



Ukrainian guards patrol the Ukrainian-Slovak border near the city of Chop in June 2009.



UKRAINE'S CIVIL PROTECTION MODEL

The Armed Forces' role in civil protection continues to evolve

By Petro Kanana and Col. Alexey Telichkin

As a result of the disintegration of the Soviet Union and the end of the East-West confrontation, NATO countries have transformed from major potential external threats to Ukraine into potential allies. Do threats to an independent Ukraine exist at all? How do the Ukrainian Armed Forces support civil authorities to counter these threats? Legislation adopted over the course of several years, including the National Security Strategy (1997), "On the Fundamentals of the National Security" law (2003), and Military Doctrine (2004), addressed these questions.

The "On the Fundamentals of the National Security" law assumes that potential threats to Ukraine may lie in a variety of spheres such as international, state security, military, border security, internal political, economic, social, humanitarian, technological, ecological and informational. The nature of threats are defined by the historical experience of Ukraine, which suffered through two world wars, a great number of revolts, revolutions, civil wars and other civil disturbances, as well as natural and technological disasters. The threats may be divided into military or non-military, outer and domestic.

Ukraine's national security is provided by a number of actors, including the country's armed forces, the so-called "other military formations," and paramilitary forces that

constitute the military organization of the state. The primary mission of the armed forces is to counter outside military threats by defending state borders, protecting Ukraine's sovereignty and territorial integrity, repulsing armed aggression, and protecting air and underwater space (Article 1, "On the Armed Forces" law). If necessary, the armed forces may assist other agencies to counter outside, non-military threats, such as protecting the state border and maritime economic zone. Strict legal restrictions constrain the armed forces when dealing with domestic threats; their activities in this field are mainly limited to providing aid for disasters and combating terrorism.

The primary mission of the "other military formations" (e.g. border troops, civil defense troops, internal troops, and some others whose total strength exceeds 120,000 men compared with approximately 245,000 of the armed forces) is to tackle specific non-military, mainly domestic threats. These include illegal migration, terrorism, public disturbances and vital infrastructure protection that requires large amounts of manpower and equipment.

Historical precedents

Though Ukraine, as a member-republic within the Union of the Soviet Socialist Republics (USSR) until 1991, did not have its own armed forces, it played an important role in the military policy of the Soviet Union. The Ukrainians



Frontier guards patrol the Ukrainian-Slovak border. Ukraine's military can be used to support border protection efforts.

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formed a considerable part of the officer corps with three military districts on the territory of the republic and the main bases of the Black Sea Fleet located in Ukraine. In addition, the major heavy machinery plants of Ukraine were oriented toward military needs, producing tanks, missiles, aircraft and other military hardware. The republic was also home to some of the best military colleges in the Soviet Union.

On August 24, 1991, the Parliament placed all military units located on the territory of Ukraine under its own command, henceforth setting up the Department of Defense, and started building the armed forces of Ukraine and major paramilitary agencies. “Afghanistan” and “August Putsch” syndromes determined the basics of the armed forces build-up program. These basics included: restriction of the armed forces mission to protecting the sovereignty and territorial integrity of Ukraine; distribution of national security protection functions among different military forces and law enforcement agencies; a ban on the armed forces involvement in unconstitutional political affairs; a special procedure for sending military forces abroad; and the prohibition of foreign military bases on the territory of the country. Numerous terrorist acts in neighboring Russia, caused by the war in Chechnya and the events of September 11, 2001, made the Ukrainian public regard terrorism as one of the major potential threats to the country, resulting in the adoption of the “On Combating Terrorism” law in 2003 and corresponding changes in the national security strategy.

Legal authority

The regulation of employment of the armed forces in domestic operations may be represented as a three-tiered system. The first level is formed by the Constitution of

Ukraine (1996), which laid the groundwork for the operation of the armed forces and determined Ukraine’s defense, the protection of its sovereignty, territorial integrity and inviolability (Article 17) to be the mission of the armed forces. It prohibits the use of the armed forces to limit the rights and freedoms of the citizen, overthrow the constitutional order, or remove or hamper the state authority bodies (Articles 17, 64). The second level consists of the legal acts that specifically regulate the functioning of the armed forces and other military formations. The third level comprises the legal acts that indirectly regulate matters related to the armed forces. Since 1991, the Ukrainian Armed Forces legal support policy has had three goals: 1) to provide each aspect of military-related activity with a corresponding legal basis; 2) to distribute the main national security functions among the different state agencies; and 3) to prevent a potential intervention by the armed forces into the political life of the society. In particular, the legislation has confirmed the armed forces as the lead agency in the sphere of the defense of the country; the civil defense troops as the lead actor in the sphere of countering natural and technological disasters; and the security service as the lead agency in combating terrorism, etc.

Types of forces providing national security

The national security of Ukraine is provided by the armed forces, military, paramilitary and specialized military forces. Currently, the Armed Forces of Ukraine consist of land forces (51 percent of manpower), air force (32 percent), and navy (6 percent). In peacetime, the armed forces perform a number of tasks to counter non-military outside threats, namely the air force and air defense provide protection of



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A Ukrainian Soldier, wearing a mask to protect against swine flu, operates a checkpoint on the Hungarian border in 2009.

Ukraine's airspace, while the navy is responsible for the protection of underwater space. These branches are also responsible for protection from potential terrorist attacks from air and sea. The land forces, especially the engineer units, may be employed to counter natural or technological disasters.

According to current military doctrine, the armed forces should be transformed to meet modern potential threats. Future armed forces will consist of three major components: the advanced defense force, including the joint rapid reaction force; the main defense force; and the strategic reserve.

Since 2002, the military police (their official name is the Military Service of Law and Order) have functioned within the armed forces. The law "On the Military Service of and Order within the Armed Forces" (2002) serves as its legal basis. The mission of the military police is to provide law, order and discipline among servicemen; protect military property; and counter sabotage and terrorist attacks against defense critical infrastructure. In cases of martial law or states of emergency, the military police have the additional tasks of providing law and order within their zones of responsibility (e.g., curfews) and combating terrorist activities directed at the assets of military infrastructure. Even though they are members of the armed forces, the military police share the same rules of engagement as the civilian police.

The military/paramilitary law-enforcement forces include security service, border troops and internal troops. The internal troops (50,000 men) represent a paramilitary police force (some authors regard them as "other military force"), that act on the basis of the law "On the Internal Troops of the Ministry of Interior." Their main tasks are protecting and defending critical state infrastructure, overseeing prisons, convoying special cargoes, combating crime, protecting

diplomatic missions, etc. A list of the national critical infrastructure assets to be protected and defended by internal troops is determined by the government. The troops are organized into formations of two major types: protection units and motorized police units. Their armament and structure are comparable to the army light infantry. The internal troops report to the Minister of Interior.

The Ministry of Interior, within the structure of its regional departments, has numerous rapid reaction police units, which, as a rule, are well-trained and equipped, and as a result, rather effective in combating public disorder, riots, organized crime and terrorist activities. Similar units are available at other ministries (e.g., the Ministry of Justice).

Also within the Ministry of Interior is the state protection service, whose mission is to provide protection for important assets including state authority bodies, TV and radio stations, archives, museums, urban infrastructure, and, most important, railway and highway bridges. The legal basis of the department is the statute "On the State Protection Service of the Ministry of Interior" (1993). In addition, the Department of State Guard, reporting directly to the president, provides protection to the highest dignitaries.

The civil defense troops are an example of a specialized military force whose mission, based on the laws "On the Civil Defense" and "On the Civil Defense Troops," is to defend the population in case of natural or technological disasters. Their responsibilities include forest and peat fires; rendering assistance to populations affected by disaster; evacuations; and radiation, chemical and biological reconnaissance. They also provide explosives and ordinance demolition work in the interest of the civilian authorities. These troops possess all of the necessary means, including their own air

force, to tackle these disasters. Being military by nature, they are a component of the civilian Ministry of Emergencies. In accordance with the president's decree of December 13, 2003, the troops are being transformed from a military force into a civilian operational and rescue civil defense service. By the end of 2005, the strength of the force increased from 10,218 to 72,418.

Domestic counterterrorism

The state policy on combating terrorism is determined primarily by the law "On Combating Terrorism" (2003). The organization to combat terrorism is based on the principle of a distribution of the corresponding responsibilities among a number of actors: the security service as the lead agency (Article 4, "On Combating Terrorism"); the ministries of interior, defense, and emergencies; the State Border Committee; the State Department for Execution of Punishment, and the State Protection Department. The list of auxiliary agencies (which are engaged if needed) includes: the ministries of foreign affairs, health, energy and fuel, industrial policy, finance, transport, environmental protection and agrarian policy; the State Customs Service; and the State Tax Administration.

The security service collects intelligence, conducts electronic warfare, coordinates the efforts of the antiterrorist combat actors, investigates terrorism and provides protection for Ukrainian overseas facilities and their personnel. The Ministry of Interior fights terrorism through prevention, detection and investigation, and

supports anti-terrorist operations with personnel and equipment. The Ministry of Defense provides protection from terrorist attacks on assets of the armed forces; preparation and employment of the ground forces, air force, air defense force and navy in case of a terrorist attack from air or sea; and participation in an antiterrorist operation directed at military assets. The Chechen war, however, showed that sometimes law enforcement agencies need heavy weapons (e.g. tanks, helicopters), which the armed forces possess. The Ministry of Emergencies provides 1) protection for the population and sovereign territory from technological terrorism related contingencies, 2) liquidation of the effects of these contingencies and 3) training for the population in such kinds of situations. The State Border Committee prevents Ukrainian border trespassing by terrorists, illegal carrying of weapons, explosives, poisons and nuclear material that can be used for terrorism, and provides protection of sea traffic within territorial waters during an anti-terrorist operation. The State Department for Execution of Punishment counters terrorist activities at correctional facilities. The State Protection Department counters terrorist threats aimed at VIPs or facilities under their protection.

The coordination of actors is provided by the inter-agency coordination commission within the security service-led antiterrorist center, which consists of the head of the commission, deputy ministers of emergency and interior, deputy head of the general staff, deputy head of the state penitentiary department, commander of the



A youth shouts slogans in front of riot police during a protest in Kiev. Ukraine has rapid reaction police units trained to combat riots and disorder.

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interior troops, etc. The decision on the conduct of an antiterrorist operation rests with the head of the antiterrorist center, with written permission given by the head of the security service. The Ukrainian president is to be immediately informed of the decision to carry out an antiterrorist operation. In order to provide direct command and control of the operation, an operational headquarters is established. All military and law enforcement personnel engaged in the operation are to perform their duties under the command of the head of the operational headquarters. If needed, a special legal regime to cover the antiterrorist operation may be declared.

Military assistance to civil authority

The area where military and civilians cooperate effectively is disaster relief. In the cases of large-scale disasters, the components of military organization of the state, including armed forces, other military formations, and law enforcement agencies, may be employed, though the civil defense troops are the lead actor. According to “On Civil Defense in Ukraine,” each citizen of the country has the right to be protected from the consequences of accidents, catastrophes, fires and natural disasters. The state as guarantor of this right creates the system of civil defense, which aims at protecting the population from the dangerous consequences of accidents and technological, ecological, natural and military catastrophes. The forces of civil defense consist of troops, specialized and paramilitary formations. Civil defense troops perform tasks related to the prevention and handling of consequences of technological and natural emergencies. In 2003, there were 2,376 cases when troops were called for assistance. Specialized formations are created in order to carry out specific tasks related to radiation and chemical threats, earthquake-caused large scale destruction, gas/oil field emergencies, and preventing and restoring works (inside and outside of the country). Paramilitary formations of civil defense are created in the regions, districts, on the enterprises, in establishments and organizations regardless of their ownership form and subordination. According to Article 1 of the law “On the Armed Forces and Article 9 of “On the Defense,” armed forces may be employed in handling natural and technological emergencies based on conditions determined by the corresponding president’s decree. (In practice, armed forces units more often are deployed by orders of their commanders, including the minister of defense.) The state civil defense system may function in three modes: 1) normal mode — when the industrial, radiation, chemical, biological situation is regarded as standard; 2) advanced readiness mode — when the industrial, radiation, chemical, biological situation has worsened; 3) emergency mode — in case of natural or technological disaster.

Military support to law enforcement

The negative experience of employment of the Soviet military in ethnic conflict management operations in the late 1980s had a number of consequences.

- Since 1991, the Ukrainian Armed Forces’ participation in law-enforcement support was allowed only in cases stipulated by law. The armed forces provide defense against terrorist attacks from the air and sea (Article 5, “On Combating Terrorism”) and, in case of need, assist military police to keep law and order among servicemen within or outside military bases. The armed forces may be used to support public order, enforce curfews, and protect critical civilian infrastructure only in the case of martial law. The law does not stipulate the employment of armed forces for military support for law enforcement, except the military police, who are entitled to keep order among servicemen in public places (Article 2, “On the Military Service of Law and Order within the Armed Forces”). Their contacts with civilian law enforcement agencies, namely civilian police, are restricted mainly to information sharing (p. 10, Article 8 “On the Military Service of Law and Order within the Armed Forces”). The military police may be employed for support of public order, including curfews, only in cases of martial law and the state of emergency.
- The functions of military support to civil authorities, which have been previously performed by the armed forces, are provided by “other military formations” and paramilitary forces. For example, the civil defense troops, being a part of the Ministry of Emergencies, have enough specialists and equipment to be the sole agency, providing explosive and ordnance demolition works (Article 2 of the law “On the Civil Defense Troops”). In 2003, the civil defense engineers cleared 11,954 pieces of ammunition, including 806 bombs, 1,647 mines and over 7,000 shells. Similarly, the paramilitary professional and volunteer fire formations which function within a separate department of the Ministry of Emergencies are the leading bodies for providing fire security. In 2003, they extinguished 52,054 fires and saved 7,543 lives.

Military assistance in civil disturbances

Previously, armed forces were episodically engaged in civil disturbances; these are now entrusted to internal troops or paramilitary police forces. Since 1991, all main law enforcement agencies (the Ministry of Interior, Security Service, State Protection Service, State Penitentiary Department, etc.) have created paramilitary rapid reaction forces to support their activities. The civilian police now have effective criminal intelligence bodies to provide surveillance over organized crime, drugs, weapons and human trafficking. □

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