to the Minister of Defence and the Chief of the General Staff. Laws should define the functions and the range of powers of the President and Prime Minister with respect to defence assignments within the framework of civilian control over the Ministry of Defence. Clearer definition should be given to the functions and powers of the Prime Minister in relations to the Defence Minister, the internal organisation of the Ministry of Defence and the General Staff, the powers of the Minister of Defence, the Chief of the General Staff and heads of key departments of the highest level of military command. This should be done to provide for civilian control over defence institutions, the stability and continuity of command and control within defence organisation. The area of responsibility and functions entrusted to the Minister of Defence and the Ministry, and the key positions within the Defence Ministry to be occupied by qualified civilian and military personnel need to be defined in detail.

Appointment of a civilian Minister of Defence is not the only way of establishing civilian control over military institutions. This is only one component in the triple control system employed in a democratic state. Its elements are Parliament, the executive and judicial branches.

The Verkhovna Rada of Ukraine should: adopt basic laws on the establishment of military institutes, limit their number and functions; control the military budget through annual allocation; keep the Armed Forces accountable to Parliament; approve presidential appointments



of the top executives in the defence establishment; review and approve Ukraine's Military Doctrine.

The next link of civilian control is presented by executive structures headed by the President of Ukraine, who exercises civilian control over the military sector of the country. The head of state approves the laws adopted by the Verkhovna Rada related to national security and defence, appoints the Minister of Defence and the Chief of the General Staff, approves the location of main forces (of the operational-strategic and operational level), defines the procedure of joint exercises (manoeuvres) in Ukraine, declares war, martial law or additional mobilisation, on the condition of approval of these decisions by the Verkhovna Rada.

In the majority of democratic countries, the judicial branch is an important tool of civilian control. Civil courts deliver judgements on the Constitutional compliance of the military establishment with legislative acts and by laws. The judicial branch exercises judicial control over the protection of civil rights of both civilian and military members of society.

Civil-military relations in Ukraine

Civil-military relations in the period of consolidating Ukraine's independence were free of conflicts, but not of problems. This was proved by the dismissal of three Ministers of Defence and two Chiefs of the General Staff within a short period. Even today, some destabilising factors are in place in the military environment. They include the uncertainty of the Armed Forces' future, their numerical strength, material and technical support, the reduction of officers and the lack of social protection of servicemen and their families from, in many cases, miserable circumstances. All this gives rise to servicemen's uncertainty about their future, and, consequently, the decline in discipline and morale, and the loss of combat efficiency by some units. The constant degrading of servicemen's standard of living and the fall of prestige of the military service damages the defence capabilities of the state,

undermines civil-military relations in society and demands immediate attention by all branches of power, for raising the level of national security and easing social tensions.

At the same time, there are factors conducive to the development of civil-military relations in Ukraine. Those include: the consistent domestic and foreign policies of the state; the strengthening of democratic fundamentals of state administration; reformative actions of the Government aimed at economic recovery; recognition of the importance of the Armed Forces for the establishment and development of an independent Ukraine; continuous raising in the military a spirit of confidence in democracy, panhuman values, the necessity of defending the state as an equal member of the international community; withdrawing the party influence from the Armed Forces.

The analysis of the present situation in Ukraine's Armed Forces shows that their leadership is increasingly concerned about the weakness of the instruments of power, inability of authorities to contain and check negative socio-economic processes in society. It is not by chance that the Armed Forces command has adopted a hard line in order to avoid the negative influence of political organisations on servicemen. The consciousness of the cadre and the draft is consistently concentrated on the idea that the main duty of the Armed Forces is the defence of the country from external threats. It is precisely this duty that is entrusted to the Armed Forces by Ukraine's Constitution.

Generally, it can be assumed that the idea of civilian control over all power structures has become rooted in Ukraine. This conclusion is based on the constitutional provision of such control exercised by civilian authorities, which by itself indicates Ukraine's embarkation on the task of creating a system of civilian control over the military sector, commonly accepted in democratic countries. However, the large-scale process of democratic civilian control, in its full sense, is still in the embryonic stage in Ukraine. Individual events do not possess a systematic character yet. Neither Government officials, nor the Armed Forces, nor society in general are ready to accept democratic approaches to civilian control over military formations in the country.

Meanwhile, recognition of the Western democratic values and a gradual transition to NATO standards require consistent implementation of relevant changes in the state and in the Army. What is important is that these processes should be stimulated not by external factors alone, but also by the objective conditions of Ukraine's internal political development.

CIVILIANS IN THE U.S. DEFENSE ESTABLISHMENT



*Doctor Stephen OLYNYK,
Colonel, U.S. Army (Retired)*

For the past nine years Ukraine has been in the process of reforming and developing its Armed Forces as a guarantee of its national security. To that end, a comprehensive reform program has been undertaken in January 1997 with the objective completion date of 2005. One of the key elements of this reform program ought to be the augmentation of the military with civilian workforce at all levels of the defense structure. However, problems which seemingly tend to hinder a successful execution of this reform program are to a great extent a result of apparently inadequate appreciation on the part of the top national political and military leadership of the role which civilians play in the activity of national defense structures, especially in positions of senior executive levels. The advance experience in democratic countries demonstrates that the responsibility for a number of important spheres of military policy should be assumed by civilians, because it is they, and not the military, who bear the responsibility for national defense before the voters. But in order to be genuinely responsible — one has to take direct participation in the formulation of politico-military policy decisions, defense budgetary proposals, weapons acquisition, and so forth. What is more, there are number of issues, such as securing financial support, drafting legislative acts, interacting with civilian structures, which are better handled by civilian officials than by the military.

Since this practice has had wide and successful application in the military establishments of all major democratic countries of Western Europe, as well as in the United States and Canada, it would seem appropriate and practical for the Ukrainian civilian and military leadership to acquaint itself with the experience of these selected countries. The following is a brief overview of the American system of utilizing civilian staffs to augment the military establishment.

GENERAL DATA

In March 2000, there were 670,780 civilian personnel working for the U.S. defense organisation worldwide — the Department of Defense (DoD), — in the United States proper, its territories, and in foreign countries where U.S. military bases or missions are present. The Department of Defense is the largest Federal agency employer of civilian personnel. Most people even in the United States may not realize how many civilians are working for the Department of Defense. The following table shows comparative numbers for regular (active service) military and civilian personnel during the last decade¹:

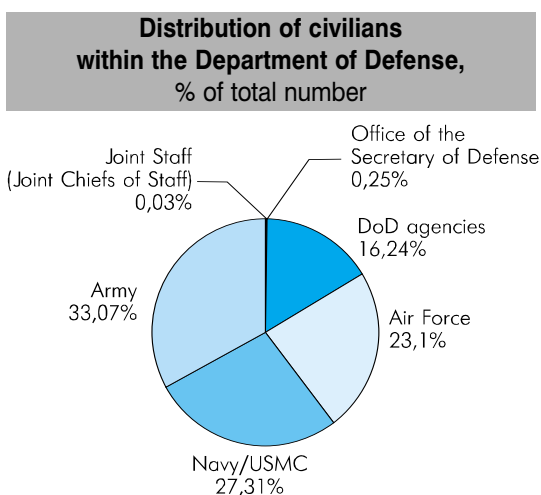
Comparative numbers for military and civilian personnel of the Department of Defense, in thousands

Years	Military	Civilian
1989	2120,2	1107,4
1993	1705,1	984,1
1995	1518,2	865,2
1999	1385,7	704,0
2000	1377,7	670,8

¹ Report of the Secretary of Defense to the President and the Congress, 2000, Appendix C.



The decline in both military and civilian personnel since 1989 was brought about primarily by the radical change in the geostrategic situation in Europe, and the world in general, as a result of the collapse of the Warsaw Pact and the Soviet Union. These two inter-related historic events caused a change in the perceived threat to the United States of America, which in turn permitted a radical reduction in both military forces and civilian staffs. In 1989, there were a total of 1,107,400 civilians employed in the whole U.S. national defense structure worldwide. With the progressive reduction in U.S. military personnel, there also took place a gradual annual reduction in civilian positions as well, falling by 31.5 percent down to 670,780 by March 2000, or 68.5 percent of the 1989 total. By the end of 2001, DoD plans to eliminate approximately 100,000 additional civilian positions from the DoD work force; this will most likely be accomplished to a large extent by the additional closure of unnecessary military bases. In March 2000, the following was the distribution of civilian employees in DoD:



THE ROLE OF CIVILIANS IN THE U.S. DEFENSE ORGANISATION

The purpose and role of civilian employees in the Department of Defense system is manifold, depending on the level and category of positions. Broadly speaking, it is to:

- ❖ provide civilian (democratic) control of the military²;
- ❖ execute policy leadership;

- ❖ carry out resource management (financial, acquisition, personnel, installations, etc.);

- ❖ conduct program evaluation;

- ❖ conduct research;

- ❖ provide a variety of other essential support to the military (e.g., medical, communications, logistical, administrative, mechanical and clerical) so that military personnel may be freed to perform their assigned military mission.

MAIN CATEGORIES OF CIVILIAN POSITIONS IN DOD

The following are main civilian position categories in the Department of Defense organisation, starting from top down: Executive Level (policy-determining) positions; Senior Executive Service positions (SES); Civil Service positions; Excepted Service positions; and Wage Grade positions.

Executive Level positions

These are the highest non-elective Federal Government positions to which appointments are made either by the President (for cabinet and sub-cabinet positions) or by agency heads. Many of these key positions are subject to confirmation by the U.S. Senate.

All Executive Level positions are considered "political appointments" in that they are non-competitive and do not require any examination, and the appointees serve at the pleasure of the President or agency head. The appointments are normally made every four years after the election of a new President and the establishment of a new Administration in Washington³.

The duties of such positions may involve advocacy of Administration policies and programs and the incumbents usually have a close and confidential relationship to the President, the agency head or other key officials. Most of these positions are filled by adherents to the major political party in power and to which the President in office belongs (Democratic or Republican)⁴.

In the Department of Defense, broadly speaking, the key role of Senior Executive Level officials is to provide leadership, formulate and implement policy and to carry out management oversight in their respective areas of responsibility. The emphasis here is on provision of leader-

² As an example of how seriously the U.S. Congress regards the function of civilian control of the military in the Defense Department is a law requiring the Secretary of Defense to submit annual report, titled "Management Studies of Office of the Secretary of Defense", a key part of which provides an analysis of the effectiveness of civilian control in the Department of Defense in the following key areas: defense policy development and strategic planning; program and budget development and execution; contingency planning; and military operations.

³ The positions are published officially in the "FederalIST" and also in "The United States Government Policy and Supporting Positions" (commonly called the "Plum Book"). It is an American version of "nomenklatura". After the most recent presidential election, in 1996, there were 199 such "political appointment" positions in the Department of Defense. Of these, 50 were presidential appointments with U.S. Senate confirmation; two — without Senate confirmation; and 147 appointments were made by DoD agency heads and without Senate confirmation.

⁴ There are rare exceptions. For example: Secretary of Defense W.Cohen, a former Republican Party Member of Congress, was appointed by and has served four years under President Clinton, a Democrat (1996-2000).



ship. By virtue of these roles, these officials exercise civilian (democratic) control of the military. The highest Defense Department Senior Executive Level policy-determining **civilian** officials, appointed by the President and confirmed by the U.S. Senate, are:

- ❖ Secretary of Defense (a cabinet post);
- ❖ Deputy Secretary of Defense;
- ❖ four Under Secretaries of Defense (USD for Acquisition and Technology; USD for Policy; USD for Personnel and Readiness; and the USD — Comptroller/Chief Financial Officer);
- ❖ ten Assistant Secretaries of Defense (for various key functional areas);
- ❖ General Counsel (Chief Legal Officer);
- ❖ Inspector General of the Department of Defense;
- ❖ Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs;
- ❖ Director of Defense Research and Engineering;
- ❖ Director of Operational Test and Evaluation.

A parallel structure of Senior Executive Level civilian officials exists also in the three branches of military service — Department of the Army, Department of the Navy, and Department of the Air Force — each headed by their civilian sub-cabinet level Secretaries, with Under Secretaries, and Assistant Secretaries. They are all civilians, appointed by the President and confirmed by the U.S. Senate and they, too, exercise civilian control of the military in their respective service branches.

These policy-making officials in the Office of the Secretary of Defense⁵ and the three Military Departments may have military officers of various ranks on their staffs as military policy assistants, advisers, specialists, but as a rule, not as managers or policy makers.

Senior Executive Service positions

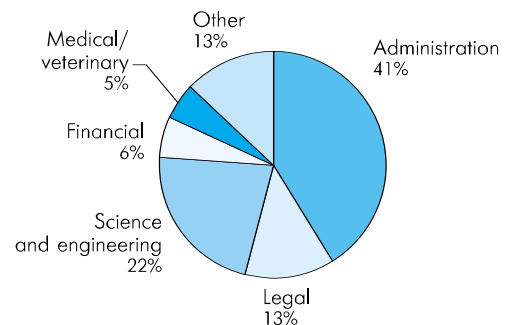
Below the Executive (policy-determining) Level is a category called Senior Executive Service (SES). Since it was established by Congress in 1978, SES is a relatively young service within the Federal Government. It is a corps of executives selected for their **leadership qualifications**, not for their technical expertise. They serve in key positions just below the top policy

officials appointed by the President or agency heads. They provide a major link between the policy-making executives (mostly “political appointees”) and the rest of the Federal Government civilian workforce. They operate and oversee nearly every Government activity in approximately 75 Federal agencies, including the Department of Defense. The majority of SES personnel are career appointees who are selected based on merit, with primary criteria being executive leadership; other criteria include job-specific qualifications. No more than 10 percent of SES appointments are non-career and serve at the pleasure of the agency head.

SES is managed by the Office of Personnel Management (OPM) on a Federal Government-wide basis. In the Department of Defense, as of March 2000, the SES comprised 0.2% of the total civilian force, or 1,341 civilian executives. Majority of SES positions are in the Washington Metropolitan Area.

By occupation, the SES personnel may be classified into administration (41%); legal (13%); science and engineering (22%); financial (6%); medical/veterinary (5%); and other (13%).

Distribution of Senior Executive Service,
% of total number



CIVIL SERVICE POSITIONS

General

Most civilian positions in the Department of Defense structure are in the so-called competitive service, that is in the Civil Service. In March 2000, competitive service positions comprised 77.2% of the total Federal Government workforce, and 83.7% of the total civilian workforce in the Department of Defense.

Major categories in the civil service position structure are professional, technical, administrative, and clerical. The Civil Service employees provide various elements of the

⁵ Office of the Secretary of Defense (OSD) is that part of the Department of Defense which is above the Military Departments (Army, Air Force, Navy) and which may be called the “Administration of the Secretary of Defense”. It is the principal staff element of the Secretary of Defense which is responsible for developing strategy and policy, planning, resource management, and fiscal and program evaluation.



Defense Community with expertise in a variety of areas. But they, as a rule, do not formulate defense policies and do not exercise civilian control over the military. The functions they perform are those for which they are specially prepared by education and/or experience. A large number of lower grade level Civil Service personnel in the Defense Department provide support to the military in a variety of administrative and clerical positions (e.g., secretarial, clerical, technical, etc.), thereby freeing the military servicemen from these non-military functions, so they can devote themselves wholly to military mission-related duties.

Another advantage of having career civilian employees on the DoD staff is that, unlike the military who normally rotate from one position and/or location of assignment to another every two or three years, career civilians tend to stay longer on the same job, gaining valuable experience and knowledge. They provide the organization for which they work not only with functional expertise, but also what has popularly been called “the institutional memory”, that is — intimate knowledge of the continuity of policy, close familiarity with administrative procedures and the nuances of the mission of a given office or operation. This is especially helpful to newly assigned military officers at many levels in a given organization as well as to newly appointed senior policy executives. The Civil Service system is managed dually by the Office of Personnel Management and by the overseeing, independent body, the Merit Systems Protection Board.

Excepted Service positions

Some agencies are excepted from both the SES program and the competitive Civil Service requirements since they have their own executive service programs, and their own hiring systems and applicant evaluation criteria. These agencies are called “Excepted Service Agencies”. In March 2000, the “excepted service” personnel comprised 16.1% of the total workforce in DoD. Two primary “excepted service agencies” in the DoD structure are: National Security Agency and Defense Intelligence Agency.

A few positions are also in the “excepted category” because of the nature of their profession. These are: senior scientific and technical personnel; lawyers; professors at military academies and centers of higher military education; teachers and school administrators at schools for children of U.S. military and civilian families on military bases and installations in foreign countries; commissary and post exchange (military stores) managers and clerks; and others.

Wage Grade positions

These are the so-called “blue collar” employees who are involved in technical or physical work and are paid at hourly rates. In March 2000, they comprised 23.7% of the total defense civilian work force.

Contract civilian employees

In recent years, as a result of the continued downsizing of the military and civilian personnel in the Defense Department, more emphasis has been placed on the so-called “outsourcing”, i.e. contracting many support type functions to outside civilian companies or individuals (such as research, information technology, technical, clerical, and other support). This practice is based on the premise that outsourcing non-security type functions will save money because, at the least, it eliminates the overhead costs.

HOW CIVIL SERVICE JOBS ARE FILLED?

Persons applying for civil service jobs are evaluated according to objective standards. They submit standard applications or resumes and are administered standard tests for a given level position. Those who have passed the test are arranged according to the score on the test. They undergo security checks and personal character checks (minimum three character references) and are interviewed by personnel employment specialists. If they meet all requirements, they are referred to the agency office where a job vacancy exists or is anticipated. Those who did not apply for a specific job vacancy, are placed on a Civil Service register for future referral.

Examination. Most Civil Service job applicants must take a competitive examination appropriate for a particular job category. Their standing on the list of competitive applicants depends on (1) the rating they receive on the examination, and (2) their veteran status, if any. U.S. veterans get automatic points-credit in addition to their rating on the examination: five additional points for regular veterans and 10 points for disabled veterans. This is called “veterans’ preference”.

The principle of “veterans’ preference”, as provided in federal law (which has changed many times since 1865) is intended to enable deserving veterans to compete on a more favorable basis for a job. Key requirements for veterans’ preference include: honorable or general discharge from the military service; a campaign expeditionary medal or evidence of service in a war declared by U.S. Congress, or a disability incurred during or as a result of military service;



minimum two years of active duty military service (except in the case of a disabled veteran); and one must be an enlisted person or an officer below the rank of major or lieutenant commander (unless a retired officer is disabled). Veterans with 30 percent disability receive even higher preference.

Veterans also receive preference in job retention in the event of a release from a job as a result of Government reduction-in-force (RIF) brought about by economic or other factors.

Career progression. All promotions within the Civil Service system are governed by a uniform Federal Merit Promotions Policy which prescribes a procedure to insure a fair and equitable practice and to avail an agency of best qualified persons for the job. Qualification Standards and Evaluation are normally used which involve a written and performance test, although there are exceptions (e.g., reduction-in-force and reassignment, return from military service of former employee, transfer between agencies, etc.). Candidates for promotion to an open higher position are ranked and the best qualified one is selected. Each individual agency is responsible for the operation of merit promotion programs in consonance with the overall OPM requirements. One of these is that there must be a vacancy (open position) for which qualified candidates, inside and outside the agency, are considered, and that this position is publicly announced within the agency concerned and within the OPM system.

Pay Systems (compensation)

Generally speaking, civilian and military salaries in the U.S. Department of Defense are comparable at each corresponding level of responsibility. However, they may not correspond closely in terms of "hard dollars". In addition to their basic pay, military personnel are compensated by many military-specific benefits which civilians do not receive, but which help to equalize the military salary with that of civilian employees. The following are main pay systems for Federal Government employees in the Executive Branch of Government, including the Defense Department.

❖ **Executive salary schedule** assigned to members of Congress, members of the Cabinet, deputy secretaries, undersecretaries, assistant secretaries, and various heads of commissions. They are approximately equivalent to three- and four-star general (admiral) in the military.

❖ **SES pay system has six levels.** The rates are set by the President within the limits set by law. **These salaries are approximately equivalent to one- and two-star general (admiral) in the military.**

❖ **General schedule (GS) salaries** applies to most Civil Service employees in the Federal Government. It has 15 grade levels, each grade generally reflecting the position and the level of responsibilities held by an employee. Promotion means moving up the grade level. Even without promotion, an employee may receive an incremental "step increase" based on the acceptable level of competence and performance during a standard, graduated waiting period. These increases cease as one reaches step 10. The Government salaries are adjusted also according to locality of the job in order to compensate for differentials in the cost of living in different geographical areas of the United States.

"General Schedule" salaries in the grades 12 to 15 are approximately equivalent to majors, lieutenant colonels and colonels, respectively. Those in the grades 5 to 11 are approximately equivalent to sergeants, lieutenants, and captains, respectively.

There are also a number of incentive cash awards (e.g., for a good suggestion to cut cost or improve Government operation; for exceptional performance on the job).

❖ **Tax withholding.** Income taxes are withheld automatically every pay period.

RULES ON THE EMPLOYMENT OF RETIRED MILITARY PERSONNEL IN THE DEPARTMENT OF DEFENSE

Former military personnel retired from the U.S. Armed Forces must wait at least 180 days after their retirement before taking a civilian job in the Department of Defense. As of March 2000, retired military comprised 7.9 percent of the total civilian workforce in DoD. This percentage was much higher in the years immediately after the end of the Vietnam War. In recent years, more retired military tend to opt for private industry jobs.

In order to avoid a conflict of interest and to assure a more effective civilian control of the military, a much stricter restriction applies to several Executive Level (policy determining) positions. Persons may not be appointed by the President and confirmed by the U.S. Senate to the following positions "within ten years after relief from active duty as a commissioned officer of a regular component of an armed force". These are: Secretary of Defense, Deputy Secretary of Defense, Under Secretary of Defense for Policy, and the Inspector General⁶. These restrictions do not apply to other members of the top Defense Department leadership except the 180-day rule applicable to all former military officers and also the provision that

⁶ United States Code, Title 10 — "Armed Forces".



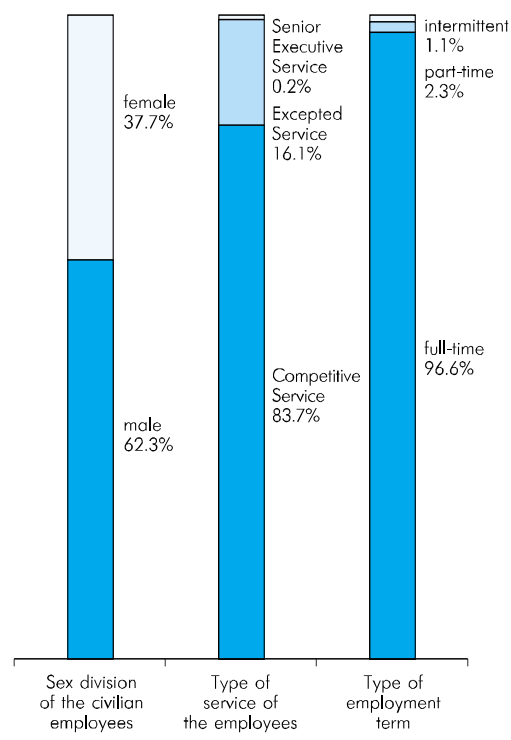
they are “appointed from civilian life by the President with the advice and consent of the Senate”.

POLITICAL ACTIVITY

The first law limiting political activities of Federal Government employees was enacted in 1939, the so-called “Hatch Act” (named after its author, former Senator Hatch). It has since been revised and updated in keeping with changed attitudes of American citizens.

The 1993 revision of the law provides that Federal Government civilian employees (including those in DoD) cannot use their influence to interfere with an election; collect political contributions; knowingly solicit or discourage political activity of persons dealing with one’s agency; engage in political activity while on duty or while being in any Government office, or while using a Government vehicle, or while wearing an official uniform; and finally, they cannot be a candidate for public office in partisan (political) elections.

The general structure of civilians,
% of total number



CURRENT DEFENSE DEPARTMENT CIVILIAN TRAINING AND DEVELOPMENT PROGRAM

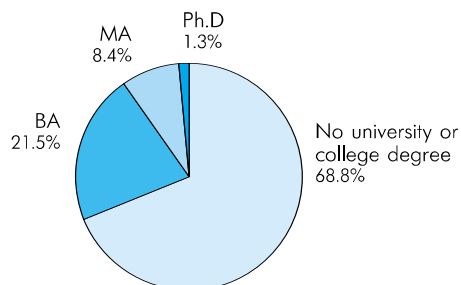
With the drastic downsizing in both military and civilian personnel in the DoD structure, more attention has recently been paid to what is called “corporate training, education and development of the civilian workforce ... to avoid skill and experience imbalances”. A two-pronged approach has been taken: one, to develop technical and professional skills; the other, the Defense Leadership and Management Program was recently inaugurated (1997) to address the need for the systematic development of managerial and leadership skills. It involves “defense-focused graduate education, rotational assignments in a wide variety of occupations and organizations, and professional military education ... designed to prepare civilians for 3,000 of the Department’s top civilian leadership positions”. Other civilians are participating in courses at senior military service schools and a new three-month Professional Military Education course for civilians has been initiated at the National Defense University in Washington.

SOCIOLOGICAL PORTRAIT OF CIVILIANS IN THE DEFENSE COMMUNITY

In March 2000, there were 670,780 civilian personnel in the Department of Defense structure worldwide (excluding foreign nationals). Of these, 47 years was the average age for full-time employees; 18.1 years was the average length of service for full-time employees; 7.9% were retired military now employed as civilians; 34.1% — claimed veteran’s preference.

The data on education of civilians is presented on *Diagram “The level of education of civilians”*.

The level of education of civilians,
% of total number



⁷ Report of the Secretary of Defense to the President and the Congress, 2000, p.110.



WHERE DO THE CIVILIANS IN DOD COME FROM?

The DoD civilian employees come from many walks of life as is normal for other parts of the Federal Government or private industry. Majority of the lower echelon civilian employees come directly from schools after graduating. DoD assigns special attention to recruiting new, younger employees, if only because they initially cost less and they may stay in the Defense Community longer; and, more importantly, “they restock the dwindling pool of future managers”. Others come from other agencies in the Federal Government or private industry; some come from academia (university professors, administrators); still others come from the active military service after retirement (both officers and enlisted men).

THE OPPORTUNITY TO USE THE AMERICAN EXPERIENCE IN UKRAINE

The practice of using civilian personnel in support of the military in the United States is one model to learn from (others are United Kingdom, Germany and France, to name a few). It has been said, the United States Department of Defense is the biggest corporation in the world (U.S. Defense Budget for FY 2001 is \$291 billion and 87 million U.S. dollars). The following are a few possible key lessons to be learned.

- ❖ How this defense organisation is being managed?
- ❖ How a successful system of civilian (democratic) control over the military is working in practice **by having civilian professionals in key positions in the Ministry of Defense?**
- ❖ How civilian expertise in a variety of **functional areas, not normally inherent to the military profession**, can be made available to the

military **leadership** and used by them to enhance the defense posture of the country?

- ❖ How, by using the civilian workforce in many ways, can a large number of **military personnel of various ranks** be freed to devote themselves to military operational mission and tasks?

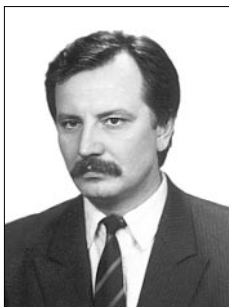
By studying the systems and experience of other countries in a comparative way and by selecting the best features from each, the Ukrainian political and military leaders will be able to enhance the posture of their country's defense organization.

Since the use of civilians in the Soviet military establishment (at the Ministry of Defense level and the Military Districts organisation) was comparatively very limited, this legacy and tradition inherited by the Ukrainian military establishment is also deficient.

Accordingly, it would be prudent to institute appropriate civilian staff structure in the military establishment gradually, but at the same decisively and methodically. For example, as a minimum, the following civilian positions within the Ministry of Defense of Ukraine could be established and filled with qualified civilian officials: Deputy Minister of Defense (as a transition to a future civilian Minister of Defense); chiefs of the Directorates for Armaments, Military (defense) Policy, Finance and Economy, and Legislative Affairs and Liaison with the Verkhovna Rada.

Below the Ministry of Defense (Operational Commands, bases and installations), all positions which are not directly related to military operational missions and planning, should be reviewed and determined whether they could be converted to civilian positions and staffed by trained and/or experienced civilians. The initiative and guidance should come, from the civilian leadership — the President, the Prime Minister, and the Verkhovna Rada.

THE PRESENT ARMY IS “BEYOND THE STATE'S PURSE”



*Oleksandr URBAN,
Career Diplomat,
in 1995-1996 — Director,
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General Staff of Ukraine's Armed Forces*

The problem of establishing civilian control over the defence sector in Ukraine is just an element of the long and painful social transformation experienced by all of us. This is a typifying problem to post-soviet countries and objectively, it has a tumid socio-political colouring.

One of the basic dogmas of Soviet society was the emphasis on the special role of the Army in establishing the Soviet State, defending its national interests, independence and territorial integrity. We were all brought up on those traditions, and spared no efforts to “strengthen the ties between the Army and the People”. For this reason, each of us is alive to this problem.

In public consciousness, the decisive role of the Soviet Armed Forces was lawfully personified in the Supreme Commanders of the Soviet Army. Soviet generals traditionally were actively involved in politics and in the activities of the supreme bodies of state power.

Transformation of society painfully struck the Army. Against the background of continued

underfinancing and miserable conditions, Ukraine's officers corps is very sensitive to politicians' demands to reduce the role of the Army in state governance, and remove the military from the legislative and executive branches of power. In my opinion, the majority of officers are not merely dissatisfied — they are angry and indignant at politicians who “put the Army on the brink of collapse, and have deprived servicemen's families of the customary confidence in the future and of their daily bread”. Therefore, this problem is not purely administrative, but also acutely social in nature.

The issue of civilian control to a large extent lies in the problem of forming a civil society in Ukraine. This problem cannot be resolved by administrative measures alone, and certainly not quickly. If so, the military circles will see it as a humiliating domination of civilians over the military. What “combat readiness” can we talk about in such a situation?

Ukraine is still facing the painful but inevitable problem of the Armed Forces reform. Everyone understands that the present Armed Forces are beyond our state's purse.

The process of reform is slow, and there are both objective and subjective reasons for this. Someone must assume the heavy and ungrateful duty of reformer who will voluntarily draw the “just anger” and “fire of criticism” from the left and the right, and the “anathema of the old officers”, for the sake of social progress and the building of the new Armed Forces that would be truly powerful, battle-worthy and loyal to the state authorities.



RESERVES OF THE ARMED FORCES AS A FACTOR OF CIVILIAN CONTROL



*Doctor Trevor WATERS,
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INTRODUCTION

The latest word from Moscow is both amazing and frightening. Amazing that somewhere deep within the innermost recesses of Russia, the mother of Vladimir Ilyich Lenin — yes, Lenin's mum — has been found alive and well. The frightening bit is that she's pregnant!

There is, of course, a point to this black-humoured, Russian political anecdote. It underscores, among other things, the enormous, indeed unprecedented, difficulties of overcoming the communist legacy in general — a point still worth making some ten years after the Soviet Union became a part of history — and, for those with a special interest in security and defence issues, the communist military legacy in particular.

At the turn of the century, Ukrainian society and Ukrainian Armed Forces (as in many other post-communist countries of Central and Eastern Europe) remain in a confused and confusing state: a state, as the vogue term puts it, of transition. Ukraine has certainly abandoned the totalitarian, one-party political system of the Soviet period, but has it achieved a genuine, viable and lasting democracy? The so-called command administrative economic system, in which everything was centrally planned and controlled, has clearly now been replaced by a form of market economy which for some, however, (especially, perhaps, the elderly and vulnerable) still provides only a standard of living that is worse than last year, better than next! Ukraine has made sustained and successful attempts to convert military industry to civilian use, but such conversion has been accompanied by economic and social convulsion too. Above all, however,

Ukraine has striven to shift from a monolithic, totalitarian, one-party model of the Armed Forces, and the associated views on civil-military relations, to genuine democratic, civilian control of the military, and the broadly-based democratic security community associated with it, that is, to what we might think of as defence in a democracy.

This is where the notion of the volunteer reserve serviceman or woman becomes relevant in the framework of Partnership for Peace within a new Europe and in the context of the new Euro-Atlantic community from Vancouver to Vladivostok that is now being built. The volunteer reservist clearly plays an important role in the military establishment of western democratic countries and functions as a key link between the military and civil society at large. He or she is, so to speak, one of the elements in the military which enables us to say that we organise defence in line with democratic principles. It introduces the idea of voluntary reserve service — an unknown notion in the communist era — into the new military establishments of Central and Eastern Europe.

THE ARMY & SOCIETY

The primary function of the army is to preserve the external security of the state. Armies are organised, equipped and trained either to deter conflict, or to fight effectively against an enemy, if they are needed. Given the very nature of armies and their fighting tasks, there are, potentially at least, three characteristic implications for the military and society.

1. The risk of military *coup d'état*, of government take-over by the military, of military



intervention in government, or of effective threats to do so: because of the army's monopoly, or near monopoly, of armed force, because it possesses the weapons and the skills to use them, there is always a possibility for the army to abuse its privileged position and seek to take over society altogether.

2. The risk that the army becomes alienated from, or within, society, that the military becomes a separate structure within society in a negative sense: the highly regimented character of military life may lead to a pathologically narrow-minded view of the world and man's place in it. Armies, it has been said, are 'total' institutions, like prisons, lunatic asylums and monasteries, and there is a barrier between the army and the external world. Typically, the army will train in areas far away from the civilian population. The dictates of military secrecy, very properly, erect barriers too. The army may come to see itself, and to be seen by civilians, as an alien institution whose traditions, interests and goals are disturbingly and dangerously different from those of society as a whole. The army may become, as happened famously in Germany for a while *ein Staat im Staate* (a state within a state).

3. The special responsibility that society, and ultimately the government, has for members of the armed forces who work to an "unlimited" contract in the sense that it is an occupational hazard for them to be required, under orders, to endanger and even lose their lives. The fact that soldiers operate under this unlimited liability means that the political leadership, and society as a whole, incur an exceptional duty of care towards servicemen and women.

A sensitive understanding of the two risks and the special responsibility outlined above is essential for healthy relations between the military and society. Indeed, as Michael Quinlan put it in an address to the NATO Defence College:

"The central challenge for democratic systems, and the one which fundamentally distinguishes managing defence from managing, say, social welfare or the road construction programme, is ... how to reconcile all these special pressures — how to maximise the security value of our armed forces at the same time as we minimise the risk of coercive misuse, of social alienation and perhaps of lives needlessly lost".

The democratic 'control', or, better, 'management' or 'direction' of defence is essentially a two-way process, between civil society and the military, on the one hand, and the military and civil society, on the other. It is, of course, inherent within the concept of democratic government that national armed forces are subordinated to the duly elected political leadership of the state, that there exists a clearly defined, legal constitutional framework within which the military hierarchy is responsible to the government through a civilian minister of defence, and that there be effective control and accountability by parliament. This is a part, at least, of what is meant by the 'primacy' of the civil power. But the civilian authorities must not regard the military, as it were, as dangerous wild beasts who must be tamed and 'controlled', but must rather see to it that soldiers have a genuine understanding of the principle of the primacy of the civil power and the importance of civilian management of defence. A very considerable educational effort is made in this direction in NATO armies, and the Germans, in particular, made special efforts in this field of "*Innere Führung*" when the *Bundeswehr* was created after World War II.

Equally, it is highly unlikely that a good army, (ie an effective fighting force) will be created, or an army that feels comfortable and at ease within society, unless the citizenry at large, and this, in a democracy, means the voters, have a sympathetic understanding of military aims and values, and are aware of what makes an army tick. The military must mount an 'educational' effort of sorts, engage in public relations and public information exercises, to 'keep the army in the public eye' as one such British activity of this kind was known.

VOLUNTEER RESERVE FORCES

Adam Michnik, the Polish dissident during the communist era, and later a deputy in the Sejm, was once asked whether the collapse of the Soviet Union represented the victory of democracy over totalitarianism. No, said Michnik, the collapse of the Soviet Union was a victory of freedom over dictatorship. He went on to add, democracy means the institutionalisation of freedom and 'that is still a long way off'.



Volunteer Reserve Forces are one example of the way in which freedom can be institutionalised. It is in this sense that Volunteer Forces contribute to and so embody the idea of defence in a democracy.

WHAT IS A VOLUNTEER RESERVIST?

He or she is a civilian who volunteers as a part-time soldier, a citizen, not a professional soldier, ie he or she is a citizen soldier: the late NATO Secretary-General, Manfred Wörner, once said:

“The simple truth is that security is a concept which does not recognise artificial divisions between civilian and military responsibilities — security is the business of all of us, citizens, soldiers and citizen soldiers”.

In the United Kingdom the Regular Army is dependent on the so-called Territorial Army — TA — (the army element of the national Volunteer Reserve Forces) to complete the Order of Battle. The likelihood of using the TA in circumstances less than full mobilisation is now much greater than during the Cold War. To carry out Britain's defence responsibilities, the Army needs the TA. In Britain, the TA and the Regular Army share: their military ethos; the same command structure; doctrine and tactics; the Regimental system; similar equipment and training.

Why volunteer? First, because there is the challenge of doing another kind of job. As a civilian, one meets a variety of people — civilians and soldiers — in many circumstances. The enormous sense of comradeship is built on a sense of service. In recognition of this commitment the volunteer receives rates of pay in line with the regular forces for each day he or she trains. An additional cash incentive is paid for the completion of an annual minimum training period.



The volunteer is a member of the Volunteer as opposed to the Regular Reserve made up of ex-regulars. Each has a statutory period of reserve service and that after having completed their full-time service. The volunteer makes a significant contribution to the national defence capability. Most important, in time of war or crisis, the reserves provide vital manpower alongside the regular forces. In short, the reserves complete the Order of Battle. More than 800 volunteer reservists served in the Gulf, for example, and the TA makes up some 20% of British troops in Bosnia.

In the best sense of the word, volunteers are cheap. During the Cold War it was reckoned that the Territorial Army cost about 3% of the British Army vote yet provided about 25% of the mobilisation Order of Battle. On average, the TA soldier costs only one-seventh that of a regular soldier to maintain.

DEFENCE IN A DEMOCRACY

Defence in a democracy clearly includes Government direction of military activity, Parliament's oversight of both government and the military, and a free press/media which tells voters about competing political, social, economic and defence alternatives: an emancipated media is a necessary condition for the democratic management of defence.

In Ukraine (as in other countries of Central and Eastern Europe) there is an especial need for civilians to be knowledgeable about the military. This must include journalists, Ministry of Defence civil servants, academics in universities, members of think tanks, and non-governmental organisations (NGOs). Less well known, but of similar importance, are the civilians who, in NATO nations, are members of the NGO known as the CIOR (*Confederation Interalliee des Officiers de Reserve* — Interallied Confederation of Reserve Officers).

Some years ago, Field Marshal Sir Richard Vincent, former Chairman of the NATO Military Committee, asked CIOR to find ways in which they could play a major role in the Partnership for Peace (PfP) process. He saw the influence of members of Volunteer Reserve Forces as critical in bridging the civilian/military divide in the nations of Central and Eastern Europe.

In April 1996, the Polish Ministry of Defence and CIOR held a PfP-Seminar in Warsaw entitled 'Armed Forces and Society — The Importance of Reserve Associations and their Role within the PfP Context'. The aim of the seminar was to inform Polish authorities and associations about the position of CIOR and reserve associations in NATO countries and to



encourage the foundation of a Polish tri-service, democratic reserve association that could cope with the CIOR constitution. A CIOR task force to assist was established. Partnership for Peace was the theme of the British Presidency of CIOR in 1996-1998.

One of the most striking features of communist military culture was that military matters were held to be the exclusive preserve of the military. To some extent, post-communist military society still remains a society that is closed to civilians and which resents and resists civilian interference. The lack in Ukraine (as in other Central and Eastern European countries) of

civilian knowledge, competence and experience in defence issues still influences civil servants, legislators, the media and the public.

But it does not matter how good in theory the democratic structures for control of the military are if there continue to be few competent civilians to man the Ministry of Defence and few civilians who can talk to the military on equal terms. The new members of the legislatures must have a real understanding of the army's justifiable needs. That has to be followed by effective means of educating the voter in military matters. On the whole, these remain serious problems in most Central and Eastern European countries, including Ukraine.

In western democracies it makes sense to speak of a defence and security community. This is supposed to be — and usually is — a vibrant community composed not only of military officers, but also of civilians of various professions and interests. Volunteer reservists are key members of that community.

The volunteer plays an important part in representing the military in civil society and in acting as an invaluable link between the government, the armed forces and the wider community. He or she could, and perhaps should, take up that key function in Ukraine?

DEFENSE PLANNING EXPERIENCES OF NATO NEW MEMBERS



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Since accession on 12 March 1999, NATO's three new members — Poland, Hungary, and the Czech Republic — have all experienced continuing integration difficulties. Though each country is unique and is adapting differently to the changes since 1989, all share the common experience and burden of Warsaw Pact culture. They have inherited the wrong armed forces (too big and too heavy), decaying Soviet military technology, and need to reduce infrastructure. Also all continue to experience the following problems.

Budgetary constraints. Force goals adopted five years ago have still not been implemented, not only because of economic constraints, but also because of a failure of political will. Political decisions often have been either delayed or not made because of a lack of polit-

ical interest (economic and social issues compete with absence of perceived threat) and/or because many senior political leaders remain uninformed, civilian specialists are scarce, and an active defense lobby does not yet exist. Defense planning has been hampered by the political need to establish goals that have often not been resource-based and require prioritizing. For example, the political need to produce small "show-piece" units meant that scarce resources were drained from the Main Defense Forces and Territorial Forces, leading to their decay and General Staff unhappiness (causing civil-military tensions). In other words, the appearances of action often compete with what is really necessary to develop.

Planning failures. Since joining the Alliance, all three new members have had to engage in force structure reviews. Hungary was forced to recognize that its resources were inadequate to what its NATO force goal commitments required, when it announced during the summer of 1999 a so-called Strategic Review that will alter the General Staff and Ministry the Defense relationship and reduce the Hungarian Defense Forces by 15,000 to 37,500. Poland adopted a new National Defense Plan on 23 May 2000 that will reduce its Armed Forces by more than 50,000 to 150,000 in six years. The Czech Republic is also now engaging in a Strategic Review that will likely result in reduction of its Armed Forces by 17,000 to 40,000 in five years.





Restructuring of military personnel. This challenge necessitates serious alterations in the officer corps and the need to build non-commissioned officer corps — tasks that require the establishment of career paths and rigorous personnel policies. NATO new members are still struggling to do this properly.

Constitutional and legal system inadequacies. Military confusion still persists over division of executive powers (to include relations between General Staffs and Ministries of Defense) and on how to deal with Parliament and the media.

National Security Concepts, Defense Concepts, and Military Doctrines. These documents, while reflecting significant rethinking of fundamental national security issues, are not yet up to real world challenges in defining force requirements and limited resources have forced new members to adopt a piecemeal approach to building forces. One of the lessons of Kosovo has been the recognition that out-of-area operations are more likely and will require legal

changes and new and different armed forces. Sending armed forces abroad requires sustainability, different logistics, and combat support. In addition, the European Union's entry into crisis management creates competing demands and necessitates greater EU-NATO cooperation.

Defense planning complications. Incompatibilities exist between the partner's national and NATO planning processes. This problem persists, in part because of the lack of English-language trained personnel who understand NATO procedures and in the failure to understand that **political oversight and civilian control does not necessarily result merely from replacing military officers with civilians.** More often competent officers are replaced by less competent civilian personnel. Hence, Poland, for example, had to alter its national planning after becoming a NATO member. The Czech Republic and Hungary also found that their national planning processes were neither compatible nor interoperable with NATO. Both still maintain national plans and a NATO Defense Planning Questionnaire plan that remain parallel and are not yet embedded. As a result, new members suggest that Members Action Plan partners might consider adopting the Planning and Review Process as the core of their planning to correct the problem of parallelism in national and Alliance Plans and hope that the Members Action Plan process should correct this problem.

Declining support for the military. The new members failed to adequately prepare their political elite and society for NATO membership. Hence, the new members continue to evidence declining social support for the military.

Though NATO's new members continue to experience these problems, the capacities of Poland, Hungary, and the Czech Republic's tend to be more advanced than NATO's Members Action Plan partners who aspire to NATO membership.