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# Ukraine's Security Service, SBU; Security Sector Reform, SSR in the post-Soviet bloc and role in Eastern European Security

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Abstract: This paper is derived from a case study of Ukraine's Security Service (Служба безпеки України, СБУ). Through a comprehensive examination of Security Sector Reform, this paper will discuss its functionalities and aims in the intelligence and security services of Ukraine in the post-Soviet environment between 2014–2022. In addition, it examines the debates surrounding the Ukraine's Security Service 's role and re-integration in modern Eastern European security.

Keywords: Security Sector Reform, Intelligence services, Ukraine's Security Service

#### Introduction

To facilitate the broader discussion of Ukraine's discourse on independence and security, it is necessary to acknowledge the inception and history of Ukraine's intelligence and security sector in order to interpret the country's sphere and scope in the face of conflict. This paper focuses on the emergence of Ukraine's intelligence and security sector following the dissolution of the Soviet Union, and analyses the specific roles of the Security Sector Reform (SSR), and Security Sector Governance (SSG), provided by the Geneva Centre for Democratic Control of Armed Forces (DCAF): SSR Backgrounder Series. Furthermore, this paper outlines the predatory control of its Soviet counterpart and discusses how it caused delays in the SBU's path to reform. This paper argues that sustainable security cannot be achieved in absence of an ethical and effective framework, one that would promote good governance, parliamentary supervision and transparency to serve the best interest of Ukraine and its civilians. Without such a framework, this paper posits that pre-existing vulnerabilities will pose as a greater risk to Ukraine's sovereignty. Therefore, it is important to analyse SBU's long path to modernisation, as it provides an effective example for assessing the challenges and vulnerabilities in both the SBU's past and transitional period towards reconstructing stability and integration of international standards.

#### Political Unrest in Ukraine

Although NATO established relations with Ukraine in 1992<sup>228</sup>, the country's membership has remained uncertain. This is in part due to the levels of internal corruption; the later part of the nineties served as a prelude to future political unrest in Ukraine. Previously, the government remained pressured to function under the principles of Russian influence. However, an increasing number of Ukrainians sought a more sustainable approach

<sup>&</sup>lt;sup>228</sup> NPR.org. "Russia's at War with Ukraine. Here's How We Got Here." Accessed July 20, 2022. https://www.npr.org/2022/02/12/1080205477/history-ukraine-russia.

to government, politics and economics as proscribed in the West. Additionally, ethnic and cultural divides have persisted between those in the West, who generally subscribe to the ideals of European liberalism, and those in the East, who continued to follow Russian cultural ideals. To further illustrate this disparity, eastern Ukraine contains a predominantly Russian-speaking population in the Donbas region, where the residents identify themselves as ethnically Russian. The mounting divisions between western and eastern Ukraine, supplemented by the security sector and the government's past, have contributed to the internal conflicts currently witnessed in Ukraine.

# The Orange Revolution

As the Ukrainian people sought democratic change, a political crisis struck. The Presidential election of 2004, serving as a prime example of corruption and election fraud, set the stage for Ukraine's ongoing revolution. Outlining the country's political divide, pro-Western candidate Viktor Yushchenko's loss against East-leaning candidate and former governor to Ukraine's Eastern Province Viktor Yanukovych gave room for speculation among the Ukrainian people. Following the results of the presidential election, thousands of Ukrainians flooded Kyiv's Independence Square to protest. In response, Ukraine's Parliament, the Verkhovna Rada, called for a recount of the votes. However, efforts were initially thwarted when Yushchenko mysteriously fell ill and became disfigured. Despite confirmation from doctors that he was poisoned with dioxin, the Kremlin-backed Yanukovych insisted he won the election. However, massive protests followed as evidence emerged that the election was rigged and calls for a recount ensued - referred to as the Orange Revolution. Following a third vote, Yushchenko this time triumphed as president and Yulia Tymoshenko as prime minister. Additionally in 2008, both Yushchenko and Tymoshenko would take steps towards NATO's membership action plan."229 However, these efforts were

<sup>229</sup> NPR.org. "Russia's at War with Ukraine. Here's How We Got Here."

short-lived, when later Yanukovych would take steps to fortify ties with Russia, and obstruct further relations with the West.

Despite Tymoshenko's popularity as prime minister and leader of the Orange Revolution, she lost to her opponent Viktor Yanukovych in Ukraine's 2010 election. The election once again caused concern over the legitimacy of Ukraine's ballot system, as Yanukovch won under suspicious circumstances. <sup>230</sup>In either case, the elections illustrated the ensuing divide between the west and east – with the West in favour of Tymoshenko and the East in favour of the Putin-supported incumbent. Moreover, efforts previously initiated by former President Yushchenko to orientate Ukraine with the West, by initiating the process to join the European Union (EU) were undermined by Yanukovych. NPR reports, "Just days before it is to be signed, Yanukovych refused to sign. <sup>231</sup>

# Ukraine's Revolution of Dignity

In response to Yanukovych's delay in signing the European Association Agreement, protests erupted in Kyiv November 31<sup>st</sup>, triggering what would become known as the Euromaidan movement<sup>232</sup> Law enforcement responded by brutally attacking peaceful demonstrators, many of which were young students. This further ignited the protests which quickly grew to become a massive movement against the government's tyrannical actions.<sup>233</sup> Despite harsh sub-zero temperatures, violence continued into 2014. On January 16th the Ukrainian government passed anti-protests laws, and later dispatched military units to attack demonstrators. In addition, the SBU was assisted by Russian intel during the conflict.<sup>234</sup> Yanukovych's efforts to fortify ties with Russia enabled Russian intelligence to infiltrate Ukraine's security sector. After enduring two revolutions in

<sup>&</sup>lt;sup>230</sup> Ibid.

<sup>&</sup>lt;sup>231</sup> Ibid.

 $<sup>^{232}\,</sup>$  "Ukraine's Revolution of Dignity: The Dynamics of Euromaidan." Journal of Eurasian Studies 7, no. 1 (January 1, 2016): 85–91.

<sup>&</sup>lt;sup>233</sup> Ibid.

<sup>&</sup>lt;sup>234</sup> Ibid.

a matter of 10 years, the Verkhovna Rada committee put into motion the removal of Yanukovych from the presidential post of Ukraine on February 22nd 2014. However, Yanukovych refused to resign from his position, and later abandoned the capital. Following Yanukovych dismissal, a new round of elections followed. In May of 2014 Petro Poroshenko<sup>235</sup> was inaugurated as the new president. Shortly after, Poroshenko resumed talks with the EU and signed the EU's Association Agreement June 27, 2014, signalling progress in reorientating Ukraine towards the West.

Nevertheless, the damage under Yanukovych's leadership has been longstanding. After, Yanukovych was driven from power by violent protests, Russian-backed separatist seized the opportunity to take control of Crimea, which has a Russian speaking majority. A referendum was quickly held, with supposedly 97% of voters favouring to join Russia, regarded both by Ukraine and the West as illegal.<sup>236</sup> With the eventual annexation of Crimea, Ukraine's territorial sovereignty became further subjected to distortion by Russian influence. Not only did Russia now have a military base in Ukraine, but direct access to the SBU, who was directly connected with the military base. A the crisis continued on the world stage, the SBU's actions were less than productive. The government of Ukraine was exploited and corrupted at all levels, contributing to the security sector's failure to mitigate and intervene in the crisis.<sup>237</sup> Additionally, the prolonged conflict had greatly changed the way civilians perceived their government and national identity. As time passed, the rise in conflict and corruption had imposed a leverage of dependency on Russia; however, this link impacted Ukrainian society horribly.

The people of Ukraine did not see any willingness from the president or government to provide substantive solutions, resulting in waves of resistance, with no indications to modernise and incurring major economic losses. The civil resistance was fuelled, not only by the policies that provided no future and trust in the judicial system, but also to the violence imposed by

<sup>&</sup>lt;sup>235</sup> NPR.org. "Russia's at War with Ukraine. Here's How We Got Here."

<sup>236</sup> Ibid.

<sup>&</sup>lt;sup>237</sup> "Ukraine's Revolution of Dignity: The Dynamics of Euromaidan." *Journal of Eurasian Studies* 7, no. 1 (January 1, 2016): 85–91.

<sup>&</sup>lt;sup>238</sup> Ibid.

the government's authoritative power. Additionally what we can observe from Ukraine's Orange Revolution (2004 to 2014) is the dissident and unwilling release projected by Soviet rule. Russia's exertion of control over Ukraine has been outlined throughout history. As security forces were instructed to release fire on civilians, the recurring aggression resulted in thousands of Ukrainians being killed, injured and displaced.

However, reforming the security sector and special services of Ukraine would be subject to delay. Recurrently Russia's deliberative actions intercepted democratic influence in the former Soviet Republics. Russia's profuse force, supplemented by the SBU's course of action and unconventional practice would produce a familiar set of repercussions to Ukrainian society. The SBU's structure at the time allowed for various points of vulnerability of Russian infiltration, Thus, to understand the failure of the Ukrainian government to secure and preserve Ukraine's sovereignty, it is necessary to focus on Russia's malintent disguised behind the security sector. The lack of transparency, accountability, and violations to human rights, supplemented by the failure to mitigate coindicate the profuse level of Russian control, exploiting Ukraine's security sector as a medium for countering Western influence.

# Intelligence Services: Diametric Approach in the post-Soviet Bloc

An often overlooked facet of state intelligence and security services is the consequences of the transition from the Soviet stronghold in Eastern Europe. Leonid Polyakov in his work, *On Integrity of Intelligence of Eastern Europe* argues, argues "In this environment a common feature of the transition process is the general lack of integrity. Not surprisingly, instead of serving as a guardian against corrupt practices in government, they turn into a major conduit of political and economic corruption".<sup>239</sup>

<sup>&</sup>lt;sup>239</sup> Polyakov, Leonid. "On Integrity of Intelligence in Countries of Eastern Europe." *Information & Amp; Security: An International Journal* 30, no. 1 (2013): 55–63. https://doi.org/http://dx.doi.org/10.11610/isij.3005.

During Ukraine's Orange Revolution, the sitting leadership's lack of integrity allowed influential Russian corruption to penetrate Ukraine's government. During the turbulent period of the Orange Revolution, the government was incapable of serving as the guardian of Ukrainian society. The police who followed the government's orders to brutally attack demonstrators, the parliament who allowed the president to increase in his autocratic power, and the military members who repeatedly assaulted the populace, all failed the people of Ukraine.

Preliminary efforts for reform were made but of course not substantial; the security sector contained critical flaws that made it impossible to sustainably build upon. An entirely new foundation had to be laid if Ukraine wanted to defuse the pitfalls dug in their Soviet past which "increasingly amplified ... their own legacy of ineffective governance and high level of corruption".<sup>240</sup> By consequence of these constraints, Ukraine's transitional period towards democracy would be set back by the security sectors' lack of legitimacy and efficacy. Additionally, Polyakov's study outlines that countries experienced internal conflict as a consequence of its foundation. He asserts:

Regional conflicts had a rather corrosive impact on defence and security sectors integrity delaying their democratization: loosening control over financial and other resources, increasing secrecy and limiting oversight. These developments contributed to the weakening of the early prospects for stable and secure societies and the rapid growth of criminality and corruption.<sup>241</sup>

Emanating from the paradigm of abusive security, Ukraine would re-emerge in the crosshairs of national and international conflict.

<sup>&</sup>lt;sup>240</sup> Polyakov, "On Integrity of Intelligence in Countries of Eastern Europe." 55-63.

<sup>241</sup> Ibid.

# Ukraine's Security Service, SBU

Though Ukraine would enter into a new chapter of independence, intelligence agencies emerging in post-Soviet Ukraine would face a myriad of complications stemming from their failure to properly establish and develop modernised systems of security. However, on March 25, 1992, the Law on the Security Service of Ukraine<sup>242</sup> was adopted by the Rada and marked the establishment of the SBU. Following the inception of the SBU, its main range of activities included the creation of, "units responsible for intelligence and counterintelligence, protection of statehood and counterterrorism activities. Military counterintelligence, fighting corruption and organised crime, government communications and special unit A". 243 However, its formation from the onset faced shortcomings. The SBU adopted a framework that imitated the role it has served in the intelligence systems of the USSR, and infrastructure that lacked centralised control. Due to the SBU's overlapping scope of power and limited oversight, it found itself unlawfully involved in the Orange Revolution, the Revolution of Dignity and annexation of Crimea.

An interim report recently conducted by Philipp Fluri and Leonid Polyakov on *Intelligence and Security Services Reform and Oversight in Ukraine*, also attests the SBU's long path to reform. In the report, they argue that SBU's delays in reform was a result of:

being held hostage to the pace of political developments in Ukraine. Weak parliamentary control (inability to create an intelligence committee in the parliament) complicated system of executive control-all contributed to problems with intelligence budgets, delays upon delays in SSU reforms, agencies' leadership reshuffles, and limited cooperation with foreign partners from democratic countries.<sup>244</sup>

<sup>&</sup>lt;sup>242</sup> SSU. "SSU." Accessed July 12, 2022. https://ssu.gov.ua/istoriia-ssu.

<sup>243</sup> Ibid.

<sup>&</sup>lt;sup>244</sup> Fluri, Philipp, Leonid Polyakov, Leonid Polyakov, and Leonid Polyakov. "Intelligence and Security Services Reform and Oversight in Ukraine – An Interim Report." *Connections: The Quarterly Journal* 20, no. 1 (2021): 51–59. https://doi.org/https://doi.org/10.11610/Connections.20.1.03.

The major distortions of the SBU was due to the lack of transparency in the service's operations and activities and avoidance of further international cooperation. However, Fluri and Polyakov argue that the concept of reforming the SBU already began to take place between 2005-2009 and more specifically "during the years of the Ukraine-NATO joint Working Group on Defence Reform". Seven years later in 2016 a permanent international group was implemented, and NATO standards for SBU reform were drafted. The following year President Poroshenko would announce a reform of the SBU, which included separating law enforcement from their responsibilities; however, this restructuring would be delayed until 2020.

Later in 2021, the Atlantic Council's Eurasia Center in Washington D.C gathered to discuss the process of reform: *Securing the Home Front, SBU reform in Ukraine* that included MP's of Ukraine's Verkhovna Rada, and Oleksandr Danylyuk, Chair of the Centre for Defence Reform. During the discussion, they noted how, "[the SBU] participate in multiple processes in the country in all spheres of life, political life, economic life, and many people who observe the SBU from the outside do not understand the real role of this institution". This often led to the wide misinterpretation of the SBU's compass of control, which persisted for thirty years. The SBU continued to foster an environment susceptible to risks in the context of national and international security. Various officials and scholars therefore emphasized that the only way to truly have freedom in Ukraine was by changing the SBU from the inside out. Additionally Danylyuk stressed that change could not be forced from the outside, but rather reform needed to be implemented to induce any change.

# Defining the role of Security Sector Reform, SSR

The precedent for sustainable intelligence and security cannot be met without the role of good governance and reform. The medium for interpreting

<sup>245</sup> Ibid.

<sup>&</sup>lt;sup>246</sup> Securing the Home Front: SBU Reform in Ukraine. Accessed July 12, 2022. https://www.youtube.com/watch?v=RwsYzheoTfl.

the role of Security Sector Governance (SSG) and Security Sector Reform (SSR) is made available by DCAF; SSR Backgrounder on Security Sector Reform - Applying the principles of good governance to the Security Sector. According to DCAF, SSG "describes how the principles of good governance apply to security provision, management and oversight by state and nonstate actors". 247 In a similar manner, the SSR is defined as "the political and technical process of improving state and human security by applying the principles of good governance to the security sector". 248 Taken together, they represent the intersection of ethical practices in intelligence and human security. Thus, resulting in the connection between security and society. SSR's area of concern ranges from the responsibilities to the outcomes of interagency practice. As such, the internal practice of the security sector is mirrored in the country's political, economic, and cultural sphere. With this in mind, the security sector's ability to produce considerable impact on the integrity of Ukraine, is made clear. DCAF additionally notes that "a security sector which is not effective cannot deliver security, while a security sector that is not accountable endangers both the population and the state"249. There are various reasons for reforming the SBU, a list has been adapted to the DCAF's SSR Backgrounder criteria below:

- Inability to provide state and human security;
- Limited oversight, increasing risks for corruption;
- Lack of accountability and transparency;
- Abuse and overlap of power;
- Inability to prioritise the interests of civilians;
- Fostering violence in society;
- Impeding economic, political and social development <sup>250</sup>
- Additionally situational trends that call for SSR have been listed below:
- Reforms to the political system;

<sup>&</sup>lt;sup>247</sup> "Security Sector Reform: Applying the Principles of Good Governance to the Security Sector | DCAF – Geneva Centre for Security Sector Governance." Accessed July 12, 2022. https://www.dcaf.ch/security-sector-reform-applying-principles-good-governance-security-sector-0.

<sup>&</sup>lt;sup>248</sup> "Security Sector Reform: Applying the Principles of Good Governance to the Security Sector | DCAF – Geneva Centre for Security Sector Governance." 1-10

<sup>&</sup>lt;sup>249</sup> Ibid.

<sup>&</sup>lt;sup>250</sup> Ibid.

- Transitional justice processes;
- Peace processes;
- Disarmament, demobilization and reintegration (DDR) programmes;
- National development plans and poverty reduction strategies;
- Public financial management reforms;
- Rule of law reforms;
- National security-policy-making. <sup>251</sup>

When considered from the perspective of DCAF, this application employs the medium of transparency, legitimacy, and accountability. Thus, the degree for assessing proposed suggestions for reform are made possible through the applicable framework.

# SSR, and Intelligence Services

To foster the discussion of Intelligence in the security sector of Ukraine, this section of research will employ the previously discussed framework and will introduce a comprehensive description to intelligence services in security and society. Thus, receding from the context of intelligence in post-Soviet Ukraine, the functions and operations of Intelligence contribute to the protection of national security and the best interest of civilians. Providing the means for discussing the framework of intelligence services is DCAF – Geneva's Centre for Security Sector Governance, SSR Backgrounder Series on *Intelligence Oversight*. Intelligence services participate in a wide range of tasks, which include providing critical information necessary to the formulation of informed counter measures for deterring threats. Additionally intelligence analysis aide the political infrastructure provided below:

- Defining national interests;
- Developing coherent national security and military strategies and adequate security policy;

<sup>251 &</sup>quot;Security Sector Reform: Applying the Principles of Good Governance to the Security Sector | DCAF – Geneva Centre for Security Sector Governance." 1-10

- Determining the mission, doctrine and strategies of the armed forces and other security institutions;
- Preparing for and responding to national crises;
- Preparing for and prevent threats to the state and its population (CT).<sup>252</sup>

However, it is imperative to call attention to the SBU's abuse of power in law enforcement, as DCAF notes, "undemocratic governments often provide intelligence services with extensive law enforcement authority to strengthen capacities for political repression". These leverages of power would contribute to the SBU being linked to crimes committed in the previously documented revolutions, and abuse of human rights. Thus it is necessary to distinguish the role of intelligence as a proactive response to threat and law enforcement as a reactive response.

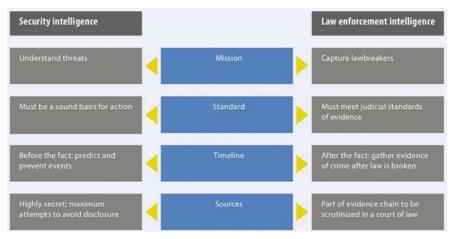


Figure 1. Intelligence for security versus intelligence for law enforcement

Source: DCAF — Geneva Centre for Security Sector Governance. "Security Sector Reform: Applying the Principles of Good Governance to the Security Sector."

<sup>&</sup>lt;sup>252</sup> "Intelligence Oversight: Ensuring Accountable Intelligence within a Framework of Democratic Governance | DCAF – Geneva Centre for Security Sector Governance." Accessed July 11, 2022. https://www.dcaf.ch/intelligence-oversight-ensuring-accountable-intelligence-within-framework-democratic-governance.

<sup>&</sup>lt;sup>253</sup> Ibid.

Moreover, an essential element of SSG in intelligence services are outlined in the principles below:

- Being accountable to democratically chosen authorities that oversee all elements of the intelligence process;
- Being transparent within a system of democratic oversight that protects sensitive information while serving the public interest in disclosure;
- Being respectful of human rights and the rule of law within an explicit legal framework;
- Being Inclusive and implementing non-discriminatory, gender-responsive policies and procedures in both their operations and administration;
- Fulfilling their mandate for state and human security;
- Being efficient in meeting public policy objectives while making the best possible use of public resources.<sup>254</sup>

In absence of the above listed principles, intelligence services are antithetical in practice and have the potential to produce unfavourable tendencies in their lack of good governance, in particular:

- Insufficient oversight of which undermines intelligence services' credibility and legitimacy;
- Excessive secrecy that creates opportunities for abuse that endanger state and human security;
- Illegal activity that jeopardises state and human security, which intelligence services are bound to protect;
- Exclusive intelligence services that may be inclined to suppress parts
  of the population, or may lack access diverging perspectives;
- Politicized intelligence that is ineffective because it neglects existing and future security threats in favour of the immediate political concerns of the government;
- Inefficient intelligence services that waste resources or fail to account for their use.<sup>255</sup>

<sup>&</sup>lt;sup>254</sup> "Intelligence Oversight: Ensuring Accountable Intelligence within a Framework of Democratic Governance | DCAF – Geneva Centre for Security Sector Governance." 1-9

<sup>&</sup>lt;sup>255</sup> Ibid.

As discussed earlier in the paper, SBU's operations greatly lacked transparency. Though secrecy is a key to intelligence practice, in excess secrecy can have adverse outcomes.<sup>256</sup> DCAF stresses that "rules for classification, freedom of information, and access to information for oversight bodies protect against excessive secrecy. Openness encourages more robust oversight to reveal illegality and misconduct, which prevents intelligence from creating a culture of impunity". 257 Excessive secrecy, supplemented by a lack of democratic oversight greatly correlates to lack of legitimacy. Human rights is greatly impacted by the level of transparency in Intelligence oversight. DCAF also notes the significance of international cooperation in intelligence services, as international cooperation serves a key role in preventing terrorism. However, the SBU's lack of international cooperation would greatly be reflected in the intelligence services interests. In evading international cooperation, obtaining diverse perspectives for establishing methods of action and aiding peace keeping operations are made increasingly difficult. However, SSR has a great and wide range of benefits to intelligence services as it also produces effective analysis and assessment, through its inclusive and holistic methods. The next section of this research will demonstrate viable solutions proposed to the advantage of this process.

#### Assessments and Recommendations

When initiating the process of reforming SBU, the Ukrainian Institute for the Future carried out a comprehensive study *SSU Reform Challenges and Prospects* seeking to identify those aspects in other countries that could be replicable in Ukraine. In particular, the study focuses the replicability of international recommendations and standards against the framework of services in other countries i.e. European models such as the Netherlands, France, Germany, Romania, Bulgaria, and Poland<sup>258</sup>. Much like DCAF, the study concludes by noting the universal need for parliamentary oversight,

<sup>&</sup>lt;sup>256</sup> Ibid.

<sup>&</sup>lt;sup>257</sup> Ibid.

<sup>&</sup>lt;sup>258</sup> "Реформа Служби безпеки України | Український інститут майбутнього." Accessed July 20, 2022. https://uifuture.org/publications/reforma-sluzhby-bezpeky-ukrayiny/.

separation of functions, and international cooperation. Additionally, the study addresses the concept of building integrity in the SBU by staying within the functions outlined in SSR. Moreover, the study emphasizes the need to act in compliance to the law supplemented by parliamentary oversight, in order to foster an environment of both transparency and accountability.

Additionally, the study makes recommendations to the Verkhovna Rada and Government of Ukraine, underling the need to limit power in the SBU, by severely limiting its sphere of law enforcement including inquiry and investigation. Likewise, the study suggests the need to cultivate trust in the public by enacting stricter background checks on personnel, such as identifying individuals deemed "at-risk" of disclosing the agency's activities. And lastly, the study discusses the importance of building trust with other nations for international cooperation and oversight to promote the SBU's legitimacy and compliance to enacted reforms and functions. In servicing the principles suggested above, both the Rada and government can facilitate the protection and ethical development of Ukraine. Below in Figure 2 is the new suggested structure of the SBU made available by the Ukrainian Institute for the Future.

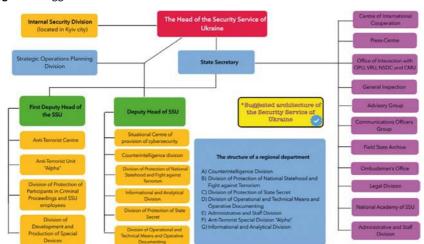


Figure 2. Suggested Architecture

Source: SSU. "SSU Reform, Ukrainian Institute for The Future."

# SSR, Integration

In 2019, further steps for initiating reform in Ukraine was facilitated by President Zelensky. However, it was not registered in Parliament until March 10, 2020<sup>259</sup>. The draft law (3196-D)<sup>260</sup> took into consideration essential international recommendations before being presented. However, shortly following the first stage of revision in January of 2021, the draft law received criticism, mainly due to its lack of safeguards for human security<sup>261</sup>. After revisions were made, the draft law received the support of international partners consisting of the EU, NATO, and the United States. <sup>262</sup> Though the reform is still a work in progress, the new head of the SBU Ivan Bakanov, stated, "The Service is already dynamically adapting to the new reality. We are professionalising personnel services, strengthening key areas and making the organisational structure more agile. The reform should complete these processes and organise the work of the renewed Service so that it becomes most effective in protecting the security of citizens and the state" <sup>263</sup>. As far as a body of intelligence and security, the new SBU's approach has transitioned from a reactive form of security to a proactive one; In deterring Russian aggression, both inside and out, the SBU has proven that even during conflict, change can be supplemented on the inside. As such, the SBU has focused on counterintelligence counteraction to threats to state security, Counterterrorism, Cyber security, Protection of national statehood and territorial integrity, and the Protection of state secrets<sup>264</sup>. The SBU's focus for accountability and transparency in national security includes:

- Separation of functions;
- The guarantee to political independence;

<sup>259</sup> SSU. "SSU." Accessed July 12, 2022. https://ssu.gov.ua/istoriia-ssu.

<sup>&</sup>lt;sup>260</sup> "Офіційний Портал Верховної Ради України." Accessed July 20, 2022. http://w1.c1.rada. gov.ua/pls/zweb2/webproc4\_1?pf3511=68347.

<sup>&</sup>lt;sup>261</sup> Human Rights Watch. "Ukraine: Reform of Abusive Security Agency at Risk," June 3, 2021. https://www.hrw.org/news/2021/06/03/ukraine-reform-abusive-security-agency-risk.

<sup>&</sup>lt;sup>262</sup> "Opinion: International Advisory Group on Reform of the Security Service of Ukraine — EUAM Ukraine," November 8, 2021. https://www.euam-ukraine.eu/news/opinion/international-advisory-group-op-ed-on-reform-of-the-security-service-of-ukraine/.

<sup>&</sup>lt;sup>263</sup> SSU. "Головна сторінка :: Служба безпеки України."

<sup>&</sup>lt;sup>264</sup> SSU. "Main Page:: Security Service of Ukraine." Accessed July 12, 2022. https://ssu.gov.ua/en

- Staff demilitarisation and optimisation;
- Refraining from the investigation of corruption and economic crimes;

#### Democratic civil control 265

In the separation of functions the SBU is now incapable of impeding in criminal proceedings that do not fall within the jurisdiction of the service previously outlined by the draft law.<sup>266</sup> Nevertheless, since Russian aggression began in February 2022, SBU cited "800, cyber incidents and cyberattacks on state institutions neutralized. 5000, traitors and collaborators exposed. 360, enemy agents detained<sup>267</sup>". Moreover, inclusive democratic civil control allows "every citizen to take part in exercising civilian control over the Service through public organisations, deputies of representative bodies and personally through an appeal to the Verkhovna Rada of Ukraine Commissioner for Human Right."<sup>268</sup> In terms of oversight in democratic civil control, the new SBU includes parliamentary control, added supervision by the newly established committee of the Rada, external fiscal audits, departmental, judicial, and public control as well as prosecutors supervision.<sup>269</sup>

The SBU has made great changes towards protecting the services' internal integrity including changes to its staff and grounds for dismissal. Moreover, in light of reducing its head count, the SBU has adopted the practice of staff demilitarisation and optimisation. Although the current number of service staff exceeds 27,000<sup>270</sup>, the new SBU estimates in the near future that the headcount will be15,000 once peace is restored.<sup>271</sup> Currently, the SBU's head count reflects its focus on deterring the current Russian aggression, and will only begin working towards the reduction of its staff in 2027<sup>272</sup>. However, the SBU asserts that it will "not reduce the defence potential

<sup>&</sup>lt;sup>265</sup> Ibid. SSU. "Main Page: Security Service of Ukraine." Accessed July 12, 2022. https://ssu.gov.ua/en

<sup>&</sup>lt;sup>266</sup> SSU. "SSU." Accessed July 20, 2022. https://ssu.gov.ua/reforma-ssu

<sup>&</sup>lt;sup>267</sup> SSU. "Main Page :: Security Service of Ukraine." Accessed July 12, 2022. https://ssu.gov.ua/en

<sup>&</sup>lt;sup>268</sup> Ibid.

<sup>&</sup>lt;sup>269</sup> "Головна сторінка :: Служба безпеки України."

<sup>&</sup>lt;sup>270</sup> SSU. "Головна сторінка :: Служба безпеки України."

<sup>&</sup>lt;sup>271</sup> Ibid.

<sup>&</sup>lt;sup>272</sup> SSU. "Main Page: Security Service of Ukraine." Accessed July 12, 2022. https://ssu.gov.ua/en

of the SBU against Russian aggression, but will create a more agile, efficient Service"<sup>273</sup>. The SBU needs to prioritize the maintenance of nominal operational conditions, and therefore the number of staff should fluctuate to accommodate demand.

Lastly, Ukraine has yet to meet the requisites to join NATO. It is necessary for Ukraine to consider increased satellite oversight conducted by the International Advisory Group (IAG). However due to the ongoing war, NATO should consider gradual sole oversight of the SBU, to ensure that in time of conflict and in time of peace that the service acts in compliance to effective and sustainable security. Additionally, the Geneva Centre for the Democratic Control of Armed Forces should be implemented into the IAG to support the groups capacity of oversight and assessment of the SBU. Collectively, reform and internal supervision aided by international cooperation can induce sustainable modifications to the security sector's internal framework. In due course, the SBU's internal reorientation can be mirrored into Ukraine's path to prolonged sovereignty.

#### Conclusion

The research above has analysed the resulting outcomes of the transitional period of Ukraine, including the projection of Soviet rule and shift to democratisation, written with the goal of fostering a situational awareness of Ukraine's ongoing struggle for independence and stability in the intelligence and security sector. Through a technical examination of Ukraine's SBU against the framework of intelligence services – SSR and SSG, this paper has evaluated the disparity of intelligence and security in Eastern Europe, but especially within Ukraine. We have also explored the functions that allow necessary and prolonged change to their capacities through SSR. On the whole, findings in this study conclude that effective intelligence is derived at the nexus of comprehensive and sustainable interagency practice, and safeguards against internal and external corruption. Through proposed suggestions, and the SBU's adoption of reform, the present findings

<sup>&</sup>lt;sup>273</sup> Ibid.

show a somewhat promising future in Ukraine's ability to further deter Russian aggression. Despite limitations in Ukraine's thirty-year turbulence towards reform, the SBU is moving inexorably towards positive change. Looking forward, these findings should be replicated with consideration to the potential effects and outcome of the ongoing aggression, re-orientation of geopolitics and changes to security sector reforms in the twenty-first century.