

SECURITY CHALLENGES AND RULE OF LAW: UKRAINE'S EXPERIENCE AND PERSPECTIVES DURING THE ITALIAN OSCE CHAIRMANSHIP

East European Security Research Initiative (EESRI) Foundation, Kyiv, Ukraine

OSCE Parallel Civil Society Conference 2017

Vienna, 5-6 December 2017

Among the declared Italian OSCE Chairmanship's priorities was *an intention to convert events in the third dimension to be a platform for exchanging experience of security challenges while respecting the principles of the rule of law*. To support and further develop this initiative, we propose to start such an exchange based on *multidimensionality and integrated approach to security*. Thus, we've identified some of the most important crosscutting themes with human security concept on the top to be further elaborated by the OSCE participating States in 2018 under the Italian OSCE Chairmanship.

Though the traditional threats and security challenges are still vital, as continuing Russian aggression against Ukraine clearly indicates, *the human security paradigm, which puts people at the centre, should be a hallmark for strengthening national security in the OSCE participating States that chose a modern democratic model of development*. Complicated dilemmas of withstanding sophisticated hybrid warfare that includes hidden security threats masked as fake quasi-civil initiatives and speculations on fundamental freedoms as a camouflage for the aggressive intentions, cause temptation to postpone the human security issues to "better times" and to focus on traditional state security dilemma. However, it would be incorrect to consider human security as a kind of counterweight that limits state security. In democratic societies, human security and state security are interconnected components, and shifting attention to human security does not necessarily means replacing state security, but complementing it.

Ukraine has achieved certain progress and positive changes in democratic law-making, but still lacks the comprehensive model of effective cooperation between civil society and authorities in security sector reform with focusing on human security as a conceptual framework. The level and effectiveness of comprehensive civil society engagement in security sector reform should be considered as an indicator of the transformation process from an elite-captured government model to a citizen-oriented one. It is a complicated, but simultaneously a very important task for Ukraine to avoid the limitation of the fundamental freedoms while effectively protecting nation from the external aggression.

Current OSCE efforts in Ukraine are devoted to implementing projects focusing on spreading human security norms within civilian security sector reform, namely: training new police patrol officers in combating human trafficking and domestic violence; improving community police approach; training the reformed neighbourhood police units; supporting human-rights-based education. *The OSCE Project Co-ordinator in Ukraine (PCU)* assists Ukrainian Parliament, Ministry of Defence and Security Service to learn and introduce international best practices in the sphere of civilian control over the security sector and respect of security agencies for human rights. These efforts include the development of legal instruments, training courses, awareness-raising seminars and roundtables with the involvement of civil society. Significant expert assistance was provided to facilitate with reforming the Constitution and judiciary as well as integrating civil society in justice reform. The PCU performs projects aimed at confidence building measures to facilitate dialogue between the state and civil society organizations, as well as to support dialogue between different parts of Ukrainian society and from different regions of the country.

Despite all the work done, there is still a need for further developing effective public communication system in Ukraine timely contributing to responses to a variety of human security problems, including those related to manipulation with public opinion. The OSCE assistance also remains crucial in executing continuous assessment and revision of key strategic documents and consistent development of the national security and defence strategies with emphasis on maintaining balance between addressing security threats and challenges, and respecting rule of law and human rights. The OSCE field presences are playing here a leading role and should be further strengthened both technically and methodically.

Security challenges emanating from the South, in the Mediterranean basin, have unconditional relationship to the whole OSCE area. Therefore, proposed *Mediterranean dimension of security* should complement other dimensions, including *East European* one. Given this fact, it is *the migratory flows* being appropriately addressed on the regional level with joint response encompassing human security approach as well. In this context, we should emphasize serious security and humanitarian threats, including the *problems of internally displaced persons (IDP)* facing Ukraine in connection with the armed aggression of the Russian Federation. Many different measures have been taken on national level to overcome them and to prevent migration risks for neighbouring countries.

Ukraine has developed a unique model of local support and integration in the midst of conflict. Ukraine's almost 1.7 million displaced persons can be a powerful constituency for peace. They are contributing to local economies, advocating for each other, and supporting local reconciliation efforts; many are building bridges between east and west; and some are advancing the peace process through their activism.¹ *Ukraine has the world's ninth largest population of displaced persons*, and it's high time for international community, including the OSCE, to take Ukraine's large IDP population more seriously.

Protection of human rights in the situations of occupation, countering state propaganda, eradication of phenomenon of political prisoners, combating torture and enforced disappearance should also be scrutinized by the incoming Italian OSCE Chairmanship via providing necessary support to the autonomous OSCE Institutions and field missions to conduct permanent monitoring and reporting on the human rights' situation in the affected regions of Ukraine. *These tasks should be more actively executed by the OSCE Special Monitoring Mission to Ukraine (SMM)*, especially when it comes to the SMM daily updates serving as a kind of archive for future international criminal proceedings on human/humanitarian rights violations in the area of the conflict.

A new angle with developing dialogue on conventional arms control regime (CAC) and confidence- and security-building measures (CSBMs) should avoid orientations only on the military components, but to combine also human security, economic connectivity, energy security and environmental issues. Special attention should be given to the existing and potential conflict zones being covered by these measures. *Raising public awareness about usefulness of CAC and CSBMs should be a driving force to attract attention of politicians to the topic to move it up on both domestic and international agenda based on the comprehensive human security concept.* Ukrainian experience on voluntary informing local civilians and public authorities on implementing sub-regional/bi-lateral CSBMs might be considered as a starting point to broaden CAC/CSBMs public awareness raising campaign through the whole OSCE area.

Structured dialogue on current and future challenges to European security should be accompanied by broad Track 2/1.5 discussions on *institutional understanding/public perception of two mutually exclusive concepts on deterrence and restraint measures* through the lens of interlocking human security aspects.

The suggestion to broaden cyber security co-operation to promote partnerships between the public and private sector and the academic and scientific world is also worth mentioning as corresponding topic to Ukrainian priorities in this area. The recently promulgated Law of Ukraine on Basic Principles of Cyber Security² allows to implement an integrated approach to cyber security under the auspices of the state and in close cooperation with the private sector and civil society, and creates conditions for the cyber defence of critical infrastructure facilities of Ukraine with an emphasis on human security aspects.

Activities of the incoming Italian OSCE Chairmanship on implementing the above priorities will not start from the scratch. The experience and progress of predecessors, especially the Austrian OSCE Chairmanship, will serve as a good basis to proceed further, particularly in developing dialogue with young people, academic institutions and think-tanks.

The proposed list of cross-cutting topics for exchanging experience of security challenges while respecting the principles of the rule of law is not exhaustive, and is based on those main themes corresponding to the declared Italian Chairmanship priorities where Ukraine's experience could bring an added value. It might serve as a starting point to build-up given current security developments in the OSCE area being addressed not only by the OSCE Chair but also by all participating States. Therefore, the human dimension is the best suited one from the OSCE basket to implement multidimensionality and integrated approach to security using human security paradigm.

¹ See: Lauren Van Metre, Steven E. Steiner, and Melinda Haring, *Ukraine's Internally Displaced Persons Hold a Key to Peace*, Atlantic Council, October 2017, <http://www.atlanticcouncil.org/publications/issue-briefs/ukraine-s-internally-displaced-persons-hold-a-key-to-peace>.

² Law of Ukraine on Basic Principles of Cyber Security, 2017, <http://zakon3.rada.gov.ua/laws/show/2163-19>.