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Policy Brief

Institute of World Policy, 2015

EUAM's First Year: Ambitions versus Reality

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The European Union Advisory Mission for Civilian Security Sector Reform (EUAM) has been operating in Ukraine for almost a year. This is the first mission under the EU's Common Security and Defence Policy (CSDP) sent to Ukraine, and the third mission of this kind in the post-Soviet area¹. For the first time Ukraine has become a beneficiary of the CSDP, before it only participated as a partner in the CSDP's missions around the world. The Mission is also unique given the fact that it was dispatched during the hot phase of the conflict, while the CSDP, according to the Lisbon Treaty, is a post-crisis tool².

EUAM at a glance	
Official start of operation	December 01, 2014
Mandate	Strategic consultation and coordinating donor assistance to SSR in Ukraine
Size	175 employees
Budget	13.1 mln euros for 2014-2015

Obviously, the duration of the EUAM's activity in Ukraine is too short to sum up its work. Nevertheless, we can already assess whether the Mission's mandate meets Ukraine's needs, if the cooperation of the Mission with Ukrainian partners is efficient and what is its potential for the future. Also, the Mission's mandate is being reviewed now by the EU Political and Security Committee, and this study is an analytical contribution by the civil society to this revision.

This policy brief is based on a series of interviews conducted with representatives of the Advisory Mission and its partners in Ukraine; in particular, with the Ministry of Internal Affairs, the Ministry of Justice, the Prosecutor General's Office, the State Penitentiary Service, the State Border Guard Service, the State

¹ Two other CSDP missions were sent to Georgia: the EU Rule of Law Mission (EUJUST Themis), in 2004-2005, and the EU Monitoring Mission (EUMM), since 2008 till now. In addition, the hybrid EU Border Assistance Mission to Moldova and Ukraine (EUBAM) operates on the Moldovan-Ukrainian border.

² Consolidated version of the Treaty on European Union, Article 43(1).

* The author expresses gratitude to all interlocutors who took their time for an interview. The arguments and analysis contained in this brief is the responsibility of the Institute of World Policy alone.

Fiscal Service, the Ministry of Foreign Affairs and the National Security and Defense Council. The Security Service of Ukraine has not responded to the request of the Institute of World Policy.

REFORMS FOR VICTORY

In regard of EU standards, the EUAM was approved and dispatched rather quickly. In March 2014, Andriy Deshchytsia, the then acting foreign minister of Ukraine, had raised the issue of a CSDP mission to Ukraine during a meeting of the “EU-Ukraine Group of Friends“, and in July the EU Foreign Affairs Council adopted a decision on the deployment of the EUAM. However, the events in Ukraine were developing even faster. While the idea of the mission had arisen during the illegal annexation of the Crimea by Russia, it was approved by Brussels when the anti-terrorist operation in the East was already running at full speed.

It may seem that the EUAM was a rapid EU response to Russia’s actions in Ukraine, but it is not exactly so. According to Ukraine's idea, the Mission was to monitor and carry out supervisory functions, similar to those which were later assumed by the OSCE on the border of temporarily occupied territories of Donetsk and Luhansk regions. In other words, the initial proposal of the official Kyiv was a regional and monitoring mission³.

Still, the presence of the EU mission in eastern Ukraine was not supported by all EU Member States as too provocative towards Russia⁴. Therefore, Sweden, Poland and Great Britain offered a compromise proposal, acceptable for all Member States: “yes” to the mission – but a) civil, not military; b) advisory, not monitoring or executive; c) with headquarters in Kyiv⁵.

The EUAM completely rules out its relation to the Russian-Ukrainian conflict. The idea of the Mission is much broader and concerns the reform of Ukraine’s civil security sector in general. Official documents, which regulate the activity of the Mission, characterize the current “Ukrainian crisis” partly as a consequence of the absence of such a reform, i.e. incapable security institutions.

This is clearly articulated in the Crisis Management Concept for Ukraine – a document which was prepared by a “field group” of EU experts as a basis for the political decision on the EU CSDP mission to Ukraine. Thus, the Concept stresses: “the crisis ... apart from the continued interference from Russia it is the product of a deeply dysfunctional and corrupt domestic government structure, including the law-enforcement agencies”⁶.

The Concept also emphasizes repeatedly the institutional incapacity of Ukrainian security agencies: “With little resistance, pro-Russian militant groups have seized control over local police, intelligence services and municipal buildings in the Eastern regions of Luhansk and Donetsk. [...] Ukrainian law enforcement agencies have proved unable to restore law and order”⁷; “The poor reliability of the law

³ Interview with a Ukrainian government’s representative, 30.09.2015

⁴ In off record conversations this thesis is confirmed both by Ukrainian and by EU diplomats

⁵ Interview in Ukraine’s Ministry of Foreign Affairs , 30.09.2015.

⁶ European Council. Crisis Management Concept in Ukraine. – 2014. – P. 3. Retrieved from <http://www.statewatch.org/news/2014/jun/eu-council-crisis-management-ukraine.pdf>

⁷ Idem, p. 4.

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enforcement agencies has been a major problem for the Government. The lack of effective command and control, and lack of loyalty to the Government, has resulted in an inappropriate response to the present crisis, significant instability and has undermined the rule of law. [...] According to acting President Oleksandr Turchynov, the security services in Donetsk and Luhansk Oblasts had failed to cope with the situation as a result of unprofessional approach or overt treason”⁸.

Theses about Ukrainian security institutions' incapability also made part of the official rhetoric of European officials. The Head of the Mission, Kalman Mizsei, in an interview with Radio Svoboda stated that the annexation of Crimea, inter alia, had demonstrated “tremendous weaknesses of critical parts of state functioning”⁹; and in an interview with “Evropeiska Pravda” he illustrated the inefficiency of law-enforcement agencies referring to the period of Maidan, “when they [*law-enforcement agencies – K.Z*] had no respect neither for human rights nor for quality of work”¹⁰.

In informal conversations the Mission's representatives recognize a single linkage with the Minsk process: the success of the security sector reform will ensure the sustainability of its results.

INSTITUTIONS FOR PEACE

It should be noted that the security sector reform (SSR) for Ukraine is not a spontaneous idea on behalf of the EU. The idea of civilian support for security sector emerged in the 1990's and was based on the international community's concern for developing countries cannot achieve sustainable because of conflicts and adverse security situation¹¹. In June 2000, at the European Council in Feira (Portugal), the EU has identified four priorities for its own civilian capability in crisis management (i.e. civilian component of the CSDP, at that time – the CESDP): support for the law-enforcement sector, support for the rule of law, support for civil administration and civil protection (European Council Conclusions in 2000, c. 23-24)¹².

Support for the security sector reform is also one of the main EU's activity areas defined in the European Security Strategy¹³. Finally, in 2005-2006, a number of documents justifying the EU's support for the SSR in third countries were elaborated in Brussels¹⁴. In practice, most civil CSDP missions are aimed at the SSR: increasing the capacity of police, border guards and security services (in Bosnia and Herzegovina, Macedonia, Kosovo, Afghanistan, the DRC and Georgia), and at the promotion

⁸ Idem, p. 6-7.

⁹ O. Removska. Interview with Kalman Mizsei for Radio Svoboda. 01.02.2015. Retrieved from <http://www.radiosvoboda.org/content/article/26822411.html>

¹⁰ S. Sydorenko «Changes must be radical. This is an issue of Ukraine's existance». – Evropeiska Pravda. – 29.08.2014. Retrieved from <http://www.eurointegration.com.ua/interview/2014/08/29/7025490/>

¹¹ Law D., Myshlovska O. The Evolution of the Concepts of Security Sector Reform and Security Sector Governance: the EU perspective. In: The EU and Security Sector Reform, Eds. David Spence and Philipp Fluri. – DCAF 2008. – p. 2.

¹² European Council. Conclusions of the Santa Maria da Feira (19-20 June 2000) . – Retrieved from http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/00200-r1.en0.htm.

¹³ European Security Strategy. A Secure Europe in a Better World. Brussels, 12.12.2003. – Retrieved from <http://www.consilium.europa.eu/uedocs/cmsupload/78367.pdf>

¹⁴ «EU Concept for ESDP support to Security Sector Reform», «A concept for European Community support for security sector reform» and «European Council Conclusions on a Policy Framework for Security Sector Reform».

of the rule of law and institutions that are designed to implement it (missions in Kosovo, Georgia, Aceh and Palestine)¹⁵.

The SSR is associated with the idea of state-building, which in turn is considered fundamental to prevention and resolution of conflicts by the international community. Theorists of international relations called this approach “state-building for peace”¹⁶. Although the state-building is a complex process which involves many different institutions, most researchers agree that the security institutions are the “alpha and omega” for a capable, and, especially, for a democratic state.¹⁷

MANDATE: MORE RESTRICTIONS THAN OPPORTUNITIES

At the beginning of its operation the Mission looked quite ambitious. The Concept of the Mission emphasizes that the EUAM’s geographic and functional overwhelming scale and its political nature are its unique advantage compared to other EU’s projects in Ukraine’s SSR: “There are presently no EU projects or programmes that deliver security sector assistance directly to areas outside the capital. [...] Presence beyond Kyiv would be a key comparative advantage compared with other SSR engagements of the international community. Equally there is no other project or program that can combine the political and technical aspects in the same way”¹⁸. Experts noted that the CSDP, unlike the European Commission’s technical assistance projects, is considered as a political tool giving the mission more political weight¹⁹.

The mission is led by Kalman Mizsei, a diplomat with solid experience in cooperation with post-Soviet institutions: he previously served as director of the UNDP’s Regional Bureau for Europe and the CIS, closely observed the reforms in Georgia and in 2007-2011 he was a Special Representative of the European Union to the Republic of Moldova, interacting with five target countries in the “5 + 2” format.

Still, the follow-up activity of the Mission revealed certain differences between the Mission’s ambitions and its real abilities and Ukrainian partners’ expectations from it.

Its own mandate became the first and probably the key challenge for the Mission. Since the Concept of the Mission was in constant transformation until its approval, the final mandate of the Mission was formulated without consultation with those who were its direct beneficiaries. Therefore, ministries and offices had different expectations from the EUAM, to which it was not always authorized to respond. Some public authorities, when speaking to the IWP’s expert, even expressed doubts about the fact that cooperation with them is, indeed, a priority for the Mission – given that the area of their activity does not correspond to the Mission’s mandate.

¹⁵ Dursun-Ozkanca, O., Vandemoortele A. The European Union and Security Sector Reform: current practices and challenges of implementation. – *European Security* 21:2. – 2012. – C. 140.

¹⁶ Bouris D. The European Union’s Role in the Palestinian Territory after the Oslo Accords: Stillborn State-Building. – *Journal of Contemporary European Research*. – Vol. 6., Issue 3. – 2010. – c. 377

¹⁷ *Idem*, p. 381.

¹⁸ European Council. Crisis Management Concept in Ukraine. – 2014. – P. 14. Retrieved from <http://www.statewatch.org/news/2014/jun/eu-council-crisis-management-ukraine.pdf>

¹⁹ Gourlay C. Civilian CSDP: a Tool for State-Building? In: *The Routledge Handbook of European Security*, Eds. Sven Biscop and Richard Whitman. – Routledge 2012. – p. 96.

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This can be partly explained by differences in the philosophy of the concept of security sector in the EU and the former Soviet Union. Thus, the concepts of “security sector”, despite the lexical identity, are not semantically identical in Ukrainian and English languages. While in the West the “security sector” is seen as law-enforcement agencies and agencies which ensure the rule of law (courts and prosecutors), the post-Soviet “security sector” above all means security services and the security of a state not of a citizen²⁰. Changing this perception is one of the expected outcomes of the EUAM’s work in Ukraine. It is no coincidence that in the EU they see as one of the key problems of Ukrainian security agencies the low level of population’s trust in them; and, respectively, they consider reforming of the security agencies as their task in order to increase this trust. The “discourse of trust” is constantly present in official documents related to the EUAM and in the rhetoric of its representatives. Thus, in the Mission’s Concept the word “trust” in regard of security structures occurs 11 times, and the slogan “Advising for trust” has become the motto of the Mission.

In turn, the practical part of the EUAM’s mandate was not clear to its partners in Ukraine. The mandate of the Mission dealt with strategic consulting and was defined quite broadly and vaguely:

- creation of a conceptual framework for the planning and implementation of reforms to ensure security and the rule of law, promote their legitimacy and increase the level of public confidence, considering human rights and according to the constitutional reforms process;
- reorganization and restructuring of law-enforcement and security services in a way that would allow to regain their control and public trust²¹.

In addition, the Concept of the Mission, besides counselling, determines its second “line of operation”: coordination of tools, projects and programs of the EU and other donors involved in the SSR in Ukraine²².

It is worth noting, that all ministries and agencies that are partners of the Mission in Ukraine, welcomed its arrival and reacted proactively to potential cooperation with it. However, the Mission’s counterparts in Ukraine almost unanimously agree that strategic consultation only is not enough for them. Thus, in the Ministry of Justice they expected that the EUAM would carry out general monitoring of the ministry’s work related to the implementation of the Action Plan on visa liberalization with the European Union²³. Many partner agencies emphasize the need for material and technical support that mission was not able to provide. Most Mission’s partners have ideas of specific projects in which they would wish to involve the EUAM, but the Mission was not ready for it. Moreover, sometimes for both the Mission and its partners it is difficult to draw a line where the “strategic” consulting ends and tactical, operational or technical counselling begins.

²⁰ Interview with a EUAM’s representative, 13.08.2015.

²¹ Council decision 2014/486/CFSP of 22 July 2014 on the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine), Art. 2.

²² European Council. Crisis Management Concept in Ukraine. – 2014. – P. 17. Retrieved from: <http://www.statewatch.org/news/2014/jun/eu-council-crisis-management-ukraine.pdf>

²³ Interview in the Ministry of Justice, 05.10.2015.

Most ministries and agencies that cooperate with the Mission point to successful cooperation in the areas which deal with strategic documents or legislation. Thus, the Mission has contributed to the development of the Concept and Strategy of reforming the Ministry of Internal Affairs, to the Concept of developing the State Border Guard Service by 2020, to drafting of a number of bills in cooperation with the National Security and Defense Council, the Ministry of Justice, the Ministry of Internal Affairs and the State Penitentiary Service. In the State Border Guard Service the EUAM advised on the production of communication and public relations strategy. In the State Border Guard Service they recognize that the need for quality communication skills became more critical during the hybrid war, when Russian border guards were quicker and more efficient when issuing messages on the situation on the Russian-Ukrainian border²⁴.

Still, in one of the institutions they said that, despite being introduced to the elaboration of a conceptual document, the EUAM did not contribute to the related action plan preparation, citing the lack of mandate. It was similar in the work with the Ministry of Internal Affairs: the Mission's experts participated in the development of important documents, such as the above-mentioned Concept and Strategy of reforming the Ministry of Internal Affairs, even before the official start of the EUAM. On the other hand, the Mission has not been involved in the patrol police reform, the "branded" and probably the most popular reform not only for law-enforcement agencies, but also for the entire post-revolutionary period in general. In the EUAM they explain it again by, inter alia, restrictions in their own powers²⁵.

Generally, the rhetoric and activities of the Mission are somewhat ambivalent. On the one hand, the Mission's representatives underline that they have no mandate to carry out project work and, on the other hand, they have already a number of examples of such activity today. So, the project of monitoring the competition for local prosecutor positions, exercised with the GPU, is an example of effective practical involvement of the EUAM. Another successful case is a joint experiment of the Lviv region police and the EUAM in the city of Sambir. In the Mission, it is informally referred to as one of the first year achievements. "Sambir experiment", indeed, is a project similar to the patrol police reform.

The Mission recognizes that the implementation of this project is successful by virtue of the initiative leader, on the one hand, and a relatively small project cost, on the other²⁶.

SPEEDING SLOWLY?

Now it seems that the Mission has become a hostage of the EU's rhetoric on the need of decisive and immediate reforms on one side, and of the European bureaucracy, which significantly slowed down its activities, on the other. It is no secret that the European Union urges Ukraine to carry out reforms. Accordingly, in Ukraine they expected that the Mission would be immediately ready to assist in their implementation. In addition, it is worth recalling that the moment of sending the Mission coincided with the time when special attention

²⁴ Interview in the State Border Guard Service, 08.10.2015.

²⁵ Interview with a EUAM's representative, 13.08.2015.

²⁶ Idem

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was focused on the EU in Ukraine: during Euromaidan the EU's passivity and reactivity led to its serious reputational losses in Ukraine²⁷ and the Mission was perceived in some circles as a long-awaited and decisive assistance step.

The Mission emphasized the urgency, too: in August 2014 Kalman Mizsei expressed an expectation that by the end of September the major part of the EUAM's team would have already settled in Ukraine and would have been ready to make recommendations to the Ukrainian government²⁸.

This hope has not been fulfilled: in off record conversations, representatives of the Mission recognize that they reached full operating capacity only in July 2015. As of August 2015 the EUAM had a number of administrative problems, such as a lack of a fixed telephone line and no registration plates for vehicles of the Mission²⁹. These problems obviously could not have global impact on the EUAM ability, but did not increase it either. According to the Mission's representatives, Ukrainian bureaucracy hinders their work. Thus, despite the initial operational capability on December 1, 2014, the mission was able to recruit local staff only after February 4, 2015, when the Parliament passed a law on the status of the EUAM³⁰. On the other hand, there was a similar situation with the filling of posts for non-native staff. Therefore, as of August 2015, in one of the units of strategic advisors the vacancy rate was 50%³¹. The Ukrainian side, in particular the Ministry of Foreign Affairs, insists that the Mission was provided with full assistance for the fast deployment even before the adoption in the Parliament of the law on the status of the Mission³².

Accusations of slowness are also heard from some Mission's partners in Ukraine. Thus, one of the ministries complained that they had been waiting for three months for the arrival of an expert who was to develop recommendations for the government plan. There they also noted a lack of responsiveness that characterizes cooperation of the ministry and the Mission in bills preparation. The officials believe that this is so because the Mission has no mechanism for rapid response and it needs to coordinate its actions with Brussels.

Some interlocutors highlighted the lack of initiative on the part of the Mission in regard of cooperation areas. They also noted that the practical work with the Mission had not shown differences between it and any other project of the European Union. By the way, some EUAM's counterparts who are also beneficiaries of the TWINNING project "Support to Justice Sector Reforms in Ukraine", carried out by the European Commission, acknowledged that in terms of cooperation with the EU this project is the priority for them.

A senior official of one of security agencies noted the great symbolic importance of the Mission, comparing its presence to "synchronizing" with the EU in regard of the security reform. Even so,

²⁷ A. Getmanchuk, S. Solodkyy. A call for the EU — time to step in. Ukraine's expectations from the European Union. – The Institute of World Policy, 2014. – p. 4.

²⁸ S. Sydorenko «Changes must be radical. This is an issue of Ukraine's existence». – Evropeiska Pravda. – 29.08.2014. Retrieved from <http://www.eurointegration.com.ua/interview/2014/08/29/7025490/>

²⁹ Interview with a EUAM's representative, 13.08.2015.

³⁰ Y. Sheiko. Ukraine's police reform to meet EU's standards: could we expect a success? – Deutsche welle. – 06.02.2015.

³¹ Interview with a EUAM's representative, 08.08.2015. Overall, as of August 2015 EUAM was 80-85% staff full.

³² Interview in the Ministry of Foreign Affairs, 30.09.2015.

he confirmed that for his ministry the Mission did not become the “one stop shop” for cooperation with the EU concerning the SSR: the requests, which the Mission is not able to respond to, the authority communicates directly to Brussels.

At the same time, a reverse situation happened in another ministry: they recognized that the EUAM became their tool for political dialogue with Brussels at the middle level.

Ukrainian partners of the Mission also expressed a view that the Mission’s experts, despite their high level of professionalism, lack understanding of Ukrainian realities and of how the political environment works. In the Mission they also admit that the post-Soviet vertical power structure of the security sector, coupled with corruption-criminal schemes piled up during the period of independence, are fundamentally different from the institutional environment familiar to the Mission’s experts. Nevertheless, the EUAM noted that they saw a great added value of their involvement in the areas where the procedures were to be built from scratch, for example, in HR management³³.

In one of security agencies they suggested that the Mission’s team could be strengthened by experts from Central and Eastern Europe and from Baltic states, because it would be easier for them to understand Ukrainian realities. Interestingly, the State Penitentiary Service appeared to be the public body which unconditionally approved the Mission’s assistance. They explain the successful cooperation with the Mission (joint preparation and registration of three bills in the Parliament) by the fact that the EUAM’s expert, a Ukrainian, not only has the necessary professional expertise, but also is a member of the Public Council at the SPS³⁴.

Communications are one more gap in the EUAM’s performance. Thus, until June 2015 the Mission did not have its own website. The Mission has not been PR-active through events, printed materials, and media projects. In general, a low visibility is typical for the CSDP missions in the post-Soviet area. However, the downside of this non-publicity is that the EU loses its image because of misunderstanding of the Mission’s objectives and nature by the public. Thus, a recent sociological study commissioned by the EUAM has shown that the Mission is the least known among all other international organizations present in Ukraine. Only 30% of respondents knew the name of the Mission, while 11% could name examples of the Mission’s activity in Ukraine (not always correctly). Overall, the study has found that the Mission is often confused with the EU’s efforts in Ukraine generally, although general understanding of the work of EUAM has increased compared to previous surveys³⁵.

³³ Interview with a EUAM’s representative, 13.08.2015.

³⁴ Interview in the State Penitentiary Service, 06.10.15.

³⁵ Information provided by the PPIO of the EUAM, 10.10.2015.

RECOMMENDATIONS

The EUAM is largely aware of their own restrictions and has already informed Brussels about the need for changes to the Mission's mandate. Representatives of the Mission underline that their effective work depends not only on the mandate but on the budget as well.

For its part, the EUAM laments the lack of a single coordinating body (for example, the National Security and Defense Council or a Deputy Prime Minister for European Integration), which would facilitate the Mission's cooperation with Ukrainian security ministries and agencies. In the Mission they also mention that the dependence of the political process on personalities prevents sustainable cooperation when these personalities change frequently. The Mission's representatives emphasize the need for speedy reform of the civil service and building up a comprehensive approach to the SSR, which, according to the Mission's experts, currently does not exist in ministries and offices in charge. They also criticize the recently adopted National Security Strategy as one that does not pay enough attention to civilian aspects of the security sector³⁶.

As a result, the following recommendations can be formulated to increase the Mission's efficiency.

For the Political and Security Committee:

1. Extend the EUAM's mandate in order to allow running projects, trainings; joint implementation based on the Mission's advice; monitoring functions; provision of possible material and technical assistance etc.
2. Review the Mission's budget in accordance with the extended mandate.
3. Open Mission's offices in regions. Although the Concept of the Mission emphasizes that it covers all the regions, the EUAM has not opened any regional representative offices yet. The EUAM often pay visits to regions, but a local office provides plenty of advantages, particularly in terms of contacts, building trust with local authorities, synergy effect with local efforts, and so on. However, Ukrainian partners of the Mission do not hide that its involvement is most expected in the regions, especially in the East. Thus, the Ukrainian side counts on support in rebuilding the security sector in the Donetsk and Luhansk regions, using them as a kind of "change proving ground" in the Ukrainian security sector.
4. Consider possible involvement of experts with the SSR experience in the post-Soviet area in the Mission's work.

³⁶ Interview with a EUAM's representative, 08.10.2015.

For the EUAM:

- enhance public communication in order to explain Mission's objectives and activities and the need for the SSR in general, through the work with NGOs, media, publishing reports on its activities, participation in public events etc.

For the Ukrainian government:

- appoint a coordinator of cooperation between the Ukrainian ministries and offices and the EUAM.

For the Verkhovna Rada of Ukraine:

- adopt and implement the Law on civil service.

For Ukrainian ministries and offices – counterparts of the EUAM:

- use actively the EUAM's function of donor assistance coordination for resource needs.