



THE NATIONAL INSTITUTE FOR STRATEGIC STUDIES

**CONCEPTUAL FRAMEWORK FOR DEVELOPMENT OF THE
NATIONAL SECURITY SYSTEM OF UKRAINE**

Analytical Report

Resume

KYIV - 2015



Reform of the National Security System (hereinafter - NSS) is one of the most pressing tasks for the Ukrainian state. Since the beginning of large-scale aggression by the Russian Federation, it became apparent that the present form NSS is not able to perform its functions effectively. The country is now facing extremely complex tasks because its authorities have to conduct a complex reform of national security system and overcome corruption in a short time by all available, though significantly limited means, and at the same time to provide for the protection of fundamental national values - independence, territorial integrity, state sovereignty, freedom, human rights, the rule of law, prosperity, peace and security. The effective functioning of the National Security and Defense Sector (hereinafter – NSDS) with the limited resources, constructive and consistent international community support for Ukraine’s socio-political and socio-economic development and regional security are the key elements for peace restoration in Ukraine.

NSS reform was defined as a top priority of the state by the Strategy on Sustainable Development "Ukraine - 2020" Strategy, approved by the Decree of the President of Ukraine №5/2015 on January 12, 2015.

A new version of the National Security Strategy of Ukraine was adopted in May 2015. It envisages the creation of a new NSS, which is able to withstand the Russian threat, has a long-term nature, and takes into account the fundamental changes both in the external and internal security environment.

Thus, completing the development and establishing of effective NSDS of Ukraine are defined as key tasks. The Sector must be self-sufficient, because Ukraine is not a member of any international system of collective defence and has to ensure security and defence on her own.

In furtherance of these provisions, a new Military Doctrine of Ukraine, adopted in September 2015, defines creation of holistic integrated NSDS as a national priority. That includes combining of its integral capabilities to ensure timely and effective responses to existing and potential threats, improving coordination among NSDS components, improving the mechanisms for their

consolidated development, strengthening of relevant operational capabilities, and so on.

NSS reform process is not moving as fast as we would like. Terminological uncertainty and obsolete legal framework sometimes create obstacles along the way. Consequently, it is necessary to define conceptual approaches to such reforms, to develop specific proposals and recommendations on the definition of key terms; to review Ukraine's legislation on national security comprehensively; to update the relationship among the branches of power, state agencies, local governments, business entities, NGOs and individuals in terms of national security; to improve such important processes as forecasting and planning in NSS, etc.

Thus, the *purpose of this analytical report* is to define the conceptual bases of Ukraine's NSS reform under radical changes in the security environment, taking into account theoretical researches of Ukrainian and foreign scientists, international experience and practical expertise gained during the anti-terrorist operations.

Today, there is neither single established definition of "National Security", nor the list of areas and components it should cover.

Similarly, there is no single definition of "National Security System". Each nation defines the areas, it considers relevant to national security, the list of its objects and subjects, depending on its capabilities and the tasks the state is facing at the national and international levels. National security priority of one country may not even be on the agenda for another.

Threats to national security, from which the state must protect itself, society and each and every citizen, thus ensuring sustainable development, are constantly transforming and expanding the scope of their influence. Traditional threats are now actively complemented by fundamentally new ones, the occurrence of which is stipulated by the development of science and technology, globalization and other

factors. Thus, it is expedient to apply a broad interpretation of the term "National Security".

The national security of any state because of its complexity needs special system of safeguarding, the main purpose of which is to perform certain actions aimed primarily at protecting national values and implementation of national interests. This refers to the *National Security System (NSS)*.

NSS is an integrated system which elements are closely related. The aim of the NSS is the organization of the threats and risks management, in which public and private institutions and individuals are guaranteed the preservation and strengthening of national values, protection and progressive development of national interests by means of timely detection, prevention, localization, neutralization, overcoming of internal and external threats, ensuring the effective functioning of the national security system proper and its components.

The main subject of national security is the state, which carries out its functions through the bodies of legislative, executive and judicial branches of power. The state determines the priority objectives in the field of national security and ways, tools, forms and methods needed to achieve them. It is the state who organizes interaction of public and private institutions, directly takes decision on the use of forces and means from the National Security Provision System inventory.

National Security and Defense Sector (NSDS) is a key element of NSS. Creation of an integral NSDS is to ensure:

Effective response to the real and potential complex threats to national security;

Rational use of its subjects' resources while protecting national interests.

Ukraine has not created an integrated NSS yet. Its formation requires, first of all:

- Systematic update of legislation on national security and defence, including the development and introduction of a single conceptual apparatus, a clear legal regulation of the NSS composition, structure and function;

- Clear definition of the powers, coordination of the NSDS subjects' functions and tasks, normalization of tasks, the implementation of which is not stipulated by law but is necessary due to the practical needs;

- Update of relationship among the branches of power, state agencies, local governments, business entities, public organizations and citizens on issues of national security;

- Definition of a clear mechanism for the NSDS functional components management as well as procedures for their cooperation and coordination in peacetime, in crisis situations and during special period;

- Strengthening cooperation and information sharing among intelligence agencies, special services and law enforcement agencies as an effective tool for accomplishment of their missions in safeguarding national security and defence of Ukraine;

- Improving budgetary policy in the field of National Security and Defence of Ukraine;

- Gradual professionalization of the NSDS, personnel professional level improvement, creation of an integrated training system and cadre patriotic education;

- Improvement of the democratic civilian control system over the NSDS subjects;

- Introduction of modern methods and practices in the area of national security.

Also should be taken into account that this system must be integrated into the international and regional security system and effectively exploit external mechanisms and guarantees to protect national security.

The study and analysis of world experience in creating and reforming the NSS will let Ukraine avoid errors in the relevant processes taking place today, and practice the best technics that have proven effective.

Considering the Euro-integration course of Ukraine, our country should expedite transferring of the EU experience in establishment and functioning of the European security system into practice by strengthening cooperation with the EU institutions and adapting national legislation to the *acquis communautaire*.

The feasibility of using Polish experience in national security is conditioned not only by similarity of form of government (parliamentary-presidential republic), but also by a common historical past, special political relations between the two countries and the similarity of the mental perception of reality. In addition, Poland is demonstrating rather high efficiency of its NSS.

The US experience is interesting in terms of creating an extensive network of the NSS elements and the key role of the US National Security Council in this system, which, however, can work only in a presidential republic (as a form of government). Some elements of such a system can be successfully applied in Ukraine with a view to ensure the centralization of NSDS political leadership functions.

Taking into account the mentioned above theoretical foundations and the best international practices, definitions of the main terms of national security are proposed:

national security – protection of national interests and national values from external and internal threats;

national interests – vital needs of man, society and the State, implementation of which provides for state sovereignty and prosperity of Ukraine and its progressive democratic development;

national values – fundamental material, intellectual and spiritual heritage of the people of Ukraine, defining conditions for the existence and development of the human, society and the state;

threats to national security – existent and potential effects, trends and factors that hinder the preservation and strengthening of national values and effective implementation of national interests in all areas of public administration;

objects of national security – people, society and the state;

subjects of national security – state authorities, civil society institutions, citizens;

national security system – a set of subjects of national security, forces, means, methods, factors, targeted actions that guarantees the maintenance and strengthening of national values, protection and progressive development of national interests through timely detection, prevention, localization, neutralization and overcoming of internal and external threats, and ensures the effective functioning of the system of national security of Ukraine and its components;

national security and defense sector – a set of state authorities, military forces, law enforcement and special agencies and institutions, established under the laws of Ukraine and united under the single leadership, whose activities in compliance with the Constitution and laws of Ukraine are aimed at protection of national values and interests from external and internal threats through special measures, law enforcement or use of weapons within their powers.

Fig. 1 shows the organizational elements that should constitute the basis for the revised composition of the NSS of Ukraine, and Fig. 2 – visions structure of the Ukrainian NSDS.

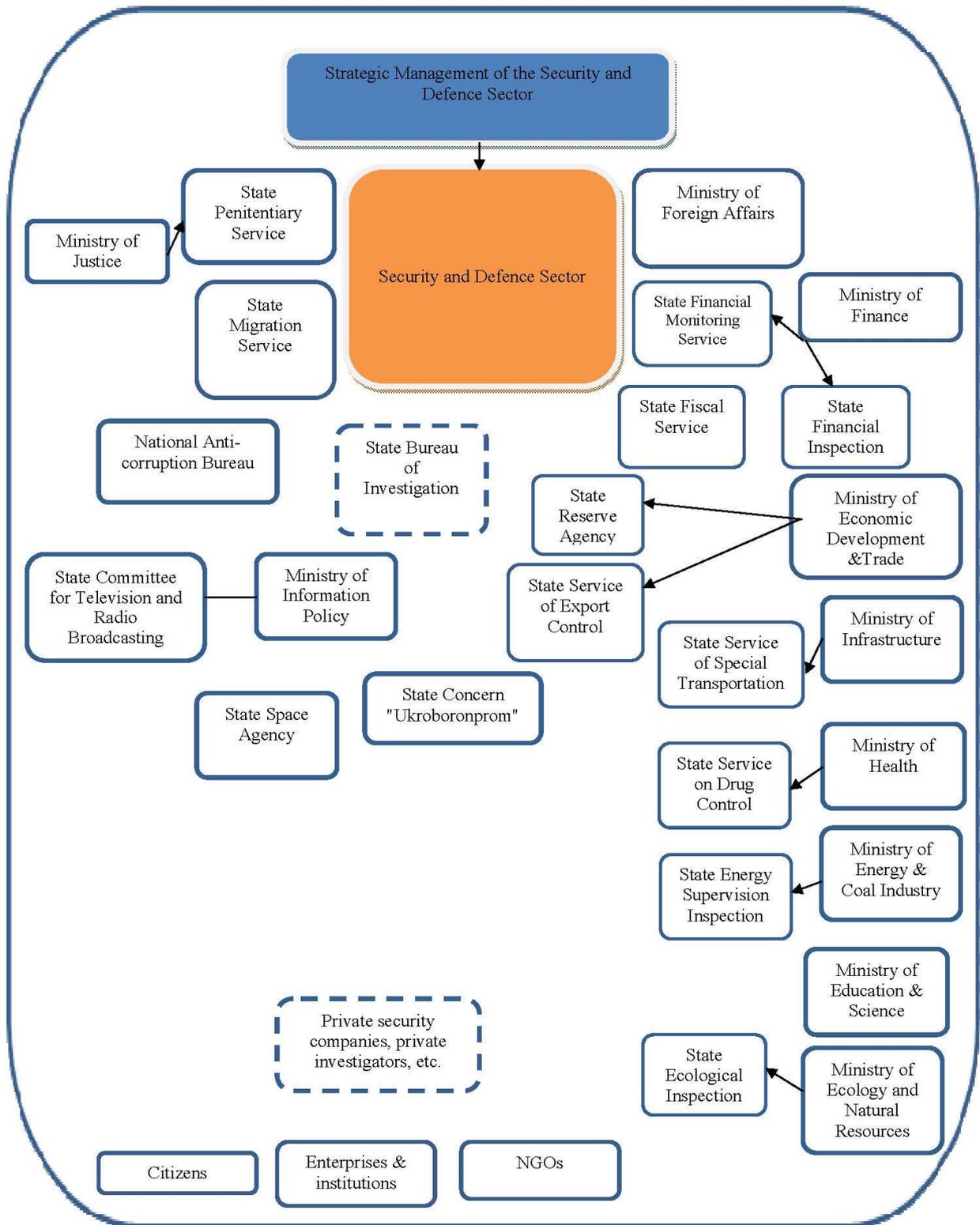


Fig. 1. Main elements of the NSS of Ukraine.

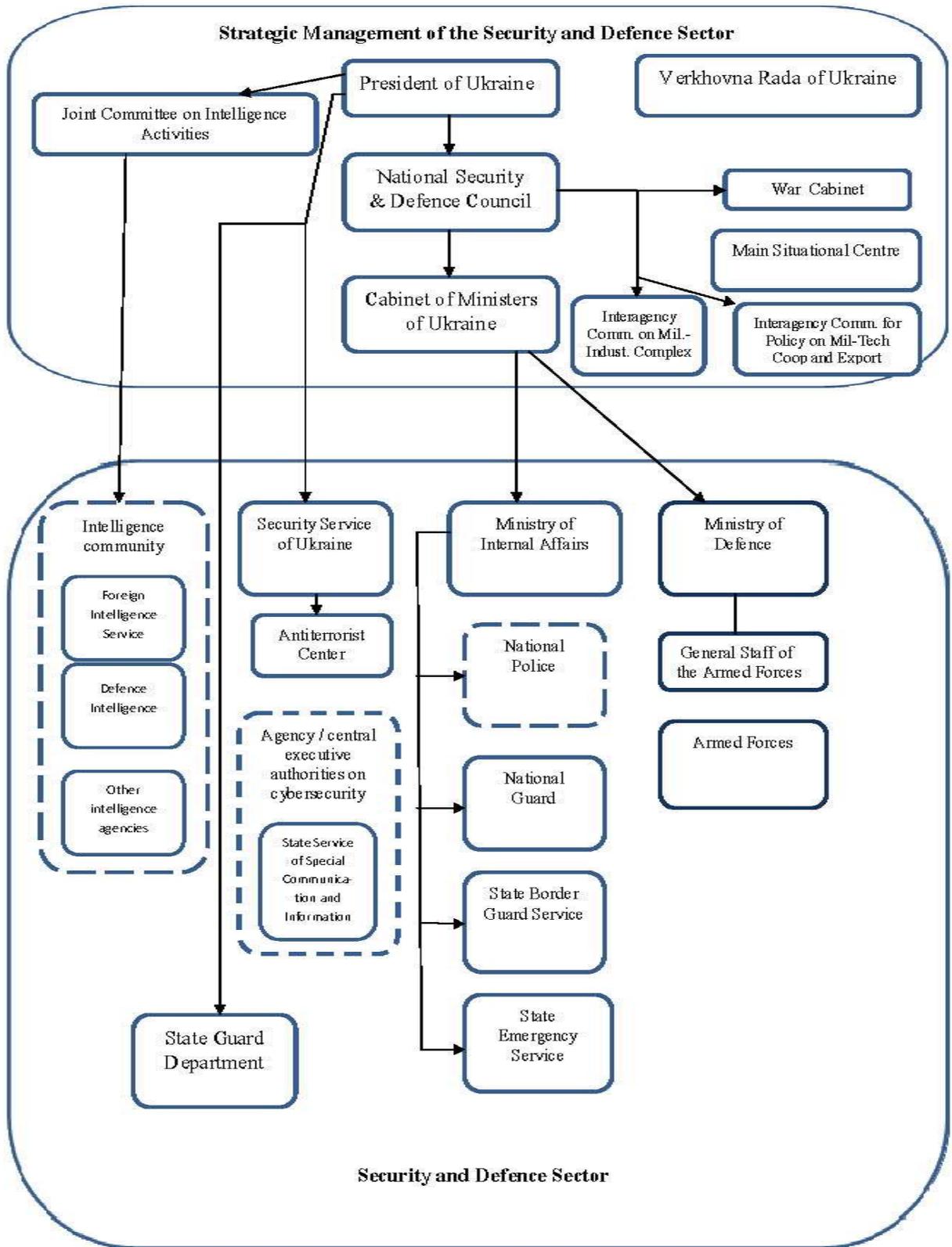


Fig. 2. Basic elements of the Ukrainian NSDS.

Ukraine's legislation on national security is largely outdated. It does not take into account the peculiarities of a new type of aggression during which not only traditional military operations are widely used, but also a variety of non-military forces and means of struggle.

The basic law in this area "On Principles of National Security of Ukraine" needs editing. A new version should contain not just abstract general theoretical concepts but clearly defined approach to the NSS formation, mechanism of its functioning, powers vested and a scheme of national security subjects' interaction in peacetime and in crisis.

It is inappropriate to determine threats to national security and main directions of state policy in the new version of the law, since those are covered by the National Security Strategy, which must be refined periodically.

In connection with the amendments to the Law of Ukraine "On Principles of National Security of Ukraine" it will be necessary to amend the laws of Ukraine "On Defence Planning", "On Democratic Civilian Control of State Military and Law-Enforcement Organisations", "On the National Security and Defence Council of Ukraine", "On Defence of Ukraine", "On State Defence Procurement", "On the Legal Regime of Martial Law", "On Legal Regime of s State of Emergency".

It is necessary to involve more actively academic institutions, universities, civil society and international experts to the process of Ukrainian national security legislation improvement. This will increase the level of public perception and support to the state policy in the sphere of national security, facilitate the establishment of proper civil control and boost the effectiveness of the relevant legislation.

The basis for the development of policy documents and decision-making in the security and defence is the National Security Strategy of Ukraine. It is important to avoid a repetition of previous experiences of our country when this

important strategic document remained just a declaration and was not implemented in practice.

Another problem is that today in Ukraine there is no unified system of strategic forecasting and planning of national security that would be considering the NSDS as an integral object. Forecasting and planning of the various NSDS subjects' activities is scattered, haphazard and unrelated neither among themselves, nor with the budgeting, socio-economic development planning and implementation process.

The introduction of the unified system of strategic forecasting and planning in the area of national security in Ukraine will ensure: timely and adequate response to the real and potential threats to national security, efficient use of NSDS entities' and forces' resources, correlation with other types of national planning and forecasting, correspondence between national security tasks' priority and the actual amounts of funding, stipulated in the draft state budget of Ukraine.

It is necessary to utilize a specific forecasting system in order to increase the effectiveness of strategic planning of the NSDS development. Forecast scenarios that are based on the analysis of national security situation and efficiency of the NSDS, should determine, in particular, the course of actions in crisis situations, which would combine political, military, economic, informational and other measures.

To create a unified system of strategic forecasting and planning of national security that would considered the NSDS as a single integral object, Ukraine has to create an appropriate legislative framework and introduce agreed amendments and additions to the laws "On Principles of National Security of Ukraine", "On the National Security and Defence Council of Ukraine", "On State Target Programs", "On State Forecasting and Elaboration of Programs of Economic and Social Development of Ukraine", the Budget Code of Ukraine, as well as to a number of subordinate regulations.

Evaluations of the NSS efficiency and, above all, of the NSDS effectiveness are rather critical because the state's ability to carry out its functions in the field of national security and defence heavily depend on the state and interaction of the Sector's subjects.

NSS efficiency is to be characterized by certain parameters, going beyond which indicates a deviation from the norm. Key indicators that can describe the condition and efficiency of NSS are:

- Indicators of the state of national security;
- Indicators of the NSS proper functioning efficiency and, above all, those of the NSDS.

Monitoring of national security requires the use of wide spectrum indicators that characterize virtually all of its aspects. The main objective of this monitoring is to detect critical values, going beyond which could have the devastating consequences to the person, society and state. Practice shows, that such monitoring is the most effective, when it is carried out electronically, employing special software. Thus there is a need to develop a unified methodology, which would make possible to compare indicators for each sector, find out relationship among them and develop appropriate forecasts.

Balanced national security and the NSS efficiency assessments system, permanent monitoring of national security are essential for the planning and forecasting of national security. They constitute the basis for determining national priorities and taking strategic decisions on national security.

The objectivity of assessments of national security situation and the NSS functioning efficiency, calculated on the basis of national procedures using state or departmental official statistics, can be verified by comparing them with similar figures, calculated by independent experts on the basis of opinion polls and expert estimates, as well as by the indicators developed by international organizations.

Today some of the provisions of this analytical report are used in the preparation and processing of such important public documents as a new draft Law of Ukraine "On Principles of National Security of Ukraine", the draft Law of Ukraine "On Planning in National Security and Defence Sector of Ukraine", the draft Regulation on the System of Indicators of the State of National Security of Ukraine, a draft National Intelligence Program and other strategic documents, the development of which involved experts of the National Institute for Strategic Studies.

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