

## **Civilian democratic control of the security sector**

Duncan Hiscock, ICPS, 13 October 2006

### **A speech made by ICPS international consultant Duncan Hiscock at the international conference called “Intensified Ukraine–NATO Cooperation: Challenges and Benefits of Accession to the Membership Action Plan.”**

In the past few years I have closely followed the question of civilian democratic control of the security sector in the post-Soviet area. In recent years, the topic of civilian democratic control has gained increasing attention across the post-Soviet space, in response to the ongoing process of transition, the changing needs of the security sector in the new security environment that we face together in the 21<sup>st</sup> century, and in many cases, closer cooperation with NATO and a desire to learn from Western experiences about efficient management of security institutions in democratic conditions. Nonetheless, I have to say that in many cases I’ve come away with the feeling that discussions about civilian or democratic control of the security sector have often been more about form than content. That is – many officials, both civilian and military, and even many non-government representatives, recognize that civilian control of the security sector is important in theory – but remain skeptical about how appropriate or realistic it is in practice in the post-Soviet context. There are several reasons for this. There are well-justified fears that civilians are not ‘professionals’ and do not understand the complexities of security issues. There are equally well-justified fears about the scale of the reform process that is needed, and the difficulties of implementing such reforms. In some countries, there are also concerns (usually privately expressed) about the overall standard of democratic governance in the country, and the improbability of achieving a higher standard of governance in the security sector than exists in other spheres.

Some of these concerns have undoubtedly been raised in Ukraine as well. However, it does seem to me that Ukraine has made considerable progress in this area in recent years. This is partly because of Ukraine’s strong relationship with NATO, and the priority that Ukraine places on implementing its commitments under its annual target plans. However, it is also because of the democratic changes within the country and the increased understanding of both the public and the government that democracy is not just about elections – it is about the whole way in which every sphere of the state is governed.

Just from a quick glance at the NATO-Ukraine annual plans, it’s easy to list some of the achievements of recent years in the field of democratic civilian control: there is a Law on Democratic Civilian Control over the Military Organisation and Law-Enforcement Authorities; the Ministry of Defence has made great efforts to change the ratio of civilian to military personnel in the ministry (which now stands at 76%:24%); it has published the first White Paper on Defence, and made a commitment to updating the paper every year; it has released a public report on its activities which is easily accessible on the internet; many security institutions have established public councils (громадські ради) allowing for regular contact with non-governmental representatives; there is a Joint Working Group on Defence Reform programme for Professional Development of Civilian Personnel; and just recently we saw the signing of a Letter of Intent for Nations expressing their Support for the NATO-Ukraine Partnership Network for Civil Society Expertise Development, and the inauguration of the NATO-Ukraine Working Group on Civil and Democratic Control of the Intelligence Sector.

So certainly, a lot has changed, and this has to be recognized and applauded. I don’t want to paint too rosy a picture, however. I don’t think we are in a position yet where we can afford to rest on our laurels. It seems to me that we are still at the beginning of a very major process that is still far from securing the final goal: a security sector that is truly democratic, efficient, and adequate to modern challenges that has the support and engagement of the vast majority of Ukrainian citizens. In this regard I would like to make three main points.

### **1. The real test of democratic governance is substance not structure**

I said earlier that I have often had the feeling that discussions about democratic governance have often been more about form than content. By this I mean that I have often suspected that people assume that all is necessary is to put everything in the right order, create the right structures, and pass the right laws – and that's it, job done, regardless of how well these structures work. I'm not quite sure whether this is the case in Ukraine as well, possibly not, but we are certainly not at a stage where we can state that the quality of democratic governance is sufficient.

This is not meant as an accusation against anyone in particular; rather it is a recognition that improving the quality of democratic governance is an extremely long-term process. And it is a process that affects not only the security sector, but the whole Ukrainian state. As ICPS's former Director, Vira Nanivska, likes to say, Ukraine has learned how to hold elections democratically, but it is only just beginning to learn how to govern democratically. By and large, officials have continued to operate in a Soviet fashion, not because they think it's the best way to do things but because it's the only way they know. Only now, when we have a more democratic system, a free press and a multitude of competing interests, has the total inadequacy of this approach become clear; but learning how to make policy and implement decisions in an inclusive fashion, how to take account of different interests and opinions, how to explain and justify official decisions to the public – all this will take time to learn.

If this is true of the whole state, it is probably even truer in the security sector, where 'national security' was always considered a matter for professionals only and a culture of secrecy reigned. Progress is being made, certainly. One good example is the practice of 'public councils', where non-governmental representatives have a regular opportunity to discuss matters of concern at a high level. But it is too early to say that these councils, or any other measures, have led to a qualitative change in the way policies and decisions are made and implemented – my own personal fear is that these councils may simply turn into talking shops which create the illusion of consultation but have little real influence. It is also too early to say that the structural changes that we are seeing in various ministries and agencies has yet led to a real change of *culture*, where the relationship between professionals and civilians is infused with a different attitude and is of a much greater quality. For example, I see little real evidence of a change in the largely hostile relationship between the public and the police.

### **2. Democratic governance of the security sector is not only about the military**

This brings me on to my second point, which is that security sector reform, and democratic governance, is not simply about the military, and civil-military relations. I still sense a gulf in perceptions between the very broad conceptions of the security sector that are now fashionable in the West, and the more traditional approach that security is solely the domain of the so-called 'power ministries', the 'силовики'. I have the impression that the lion's share of attention has been focused on civilian democratic control of the armed forces, in areas such as the ratio of civilian to military staff in the Ministry of Defence, the training of civilian personnel and improvements in the way that the MOD handles public relations. These are all vitally important, and I do not want in any way to undermine these positive tendencies. My point is that by and large, the speed and scale of change that we have seen in the MOD is not being matched other parts of the security sector, including the police, the judicial system, the intelligence services, the border guard services, etc. I am not saying that *nothing* has changed in these institutions – but it would be difficult to say that there is a clear trend towards greater democratic governance, greater civilian control and oversight, or improved public engagement and consultation in policy- and decision-making.

### **3. Attempts to improve democratic governance are not systematic**

This is at the heart of my third point, which is that we are still a long way away from a situation in which security sector reform is systematic and coordinated across the whole of government. The degree of transparency and engagement in matters of democratic civilian governance seems to depend in large part on the personal commitment of the minister in question. To my mind, it is no

coincidence that the agency that has made the greatest strides in improving its democratic governance in the past couple of years – the Ministry of Defence – is headed by a minister who has considerable experience of working in a civil society organization.

But the level of democratic governance in each ministry should not be dependent on the personality or experience of the minister in charge – it should be institutionalized and systematized, so that the same mechanisms are second nature regardless of who sits in the top seat. Again, this is not a cause for despair – it is a process that is always going to take a considerable amount of time – but there is certainly no room for complacency: embedding and institutionalizing these reforms will take persistent political will, which needs to be coordinated at the highest level. If reforms are dependent only on particular ministers, then they could easily fail if the minister departs.

Over the last couple of years, however, security sector reform has not been approached by the government in a coordinated fashion. The body that would seem most naturally suited to take on this coordination role, the National Security and Defence Council, has not generally done so. It is unclear whether this will change now that the NSDC has a new secretary, but a danger remains that the NSDC will be more concerned with other issues, and the security sector reform process will continue to be piecemeal and uncoordinated.

If security sector reform does not become more effectively coordinated, and is not backed by the political will and shared vision of the President, the Prime Minister and all of the key ministries, then I think we will see current trends continue. By this I mean that we will continue to see some progress in terms of democratic governance of the security sector, but the process will be slow and jumpy. Good civilian governance has the potential both to strengthen democracy and to improve the effectiveness of the security sector. If progress is slow, the main loser would not be NATO, or even Ukraine's bid for closer integration with NATO, but the Ukrainian state and the Ukrainian people.