

# NAVAL POSTGRADUATE SCHOOL

## Monterey, California



## THESIS

**THE ROLE OF THE NATIONAL SECURITY AND  
DEFENSE COUNCIL OF UKRAINE IN POLITICAL  
DECISION-MAKING PROCESS**

by

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March 2003

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**THE ROLE OF THE NATIONAL SECURITY AND DEFENSE COUNCIL OF  
UKRAINE IN POLITICAL DECISION-MAKING PROCESS**

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Submitted in partial fulfillment of the  
requirements for the degree of

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## **ABSTRACT**

The thesis examines the National Security and Defense Council of Ukraine (NSDC) and its role in the political decision-making process. Within the context of the post-Soviet period, this research analyzes the development of the NSDC's influence on political process in Ukraine since 1994. In addition, the thesis evaluates the place of the National Security and Defense Council of Ukraine and, in particular, of its Secretary in Ukrainian government. The present research analyzes and compares the experience of leading East-European and former Soviet Union countries as well as that of the United States of America in resolving the issues of national security policy. This study also makes suggestions about how to apply those experiences to the Ukrainian situation. The purpose of this thesis is to define the potential of the National Security and Defense Council as an actor of the Ukrainian political arena, and to find the strengths and weaknesses of the NSDC. The offered conclusions refer to the factors that undermine the NSDC's practical power in the political realm, conditions under which one might expect changes to the Council's contemporary role in the Ukrainian government, and the experiences of national security institutions of other countries and their application to the NSDC.

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## **I. INTRODUCTION**

The history of international relations proves that national security issues have played a vital role in a country's stability and development. Equally important is the role of national security institutions, which make stability and national development possible. The President or the Prime Minister of any given country is usually found at the top of the political pyramid, but there are many other important players, responsible for various relative issues. In order to formulate a common and effective policy of state institutions in the field of national security, all necessary contributions must be coordinated. The institution possessing the authority to collect and combine the necessary functions in many countries is called the National Security Council. Needless to say, the efficiency and efficacy of this Council determine to a large extent the character of the national security policy, on the one hand, and reflect the level of development of the state institutional system on the other. In other words, strong states have solid institutional systems with powerful National Security Councils or their equivalents, while weak states have poor institutional systems with little or no control over national policy players. There are a number of factors that determine the power of a country and that shape the structure of its state institutions. This study will evaluate the peculiarities of the Ukrainian case in terms of national security institutionalization.

### **A. THE PURPOSE AND THE SCOPE OF THE THESIS**

The thesis examines the present status of the National Security and Defense Council of Ukraine (NSDC) and its role in political decision-making process. Within the context of post-Soviet era this research analyzes the development of the NSDC's influence on the political process in Ukraine for the eight years of the Council's existence. In addition, the thesis evaluates the position of the National Security and Defense Council of Ukraine and, in particular, the place of its Secretary in the Ukrainian government.

Hopefully this research will disclose the potential of the National Security and Defense Council as the actor of Ukrainian political arena, will determine weaknesses and strengths in the NSDC and will offer the conclusions about its possible future role.

Regarding this subject matter scholarly efforts of this type undertaken both in Ukraine and abroad have been rare. The “conventional wisdom” on the role of the National Security and Defense Council of Ukraine in political decision-making processes still remains unclear<sup>1</sup> for both field-specialists and the general public, and existing attitudes to the topic are very controversial. Therefore, this thesis will examine both officially established positions of the NSDC in the Ukrainian government and the actual role of the Council in decision-making processes.

The present research will analyze and compare the related experiences of leading East-European and former Soviet Union countries as well as that of the United States of America with regard to national security issues and will apply derivative wisdom to the Ukrainian situation.

## **B. RESEARCH QUESTION AND RELEVANCE OF THE THESIS**

The main research question of this thesis is to determine how the role of the National Security and Defense Council of Ukraine in political decision-making processes has been changing and what factors were/are the most important for those changes.

This thesis will maintain that the significance of the NSDC in the Ukrainian political system is declining. Such an advent seems to be caused primarily by the political attempts to strengthen the power and influence of the President of Ukraine at the expense of other governmental influences. In addition, the decline in NSDC’s influence may be attributed to the personal relations existing between the NSDC Secretary and the President. Although the role of the NSDC is defined in the Ukrainian legislation, the real potentials of the National Security and Defense Council of Ukraine remain uncertain,

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<sup>1</sup> *Ukrainian Foreign and Security Policy. Theoretical and Comparative Perspectives* / edited by Jennifer D.P. Moroney, Taras Kuzio, and Mikhail Molchanov. Praeger Publishers, 2002, p. 105.

because the NSDC constitutes neither the group of the President's advisors who take common responsibility for Ukrainian politics, nor a body to implement the President's will.

This research focuses upon the greater role of inter-agency cooperation among states, and the necessity to understand clearly of role and position of the actors in political processes in each particular country.

Thus, the answer to the thesis' research question is important primarily to national security specialists and state officials who work in national security, in foreign affairs and in defense spheres in Ukraine and also those of its partner countries. The conclusion and recommendations of this research could be useful in providing specific practical knowledge of other National Security Councils' activities (e.g. in the United States of America) and may serve as the basis for the follow-up research in the sphere of national security.

The thesis covers a eight year period of NSDC's activity, beginning from the time of its foundation in 1994 to the present day. It traces the NSDC's changes of name, structure and functions in Ukraine and alterations to its Staff in connection with the political development of Ukraine throughout the mentioned time period.

### **C. LITERATURE REVIEW**

The research herein contained is based on different types of official documentation and other national-security-connected materials, both of Ukrainian and foreign origin. The research sources are divided as follows:

- Legislative documents, which establish the official position of the National Security and Defense Council in the political system of Ukraine (such as the Ukrainian Constitution and other related legal and judicial acts);
- Official materials of the National Security and Defense Council's activity;
- Official materials related to American, Russian and Polish experience of institutionalization of the national security sphere;
- Studies related to Ukraine;

- National security of Ukraine's investigations prepared by the foreign scholars and field specialists;

- The materials, presenting the personal analyses of the National Security and Defense Council's role from its first and acting Secretaries and from other contributors to the political process in the field of national security (like state officials, politicians, scholars at various analytical centers and NGOs).

All together these documents and materials help to generate conclusions which best avoid the bias of particular personal attitude. Instead, they help to prepare a paper, which considers and is based on different sources of information.

#### **D. ORGANIZATION OF THE STUDY**

The thesis will consist of five chapters, including an introduction and a conclusion. Chapter II analyzes the experience of post-Soviet countries, both East-European (Poland) and the former Soviet Union (Russia), on one hand, and the achievements of the United States of America as a Western democracy, on the other hand, in the field of institutionalization of their national security policies.

Chapter III examines the development of the legislative basis that establishes the conditions for the National Security and Defense Council's activity and estimates its role in political decision-making process in Ukraine. An historical comparative approach used to analyze the changes in the judiciary's understanding of the national-security-related problems. This chapter highlights the greater role that the National Security and Defense Council of Ukraine assumed during the time of its first Secretary Volodymyr Gorbulin and discusses the origins of this paradox. This chapter covers five years beginning from 1994 until 1999. During this period of time the institution responsible for national security issues evolved from a structural component of Presidential Administration into an individual organization officially recognized in the Constitution of Ukraine.

Chapter IV analyses the reformation and the new role of the National Security and Defense Council of Ukraine after the Presidential elections of 1999. It examines the conventional wisdom about the topic and discusses the problems with the existing



explanations. Particular attention is paid to changes in the President's understanding of the role of NSDC and the position of its acting Secretary, Yevhen Marchuk, as factors influencing the Council's tasks and goals.

In the conclusion, the previous chapters will be summarized with particular attention paid to the factors that determine the role of the National Security and Defense Council of Ukraine. Suggestions will be made about the conditions under which one might expect changes to the NSDC's contemporary positions in the Ukrainian government. Finally, the experience of national security institutions of those countries studied in the thesis will be evaluated.

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## II. INTERNATIONAL EXPERIENCE OF INSTITUTIONALIZATION OF NATIONAL SECURITY SPHERE

*Wherever you see a successful business, someone once made a courageous decision.*

*Peter Drucker*

National security issues are vital for a state's existence and stable development. Most countries establish an agency or a system of agencies to analyze and manage national security. This paper analyzes the institutionalization of national security sphere as found in the U.S. National Security Council, the Security Council of the Russian Federation and the National Security Council of the Republic of Poland. The agencies of these countries were chosen to demonstrate the variety of tasks, missions and appropriate status which national security institutions can be granted. The U.S., Russian and Polish cases represent respectively three different approaches to national security management. The first approach involves a group of high ranking executive advisors to the head of a state (members of a Cabinet or an Administration), which constitutes the principal forum for considering national security and foreign policy issues and serves as the instrument for allocating the handling of these issues to various government agencies (the United States' case). The second approach involves a group of the high ranking executive officials used as a tool to elaborate and to implement the policy of a president's will in all vital and sensitive areas that influence the interests of a state, society and an individual (Russian case). The third involves a group of branch experts who advise the President about his actions (Polish case). The overall majority of the countries follow one of these models to construct their national security institutions. In addition, the United States, the Russian Federation and the Republic of Poland are among those countries with whom Ukraine wishes to cooperate. The author sees their experiences in security sphere as valuable for better understanding of Ukraine's own emerging security policies. Thus, my task in this chapter is to analyze the experiences of the mentioned cases and to derive acceptable lessons for the National Security and Defense Council of Ukraine.

## A. U.S. NATIONAL SECURITY COUNCIL

The National Security Council of the United States is one of the oldest and the most experienced of its kind, having been established in 1947. Its birth reflected a new turning point in American foreign policy and national security organization.<sup>2</sup> In addition, being on the edge of foreign and military policy of the United States, the National Security Council is one of the most reactively and flexibly developed agencies in the American political decision-making system. This section will draw attention to the development of the role of the NSC, its staff and the Assistant to the President for National Security Affairs on the process of policy formulation in the United States. It will also touch the issue of how the size and structure of the NSC staff and the authorities of the Council in the system of inter-agency policy coordination have been changed and whether the purpose of the NSC has been influenced.

In order to evaluate the role of the National Security Council in American decision-making system, first it is necessary to draw special attention to the field of the United States' national security. As stated in the first National Security Presidential Directives that replaced both Presidential Decision Directives and Presidential Directives, "National security includes the defense of the United States of America, protection of our constitutional system of government, and the advancement of United States' interests around the globe."<sup>3</sup> Clear and precise definitions of the issues covered by the notion of 'national security' compose the first valuable components of the America's construction of a system to implement national security policy.

According to the stated definition, United States' national security is limited to the state's interests and leaves aside the interests of American society or the individual. As a result the National Security Council system has a "state-oriented" purpose "... to coordinate executive departments and agencies in the effective development and

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<sup>2</sup> Michael J. Hogan. *A Cross of Iron: Harry S. Truman and the Origins of the National Security State. 1945-1954.* pp. 65, 165-166, Cambridge University Press, 2000.

<sup>3</sup> National Security Presidential Directives. *Organization of the National Security Council System.* February 13, 2001, available [on-line]: [<http://www.fas.org/irp/offdocs/nspd/nspd-1.htm>]; accessed 12 August 2002.

implementation of ... national security policies”<sup>4</sup> that includes domestic, foreign, military, intelligence-oriented, and economic functions. The NSC, as it exists in its current form, was established to coordinate the activities of executive departments in the security sphere. In order to facilitate the work of NSC presidential administrations from Richard Nixon to George W. Bush established different interdepartmental working groups or committees.<sup>5</sup> Such groups as the Washington Special Action Group in the Nixon and Ford administrations, the Policy Review Committee in the Carter administration, the National Security Policy Group in the Reagan administration, and the NSC Principals Committee in the Bush and Clinton administrations established the basis for the United States’ unique approach of coordinating the executive in national security sphere.

The present administration developed this experience and in addition to the NSC Principals Committee, which since its establishment in 1989 continues to be the primary interagency forum for consideration of policy issues affecting national security, and NSC Deputies Committee (a sub-Cabinet interagency forum), established NSC Policy Coordination Committees responsible for the management of the development and implementation on national security policies by multiple agencies of the United States’ Government.

The NSC Policy Coordination Committees (NSC/PCCs) shall be the main day-to-day fora for interagency coordination of national security policy. They shall provide policy analysis for consideration by the more senior committees of the NSC system and ensure timely responses to decisions made by the President. Each NSC/PCC shall include representatives from the executive departments, offices, and agencies represented in the NSC Deputies Committee.<sup>6</sup>

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<sup>4</sup> National Security Presidential Directives. *Organization of the National Security Council System*. February 13, 2001, available [on-line]: [<http://www.fas.org/irp/offdocs/nspd/nspd-1.htm>]; accessed 12 August 2002.

<sup>5</sup> Amos A. Jordan and William J. Taylor. *American National Security: Policy and Process*. Revised edition; Baltimore: The Johns Hopkins University Press, 1984.

<sup>6</sup> National Security Presidential Directives. *Organization of the National Security Council System*. February 13, 2001, available [on-line]: [<http://www.fas.org/irp/offdocs/nspd/nspd-1.htm>]; accessed 12 August 2002.

The present George W. Bush administration has assigned specialized functions to each of the seventeen committees in accordance with regional orientations or functional topics.<sup>7</sup> In addition to Policy Coordination Committees of the NSC, the Chairman of each NSC/PCC, with the agreement of the Executive secretary, may establish subordinate working groups to assist the PCC in the performance of its duties. The development of a system that includes the coordination of contributions from Heads of the executive institutions and their deputies and the day-to-day interagency coordination of experts shows the main value of the United States' model for the National Security Council. This model could be a useful exemplar for other countries. What makes this experience even more valuable is the fact that even having such wide authority over the executive agencies in national security sphere through the branched net of the representatives and experts, the United States' presidents resisted the temptation to grant the NSC and its staff the right to conduct the management of the development and implementation of policies other than directly connected to the national security sphere. Its main purpose remains "to advise the President with respect to the integration of domestic, foreign, and military policies relating to national security."<sup>8</sup>

The status of the Assistant to the President for National Security Affairs (widely known as the National Security Adviser) in general determines the role of the Council as

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<sup>7</sup> Six NSC/PCCs are hereby established for the following regions: Europe and Eurasia, Western Hemisphere, East Asia, South Asia, Near East and North Africa, and Africa. Each of the NSC/PCCs shall be chaired by an official of Under Secretary or Assistant Secretary rank to be designated by the Secretary of State. Eleven NSC/PCCs are hereby also established for the following functional topics, each to be chaired by a person of Under Secretary or Assistant Secretary rank designated by the indicated authority: Democracy, Human Rights, and International Operations (by the Assistant to the President for National Security Affairs); International Development and Humanitarian Assistance (by the Secretary of State); Global Environment (by the Assistant to the President for National Security Affairs and the Assistant to the President for Economic Policy in concert); International Finance (by the Secretary of the Treasury); Transnational Economic Issues (by the Assistant to the President for Economic Policy); Counter-Terrorism and National Preparedness (by the Assistant to the President for National Security Affairs); Defense Strategy, Force Structure, and Planning (by the Secretary of Defense); Arms Control (by the Assistant to the President for National Security Affairs); Proliferation, Counterproliferation, and Homeland Defense (by the Assistant to the President for National Security Affairs); Intelligence and Counterintelligence (by the Assistant to the President for National Security Affairs); and Records Access and Information Security (by the Assistant to the President for National Security Affairs), information available [on-line]: <http://www.fas.org/irp/offdocs/nspd/nspd-1.htm>; accessed 14 August 2002.

<sup>8</sup> National Security Presidential Directives. *Organization of the National Security Council System*. February 13, 2001, available [on-line]: [<http://www.fas.org/irp/offdocs/nspd/nspd-1.htm>]; accessed 12 August 2002.

a decision-making department in the United States Government. The President appoints the National Security Adviser without the confirmation by the Senate. As such, he is not dependent on the political climate in the country as are the Secretaries of State and Defense. Therefore the Assistant to the President for National Security Affairs is able to offer the President an independent advice. The profile of the president's National Security Adviser may vary from administration to another and his role in political decision-making system of the country does also. Experts of the BBC have said:

Some, like Ms [Condoleezza] Rice's mentor (and national security adviser to George Bush Sr.), Brent Scowcroft, were important, but low-profile coordinators of [security and] foreign policy. Others, such as Bill Clinton's Sandy Berger, were more visible. Perhaps, the most powerful and visible national security adviser of recent years was Henry Kissinger, who started as national security adviser to Richard Nixon and then became his Secretary of State.<sup>9</sup>

Viewing the present situation, the significant involvement of Condoleezza Rice in representing the country in the global sphere, as well as her experience as a negotiator and plenipotentiary of United States' interests, tends to generate the conclusion that the National Security Advisor's role is expanding. But in the United States the scope and the territory of the National Security Advisor tends to depend upon the personality of the candidate rather than on any clearly defined limits associated with the job.

Many experts agree, that in order to serve the President and the nation in the best way, "the National Security staff needs to be strong, small, subdued, selective in its issue engagement, and focused above all on management of policy process."<sup>10</sup> However, such a vocational description tends to be idealistic and could be as useful as the dictum 'the perfect politician should be young and experienced.' The argument is the more NSC is focused on management of policy process, the lower chances for it to remain "small, subdued and selective in its issue engagement." Otherwise this would influence the

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<sup>9</sup> BBC News. *Profile: Condoleezza Rice*. By US affairs analyst Ben Wright. Tuesday, 25 September, 2001, 00:08 GMT 01:08 UK, available [on-line]: [[http://news.bbc.co.uk/1/hi/English/world/Americas/newsid\\_1561000/1561791.stm](http://news.bbc.co.uk/1/hi/English/world/Americas/newsid_1561000/1561791.stm)]; accessed 26 June 2002.

<sup>10</sup> Ivo H. Daalder and I.M. Destler. *How Operational and Visible an NSC?* Brookings, February 23, 2001, available [on-line]: [<http://www.brook.edu/views/op-ed/daalder/20010223.htm>]; accessed 27 August 2002.

working capacity of the NSC's activity and effectiveness of its outcome. Thus, the rationality of the present National Security Adviser Condoleezza Rice's decision to cut the NSC staff by 30 percent to about 70 policy professionals<sup>11</sup> seems questionable. At the same time, Rice's reorganization of the structure of NSC staff may be useful. Her idea to curtail support offices and to create directorates that consolidate the activities of smaller field departments, on my view, has defined clearly the general orientation of the NSC staff's activity, simplified the coordination of its field experts and could positively influence the efficiency of the organization in general.

This view of the United States' experiences in organizing the national security system helped me to come to the following conclusions. The United States appears to have a clear and precise definition of the notion of 'national security'. The United States' perception of national security is limited to the protection of the state but is not concerned with the additional interests of American society or the individual. To accomplish these goals the President's administration needs interagency cooperation among all branches attaching national security. The task of coordinating the activity of the state executive institutions, I believe, created the NSC in its current form. The status of the Assistant to the President for National Security Affairs in general determines its role in the political decision-making system. However, the personal characteristics of the National Security Advisor greatly influence the scope of his authority. Finally, the latest changes in the structure of the NSC staff has helped to specify the general orientation of its activity, has simplified the coordination of the field experts, and could positively influence the efficiency of the organization in general.

## **B. THE SECURITY COUNCIL OF THE RUSSIAN FEDERATION**

The need for a new security policy agency emerged in Russia towards the end of the Soviet Union, when the crisis of old institutional Soviet system had reached its culmination. The totalitarian style power-enforcement structures and the Communist Party offices did not fit to the new challenges of the 'perestroika' period. The dispersion

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<sup>11</sup> In accordance with the Title 50, Chapter 15, Section 402 (c) of the US Code, the Secretary of the NSC "is authorized ... to appoint and fix the compensation of ... personnel as may be necessary to perform ... duties as may be prescribed by the Council in connection with the performance of its functions."



of authority had begun. This process resulted in the creation of the Security Council of the U.S.S.R. on the 26<sup>th</sup> of December 1990.<sup>12</sup> This agency was mainly responsible for the preparation of the recommendations concerning the implementation of all-Union defense policy, the sustenance of a firm state, economic stability and ecological security, liquidation of the consequences of the natural disasters and other extraordinary situations, and securing the stability and the law and order in the society of the Soviet Union.

These provisions were expanded with reference to the Security Council of the R.S.F.S.R. in the Law of Russian Federation “Concerning the Security” adopted on the 5<sup>th</sup> of March 1992. In addition to constitutional status, which was granted to the Security Council of the R.S.F.S.R. on the 24<sup>th</sup> of May 1991,<sup>13</sup> the Council was charged with the consideration of the strategic problems of the state, and the economic, social, defensive, informational, and ecological security issues. In addition the Council would be responsible for the protection of the health of the society; prognostication; prevention of the extraordinary situations and the liquidation of its consequences; and securing the stability and the law and order. The First President of the Russian Federation, Boris Yeltsin, on the 3<sup>rd</sup> of June 1992 approved the Decree<sup>14</sup>, which created the first Security Council of Russian Federation. As stated in the mentioned document, the Security Council establishes the “*implementation of the realization of the functions of the President on the governance of the state; formation of internal, external and military policy* (italic is mine – O.S.) in the sphere of security; preserving the state sovereignty of

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available [on-line]: [<http://www4.law.cornell.edu/uscode/50/402.html>]; accessed 02 February 2002.

<sup>12</sup> Law of the U.S.S.R. “*Concerning the Changing of the Constitution (the Main Law) of the U.S.S.R. in Connection with the Perfection of the System of the State Administration.*” 26<sup>th</sup> of December 1990. *Vedomosti SSSR*. 1991, # 1, p. 3.

<sup>13</sup> Law of the R.S.F.S.R. “*Concerning the Changing of and Additions to the Constitution (the Main Law) of the R.S.F.S.R.*” 15<sup>th</sup> of December 1990, available [on-line]: [<http://www.informika.ru/text/goscom/normdoc/r19/19021.html>]; accessed 02 March 2003.

<sup>14</sup> The Decree of the President of the Russian Federation “*Concerning the Creation of the Security Council of the Russian Federation.*” 3<sup>rd</sup> of June 1992, #547, available [on-line]: [<http://www.scrf.gov.ru/Documents/History.html>]; accessed 14 December 2002.

Russia; securing the social and political stability in the society, defense of the rights and freedoms of the citizens.”<sup>15</sup>

Before September of 1993 the Security Council of the Russian Federation was a collective agency and included top executive and legislative officials. After the old Constitution of 1978 was terminated, the President of Russian Federation, Boris Yeltsin, issued a Decree<sup>16</sup> by which he empowered himself with the authority to form the Security Council’s personal staff, thus, ensuring its status as a deliberative body for the President of Russia. While this decision was seen to be in violation of the Constitution of the Russian Federation and a sufficient reason to impeach President Yeltsin,<sup>17</sup> nevertheless this Decree resulted in the new status of the Security Council in Russia. The unstable political situation in the country during the early years after the collapse of the Soviet Union ensured that there was little resistance to this. As ‘the soul, mind and heart’ of the changes in the independent Russian Federation, the first President, Boris Yeltsin, at the same time managed to accumulate huge powers for himself. An effective vertical system was required to implement these powers. Executive structures had been either highly politicized or too independent, and so Boris Yeltsin needed to create something new. Hundreds of the President’s representatives were appointed to the local administrations to be ‘the eyes and the ears’ of the President at regional levels. The Security Council was placed at the top of this system and still serves as the most reliable tool for the “implementation of the realization of the functions of the President in the governance of the state” or in other words for the implementation of the President’s will. A strong President, who places himself above all other powers in a respective country, foments the creation of an institution with extraordinary authority by which he can control the

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<sup>15</sup> The Decree of the President of the Russian Federation “*Concerning the Creation of the Security Council of the Russian Federation.*” 3<sup>rd</sup> of June 1992, #547, available [on-line]: [<http://www.scrf.gov.ru/Documents/History.html>]; accessed 14 December 2002.

<sup>16</sup> Decree of the President of the Russian Federation “*Concerning Step-by-Step Constitutional Reform in the Russian Federation.*” #1400, 21<sup>st</sup> of September 1993, available [on-line]: [<http://1993.sovnarkom.ru/TEXT/DOKUMENT/1400.htm>]; accessed 05 February 2003.

<sup>17</sup> Decision of the Constitutional Court of the Russian Federation “*Concerning the Decree of the President of the Russian Federation “Concerning Step-by-Step Constitutional Reform in the Russian Federation.”*” #1400, 21<sup>st</sup> of September 1993, available [on-line]: [[http://lib.thewalls.ru/okt\\_1993/ks21091993.html](http://lib.thewalls.ru/okt_1993/ks21091993.html)]; accessed 05 February 2003.

implementers of policy from executive power. In contrast to the United States' experience, where the National Security Council is like a "politburo" of the Government, the Security Council of the Russian Federation rather serves the President as he struggles to tackle sensitive issues using the performance capabilities of the executive office. In Russia the government has emerged as a power subordinated to the President but separated from the real policy making.

The Security Council's special status in the state system of Russia can be described best by examining the main fields of its activity. They include:

- The creation of the annual report of the President to the Supreme Soviet about the guaranteeing of the security of Russia *as a main program document for the executive agencies on the issues of internal, external and military policy* (Italic is mine – O.S.); and for the working out of the legal acts in the field of the protection of the vitally important interests of the personality, society and the state from external and internal threats;

- The organization of the activity of the standing and interim interagency commissions, which the Council creates on functional or regional basis, as the main tool for elaboration of the drafts for the decisions of the President of the Russian Federation;

- Working out the proposals on securing the constitutional system, state sovereignty and territorial integrity of the Russian Federation within the frameworks established by its Constitution, Federative Treaty and the laws of the Russian Federation.<sup>18</sup>

Those provisions were developed in the Law of the Russian Federation "Concerning the Security."<sup>19</sup> Several fundamentally important ideas mentioned in this document require attention. First, the idea of security does not refer to the security of the state only; it also covers the security of the individual and the security of the larger society. Accordingly, the threats to security are "the totality of conditions and factors, which create danger to the vital interests of an individual, society and the state." Second, such a vast understanding of security will require a complicated system of

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<sup>18</sup> The Decree of the President of the Russian Federation "Concerning the Creation of the Security Council of the Russian Federation." 3<sup>rd</sup> of June 1992, #547, available [on-line]: [<http://www.scrf.gov.ru/Documents/History.html>]; accessed 14 December 2002.

<sup>19</sup> The Law of the Russian Federation "Concerning the Security." #4235-1, 22<sup>nd</sup> of December 1992, available [on-line]: [<http://www.scrf.gov.ru/Documents/2646-1.html>]; accessed 14 December 2002.

implementation. In accordance with Article 8 of the mentioned law “security system consists of the agencies of legislative, executive and judicial powers; state, public and other organizations and associations; citizens who according to the law take part in implementation of the security; and the legislation that regulate the relations in the sphere of security.” It should be mentioned, that the President of Russia implements the overall guidance of the state agencies dealing with the implementation of security (Article 11 of the law) including those mentioned in Article 8. Such situation might be seen to render the judiciary impotent. The law subordinates “the agencies of legislative, executive and judicial powers” to the power of the President in the sphere of security. Third, security in the Russian Federation relies on assets that go far beyond the Security Council of Russian Federation and includes some military and civil protective functions. These include:

... the Armed Forces; federal security agencies; agencies of internal affairs, external intelligence, those of the implementation of the security of the agencies of legislative, executive and judicial powers and their top officials, and the tax service; agencies for the liquidation of the consequences of the extraordinary situations, organization of the civic defense; frontier troops, internal troops; the agencies implementing the secure activities in the industrial, energy, transport and agricultural sectors; the services implementing the security of communication and information facilities, customs, environmental agencies, agencies of the protection of the public health and other state agencies for the implementation of security that act on the grounds of the legislation.<sup>20</sup>

Bearing in mind that the decisions in the security sphere are made regularly (usually once a month) and by a simple majority of the permanent members of the Security Council, which includes the President, the Head of the Government, the Minister of Defense, the Minister of Foreign Affairs, the Director of the Federal Security Service and the Secretary of the Security Council, it could be argued that these officials have colossal authority to make policies in spheres other than those for which they are normally responsible. It is important to bear in mind that all of them excepting the President are political appointees who because of the political moment have extremely wide influence on policy formulation processes in Russia. In addition, it is not clear what would happen

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<sup>20</sup> The Law of the Russian Federation “*Concerning the Security.*” #4235-1, 22<sup>nd</sup> of December 1992. Article 12, available [on-line]: [<http://www.scrf.gov.ru/Documents/2646-1.html>]; accessed 14 December 2002.

if half of the permanent members of the Security Council voted for a decision while the other half voted against it. Or a potential problem could emerge if the majority of the permanent members of the Security Council held an opinion, which differed from that of the President. So, for example, Vladimir Putin – as the only elected member of the Council - could face the situation where the top ministers of Russia block policy in the country. The Security Council of the Russian Federation in this sense differs from the United States' National Security Council because the members of the latter are branch advisers to the American President who personally makes all the decisions and is responsible for them.

The absence of reliable control over the activity in the security sphere of the Russian Federation makes the situation in political decision-making very uncertain. Article 21 states that:

... the state authorities and the state governmental agencies of Russian Federation within the framework of their competence implement control over the activity of the ministries and agencies, enterprises, offices and organizations on the issues of guaranteeing of the security.<sup>21</sup>

An obvious interpretation of this article leads one to conclude that state agencies control state agencies in the fields of their competence. It means not only that those agencies may control each other but also that they may control their activity in a security sphere by themselves. Following the logic of this article one may ask what agency, for example, is the most competent in the issues of customs' security. The answer is the Customs Service. Thus, according to the Law, the Customs Service in the Russian Federation should control the activity of Russian Customs Service in the security sphere.

The authorities of the Security Council of the Russian Federation in preparation for implementation of the Decrees of the President put forward the special requirements and qualifications for the position of the Secretary of the Security Council. The Council's Secretaries have been the authorized delegates of the Presidents of Russia. Though they are not always the 'right hand' men of the President, their advice is always heeded.

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<sup>21</sup> The Law of the Russian Federation "*Concerning the Security.*" #4235-1, 22<sup>nd</sup> of December 1992. Article 21, available [on-line]: [<http://www.scrf.gov.ru/Documents/2646-1.html>]; 14 December 2002.

President Yeltsin violated this rule only once. During his presidential campaign for the second term in office Boris Yeltsin, immediately following the announcement of the results of the first round of elections, offered the post of the Secretary of the Security Council to then-third-popular candidate Aleksandr Lebed in exchange for his votes (14,7% of total number of voters). General Lebed accepted this proposal and by the President Yeltsin's Decree of the 18<sup>th</sup> of June 1996 was assigned the position of Security Council's Secretary<sup>22</sup> of but did not stay there for a long period of time. On the 17<sup>th</sup> of October of the same year Aleksandr Lebed was dismissed from his office after being accused by the Minister of the Interior, A. Kulikov, of fomenting a coup d'etat (the court later recognized Aleksandr Lebed not guilty).<sup>23</sup>

The situation with the Security Council of the Russian Federation remains the same today with the presidency of Vladimir Putin. In addition it should be said that there is a greater trust by the acting Russian President for the so-called "people with epaulets" i.e. the military, law-enforcement personnel and security service officers. This attitude influences their greater role in policy formulating processes in general and in security sphere in particular.<sup>24</sup>

With regard to the aforementioned arguments of this chapter, the following conclusions about the experience of Russia in institutionalization of their federal security sphere can be made. First, the Security Council serves as the most reliable tool for the implementation of the will of a politically strong Russian President. Second, it is a wise

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<sup>22</sup> The Decree of the President of the Russian Federation "Concerning the Assignment of Aleksandr Lebed' as the Secretary of the Security Council of the Russian Federation and Assistant to the President of the Russian Federation on National Security Issues." 18<sup>th</sup> of June 1996, available [on-line]: [<http://www.cityline.ru/politika/gos/sbsodi.html>]; accessed 14 December 2002].

<sup>23</sup> The Decree of the President of the Russian Federation "Concerning the Resignation of Aleksandr Lebed' from the Posts of the Secretary of the Security Council of the Russian Federation and Assistant to the President of the Russian Federation on national security issues." 17<sup>th</sup> of October 1996, available [on-line]: [<http://www.cityline.ru/politika/gos/sbsodi.html>]; accessed 14 December 2002.

<sup>24</sup> The acting Secretary of Security Council of the Russian Federation, Vladimir Rushailo, is a three star general and an Honored Official of the Ministry of Interior of Russian Federation. His predecessor on this post, Sergey Ivanov, is also a three star general, who made his career in Soviet KGB and Russian FSB. Sergey Ivanov is the Defense Minister in Russia now. Vladimir Putin himself was a Secretary of the Security Council of Russian Federation. Beginning from 25<sup>th</sup> of July 1998 until his appointment as a Head of the Government of Russian Federation on the 9<sup>th</sup> of August of 1999 Mr. Putin combined his duties as a Secretary of the Security Council with the post of a Director of Federal Security Service.

decision to create a system with permanent members of the Security Council who have a right to vote and non-permanent members who hold advisory functions. Third, it could be argued that the security decision-making and control over this process should be improved. It requires necessary changes in the political system of Russian Federation, which would take into account the need to balance the role of the President and executive, with the legislative and judicial branches of government.

### **C. THE NATIONAL SECURITY COUNCIL OF POLAND**

The Polish National Security Council is a relatively new creation. This agency is not very well known and so, some basic information should be introduced first. In accordance with the Article 135 of the Constitution of the Republic of Poland<sup>25</sup> and the Presidential Decision of the 20<sup>th</sup> of January 1998 the President of the Republic of Poland Aleksander Kwasniewski appointed the first National Security Council as an advisory body of the President in the sphere of internal and external security of the state. The personal composition of the Council in 1998-2000 widely represented all the powers of Poland and included the Chairman of the Council of Ministers, Jerzy Buzek; the Speaker of the Sejm, Maciej Plazynski; the Speaker of the Senate, Alicja Grzeskowiak; Deputy Chairman of the Council of Ministers, Minister of Finance, Leszek Henryk Balcerowicz; Deputy Chairman of the Council of Ministers, Minister of Internal Affairs and Administration, Janusz Adam Onyszkiewicz; Minister of Foreign Affairs, Bronislaw Geremek; President of the Polish National Bank, Hanna Beata Gronkiewicz-Waltz; and Head of the National Security Bureau, Secretary of the National Security Council, Marek Maciej Siwec.

However, the Council appeared to be abortive. Information about the meetings of the National Security Council of the first term seems to be non-existent. Perhaps the President of Poland found the first NSC ineffective. That is why Aleksander Kwasniewski had to reconsider the goals of the NSC, reformulate its tasks and change its personal composition. The 28<sup>th</sup> of December 2000 is known as the day of founding of the NSC in

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<sup>25</sup> Constitution of the Republic of Poland. Article 135: "The advisory organ to the President of the Republic regarding internal and external security of the State shall be the National Security Council", available [on-line]: [[http://www.oefre.unibe.ch/law/icl/pl00000\\_.html](http://www.oefre.unibe.ch/law/icl/pl00000_.html)]; accessed 04 February 2003.

its present form by the President of Poland.<sup>26</sup> The inaugural meeting of the National Security Council took place at the Presidential Palace on the 18<sup>th</sup> of January 2001. Before the start of the meeting the President nominated the membership in the National Security Council of Prof. Adam Daniel Rotfeld and Marek Belka. The remaining members of the Council – Marek Siwiec, Ryszard Kalisz, Gen. Henryk Szumski and Brig. General Boguslaw Strzelecki received their nomination papers on 28 December 2000.<sup>27</sup> Having a look on the membership of the Polish NSC, I found that unlike in the United States, Russia or Ukraine any of its member was appointed to the NSC because of his position in the country's political system but rather because he lost his position due to some reasons. That is why it would appear that the Council serves as a ceremonial entity reserved for semi-retired politicians or, conversely, as an entry point for those attempting to launch new political careers.

The members of the Polish National Security Council at their first meeting discussed problems of national security spanning from 2001 to 2005. The President presented the main goals of the NSC. In his view they were: “the elaboration of the imperative activities of the state in terms of: improving public safety, the influence of Polish membership in NATO and the process of integration with the European Union on national security, as well as in terms of meeting the new challenges faced by Poland related to the process of globalization and non-traditional external and internal threats.”<sup>28</sup>

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<sup>26</sup> National Security Council of the Republic of Poland. Meeting on 18 January 2001, available [online]: [[http://www.bbn.gov.pl/eng/bbn\\_eng.html](http://www.bbn.gov.pl/eng/bbn_eng.html)]; accessed 04 February 2003.

<sup>27</sup> Prof. Adam Daniel Rotfeld - previously Director of the Stockholm International Peace Research Institute (SIPRI) and leader of the SIPRI project on Building a Co-operative Security System in and for Europe, beginning from 2001 - Undersecretary of State in the Ministry of Foreign Affairs); Marek Belka - Economic Adviser to the President of Poland, beginning from October 2001 until July 2002 - Deputy Prime Minister, Minister of Finance; Ryszard Kalisz – former Head of the Chancellery of the President of Poland, former Head of the Electoral Staff of Aleksander Kwasniewski, as of 23 December 2000 on the basis of the decision made by the President of Poland recalled from the post of the Secretary of State in the Chancellery of the President and appointed member of the National Security Council, since 2001 Member of Parliament, Head of the Legal Committee; Gen. Henryk Szumski - former Chief of the General Staff of the Polish Armed Forces; Brig. General Boguslaw Strzelecki - former Voivodship Police Commander in Cracow; Marek Siwiec – former member of the Sejm (Lower House of the Polish Parliament) representing Kalisz voivodship, as Democratic Left Alliance deputy (SLD); member of the Sejm Foreign Affairs Committee, Culture and Media Committee; member of Poland - Columbia and Poland - South Korea parliamentary bilateral groups, irremovable Secretary of NSC beginning from the time of its foundation.

<sup>28</sup> National Security Council of the Republic of Poland. Meeting on 18 January 2001, available [online]: [[http://www.bbn.gov.pl/eng/bbn\\_eng.html](http://www.bbn.gov.pl/eng/bbn_eng.html)]; accessed 03 February 2003.



These goals emerge from the existing understanding of security policy in Poland. Considering the strong positions of the President in the Polish political system, the national security of the country seems to be equated with the vision of its national interests by Mr. Kwasniewski and is not very much about the averting of the threats to those interests. In this respect I would mention one NSC Secretary's interview that serves as a demonstrative example to my argument. After the NSC's meeting of the 7<sup>th</sup> of June 2001 Minister Marek Siwiec met with journalists and said:

This meeting concerned three important events to be held in the nearest future, which are directly connected with the national security of Poland. The first event is the informal summit of NATO to be held on 13 June in Brussels, with the participation of the President of the Republic of Poland Mr. Aleksander Kwasniewski. The second event is a visit of the President of the United States Mr. George W. Bush in Poland. Just few days later the President of Poland will visit NATO Headquarters in Europe (SHAPE). Members of the NSC discussed these three events today and expressed their opinions to Mr. President. First of all we talked about how we imagine the role of Poland, the role of the President, in these three discussions, which will be connected to the most important challenges facing NATO and the system of European security.<sup>29</sup>

The National Security Council in Poland is not involved in the government's policy-making. The scope of its activities includes *examining and providing opinion on some questions of state security to the President of the Republic of Poland* by making general assumptions of state security; making assumptions about the direction of foreign policy; contemplating the development of Armed Forces; examining the problems of external security; and evaluating the threats to internal security and the means of these threats prevention. No meeting of the NSC is supposed to have particular decision at the end. At a press conference after a meeting of the Polish National Security Council its Secretary may inform the public about the issues discussed or, in some cases, about the President's initiatives.<sup>30</sup> The main goal of the meetings of the National Security Council

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<sup>29</sup> National Security Council of the Republic of Poland. Meeting on 7 June 2001, available [on-line]: [[http://www.bbn.gov.pl/eng/bbn\\_eng.html](http://www.bbn.gov.pl/eng/bbn_eng.html)]; accessed 03 February 2003.

<sup>30</sup> The President Aleksander Kwasniewski at the meeting of the National Security Council of the Republic of Poland on 19 September 2001 introduced his initiative on organizing a conference of the Central European Leaders on combating terrorism to be held in Warsaw, available [on-line]: [[http://www.bbn.gov.pl/eng/bbn\\_eng.html](http://www.bbn.gov.pl/eng/bbn_eng.html)]; accessed 03 February 2003.

is to “discuss the problems related to approaching important political events,” which are to a greater extent connected with the activity of the President of Poland than with the foreign or domestic policies of the country. At the end, the members of the NSC may advise the President, but it is up to Mr. Kwasniewski to respect or reject those recommendations.

Unlike the Russian Security Council, the National Security Council in Poland does not deal with security problems of the society or an individual. The powers and the scope of activities of the NSC are limited to *examining and providing opinion on questions of state security*, including making “general assumptions of state security; assumptions and directions of foreign policy; directions of the development of Armed Forces; problems of external security; and threats to internal security and the means of security threat prevention.”<sup>31</sup> Though the NSC was established to meet once a month,<sup>32</sup> the President, who sets the agenda of the meetings, has determined the time and the frequency of the gatherings. Since its inception National Security Council has met eight times.<sup>33</sup> The NSC’s infrequent meetings do not indicate the absence of the issues of the national security importance; it rather demonstrates the low level of involvement of the NSC into the security policy formulation process in Poland. The fact that the National Security Council is not mentioned in any of the lists of Polish national institutions,<sup>34</sup> reveals its status as a ceremonial advisory body.

Although the National Security Council of the Republic of Poland does not have much authority to influence security policy in the country, the National Security Bureau, a state institution dealing with external and internal security and defense field, does. Established in 1991, the NSB fulfils tasks related to the Constitution and legal obligations

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<sup>31</sup> The powers and the scope of the activities of the NSC, available [on-line]: [[http://www.bbn.gov.pl/eng/bbn\\_eng.html](http://www.bbn.gov.pl/eng/bbn_eng.html)]; accessed 03 February 2003.

<sup>32</sup> The decisions of the meeting of the National Security Council of the 18<sup>th</sup> of January 2001, available [on-line]: [[http://www.bbn.gov.pl/eng/bbn\\_eng.html](http://www.bbn.gov.pl/eng/bbn_eng.html)]; accessed 03 February 2003.

<sup>33</sup> Meetings of the NSC of the Republic of Poland: 18<sup>th</sup> of January 2001, 22<sup>nd</sup> of February 2001, 7<sup>th</sup> of July 2001, 19<sup>th</sup> of September 2001, 11<sup>th</sup> of January 2002, 4<sup>th</sup> of April 2002, 5<sup>th</sup> of September 2002, and 19<sup>th</sup> of February 2003.

<sup>34</sup> Governments of the WWW: Poland, available [on-line], [<http://www.gksoft.com/govt/en/pl.html>]; Republic of Poland: national institutions link list, available [on-line]: [[http://www.stosunki.pl/english/republic\\_of\\_poland\\_links.html](http://www.stosunki.pl/english/republic_of_poland_links.html)]; accessed 05 February 2003.

of the President of the Republic of Poland concerning the security issues of the country and supreme supervision of the Polish Armed Forces. The NSB organizes and ensures carrying out those tasks related to the National Security Council (as the NSC secretariat) and the Permanent Political Advisory Group to the NSC (PPAG), the National Defense Committee (as the NDC Secretariat), as well as the Coordination Committee of the Presidents of the Republic of Poland and Ukraine. The Secretary of the NSC of Poland and the National Security Advisor to the President, Marek M. Siwiec, chairs the National Security Bureau.

The analysis of the scope of the tasks of the National Security Council and the National Security Bureau has yielded the following conclusions. First, the efficiency of the structure for the preparation of presidential decisions in the security sphere in Poland is quite questionable because NSC and NSB in many respects duplicate the functions of each other, and yet ignore completely other more pressing concerns. It is not clear that President Kwasniewski needs National Security Council in its present form, which influence on presidential policy formulation in security sphere is limited to making the corresponding recommendations, when experts of the National Security Bureau on a permanent basis can perform the same functions through their Head – the National Security Adviser to the President. Second, the issues touched upon in the meetings of the NSC in Poland reflect the personal understanding of the national security sphere by President Aleksander Kwasniewski. In some cases the domestic or international functions of the President are interpreted as national security policy, where more often the President is acting to promote the national interests of the country. Third, the separation of the defense field from the sphere of external and internal security could be seen as an inexpedient action that complicates the implementation of the coordinated and balanced security policy of the state. Finally, forth, the role and influence of the NSB and of its Head, the National Security Adviser to the President, are most significant to the national security sphere of Poland. The unique experience of the work of the Coordination Committee of the Presidents of the Republic of Poland and Ukraine contributed to the development of the special status of Mr. Siwiec in Polish government.

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### **III. THE LEGISLATIVE AND POLITICAL BACKGROUND OF THE ROLE OF THE NATIONAL SECURITY AND DEFENSE COUNCIL OF UKRAINE**

*The mining of the things lies not in the things themselves,  
but in our attitude towards them.*

*- Antoine de Saint Exupery*

The latest developments in Ukrainian political life reveal that the position of the National Security and Defense Council in the state system of Ukraine is quite weak. This paper explains the current weak influence of the National Security and Defense Council on political decision-making processes and the conditions under which one might expect changes of the mentioned NSDC's positions in the Ukrainian power system.

One may wonder why these questions arise and whether they are important, and if they are, why? The answers for these “whats” and “whys” are closely connected with the real political process in Ukraine, which is quite unpredictable and highly dependable on a number of internal and external factors. There is still no clear understanding among Ukrainian policy-makers about what the NSDC should do and, more importantly, for what reason. There is no doubt among the analysts now that the power and influence of Ukrainian National Security and Defense Council greatly depend on the authority of its Secretary,<sup>35</sup> who exploits the potentials of the Council with his own “weight” as a political player.

The role of NSDC in the Ukrainian system of the state institutions depends upon and reveals the strengths of the executive branch as a whole and identifies how this system is coordinated and works. This condition justifies the importance of the following research and offers a way to solidify the positions of the National Security and Defense Council of Ukraine, regardless of political cataclysms in the country.

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<sup>35</sup> *Ukrainian Foreign and Security Policy. Theoretical and Comparative Perspectives* / edited by Jennifer D.P. Moroney, Taras Kuzio, and Mikhail Molchanov. Praeger Publishers, 2002, p. 105.

**A. THE FORMATION OF THE LEGISLATIVE BACKGROUND FOR THE ROLE OF NSDC IN THE CONTEXT OF POLITICAL DEVELOPMENT OF UKRAINE**

As I see it, the deep roots of the problem arise from the hardships of constructing an institutional system in Ukraine. These hardships are not unique for Ukraine; all developing countries experience problems of designing their democratic institutions, and the only difference is how successful they are in dealing with these difficulties. The situation in Ukraine can be seen to have been worsened by the non-democratic rivalry for power caused by the intensification of conflict among the actors of the Ukrainian political system (including individual politicians) following the break up of the Soviet Union. Bearing this in mind the change of the NSDC's role in the state system of Ukraine can be seen to have been primarily by the attempts to strengthen the position and the influence of the President of Ukraine and to transfer additional powers to his Administration. (In the Ukrainian case this does not mean his government but the President's group of staffers or secretariat, which has no constitutional authority to be a separate player in the executive system of the country).

The way democracy is structured is key for the stable and predictable development of a country that has chosen the democratic path. From the time of its independence in 1991, Ukraine has experienced both successes and failures. National security issues have always been of great importance to the country. This was true back in the beginning of the '90s when many external, and some internal forces, doubted the Ukraine's right of independence; it is still true now as the national security of Ukraine faces several challenges of a global nature.

Having been a republic of the Soviet Union, Ukraine had almost no experience in state building. So first it tried to apply the experience of the developed countries to Ukrainian "terrain", particularly with regard to the sphere of the institutionalization of its national security. At first models from the United States or other nations were considered to develop a form for the National Security Council of Ukraine (NSC). This Council was formed in July 1992 as a consultative-advisory organ to the President of Ukraine in the executive system. The NSC changed its status in 1994, when the President, by his Decree, granted the Council the new functions of organizational and coordinative

activity. Decrees of the President of Ukraine could regulate this activity and adjust the status of the NSC to national security needs. In reality, the NSC was not just an advisory body to the President, but influenced many Presidential decisions, and indirectly aligned the activity of the Ukrainian Cabinet of Ministers, military and security organizations. That is why the political elite realized the necessity of establishing the framework for NSC's authorities and to secure it in the Constitution and by appropriate legal acts.

The first attempt to find an adequate role for NSC in political decision-making can be seen in the 1995 Constitutional Agreement between the President and the Verhovna Rada. According to this document, the President was granted the status of guarantor of national security in Ukraine and a position as the Head of the NSC.

In 1996 the first Ukrainian Constitution was adopted. This document introduced several amendments about the status of the NSC. It should be mentioned first, that the creation of a new institution was decreed – the National Security and Defense Council of Ukraine – which would assume the functions and authorities of the former NSC and the National Defense Council. Article 107 of the Constitution defines that

The NSDC is the coordinating body to the President of Ukraine on issues of national security and defense. The National Security and Defense Council of Ukraine coordinates and controls the activity of bodies of executive power in the sphere of national security and defense. The President of Ukraine is the Chairman of the National Security and Defense Council of Ukraine. The President of Ukraine forms the personal composition of the National Security and Defense Council of Ukraine. The Prime Minister of Ukraine, the Minister of Defense of Ukraine, the Head of the Security Service of Ukraine, the Minister of Internal Affairs of Ukraine and the Minister of Foreign Affairs of Ukraine, are ex officio members of the National Security and Defense Council of Ukraine. The Chairman of the Verhovna Rada of Ukraine may take part in the meetings of the National Security and Defense Council of Ukraine. Decisions of the National Security and Defense Council of Ukraine are put into effect by the decrees of the President of Ukraine.<sup>36</sup>

The Constitution also demands that the competence and functions of the National Security and Defense Council should be explained in a separate law. Following the adoption of the “Conception (the Basics of State Policy) of National Security” by the

Verhovna Rada on January 16<sup>th</sup>, 1997, which established the system of institutions for national security issues, the President signed the Law of Ukraine “Concerning the National Security and Defense Council” in 1998. In accordance with this law the functions of the new NSDC are the same as those of the NSC, but are broadened in relation to its competence and power.

According to Article 4 of the Law of Ukraine “Concerning the National Security and Defense Council of Ukraine”,<sup>37</sup> this institution has the authority to carry out day-to-day control of executive structures; it uses state officials and analysts of all government departments, utilizes research institutions and organizations of both private and public form of property to analyze necessary information; initiates the legislation on national-security-and-defense-related issues and controls its implementation; coordinates and controls the activity of state and local institutions during the time of emergency or threat of a crisis situation.

It is evident that, the legislation regarding the national security of Ukraine is comprehensive and establishes many powers regulating authority and competence, functions, composition, structure, and the NSDC’s rules of functioning. Yet it might be asked what were the reasons and the goals of Ukrainian policy-makers when they granted NSDC its authority? Or why is the NSDC now losing its authority? An examination of the modern realities of Ukraine regarding the institutionalization of the national security sphere might reveal some answers.

It would be useful to begin with the elements of national security strategy, as understood by Ukrainian politicians when they created the NSDC and adopted the Law of Ukraine “Concerning the National Security and Defense Council of Ukraine” and the “Conception (the Basics of State Policy) of National Security”. The academic structure of national security strategy includes diplomatic, military, economic, and informative

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<sup>36</sup> Constitution of Ukraine, # 254/96-BP, *Bulletin of the Verhovna Rada*, 1996, #30.

<sup>37</sup> The Law of Ukraine “Concerning the National Security and Defense Council of Ukraine,” available [on-line]: [<http://www.rainbow.gov.ua/about/index.shtml>]; accessed 27 November 2002.



elements.<sup>38</sup> Each sphere is intended to be developed via a separate program or strategy, which links its goals with the overall national security strategy of the state. Yet, there are more components comprising Ukrainian security policy. They include the political, economic, social, military, ecological, scientific, technological, and informative spheres. Each of these spheres, in turn, consists of a number of important sub-categories. In Ukraine most of these could be viewed as separate and self-sufficient issues molding Ukrainian national security.<sup>39</sup>

The problem here, though, is in the scope of responsibility. It could be maintained that such a broad conception of national security should include all the elements of power in a state – the executive, the legislative, and the judicial. First of all, the executive power should be fully involved. The National Security Council alone cannot deal with all of the issues, especially the Ukrainian NSDC, which is not a part of executive and has less than one hundred staff members (including its technical personal).

The institutional confusion of national security in Ukraine is the result of the lack of clear understanding among Ukrainian politicians of the nature of national security and the NSDC's relation to it. For example, when in 1996 the creation of NSDC was announced, it was an institutional fusion of the former National Security Council and the National Defense Council. The new institution assumed the powers of its two predecessors and preserved both names in its own title. The creators of the Council seemed to have forgotten that defense security is a component of wider military security, and that military security, in turn, is a part of national security. This position was repeated in the new Ukrainian Constitution (Article 107) and left many analysts wondering about its meaning.

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<sup>38</sup> Materials of Prof. Thomas Bruneau's course NS 4225: Civil-Military Relations in Transition to Democracy (NPS, Monterey, California).

<sup>39</sup> I mean, for example, security of finances, productivity, export-import operations and others as elements of overall economic security of the country, which mentioned in The Law of Ukraine "Concerning the National Security and Defense Council of Ukraine", available [on-line]: [<http://www.rainbow.gov.ua/about/index.shtml>]; accessed 27 November 2002.

The meaning, in fact, is very simple. I mentioned earlier that at the very beginning of its independence, Ukraine tried to apply the experience of the developed countries, particularly in the formation of its national security structures. Models taken from the United States and other nations were considered in creation of the National Security Council of Ukraine. Thus, the NSC was created as a consultative-advisory body to the Ukrainian President with its secretary acting as national security advisor to the President. The situation has dramatically changed since the time of the first presidential elections. Leonid Kuchma, being to a certain extent a “stranger” to Ukrainian politics, needed an instrument of control over the executive system in the country and the NSC fulfilled this role the best. He appointed his close partner, Volodymyr Horbulin,<sup>40</sup> to the post of Secretary of the NSC and granted him and his staff unlimited power to “control”, or better to say interfere, into executive politics. The effect was the reduction of the power and influence of the Prime Minister and the Cabinet of Ministers. Thanks to the personal energy and many organizational talents of Mr. Horbulin, the new NSDC became a special arm of the President of Ukraine; and the authorities of this institution were legalized in the Ukrainian Constitution in a separate article.

## **B. VOLODYMYR GORBULIN’S ERA OF COORDINATION**

### **1. Paradox of Volodymyr Gorbulin**

On the 18<sup>th</sup> of June 1996, just a couple of months before the National Security and Defense Council was established, the President of Ukraine Leonid Kuchma said that NSDC should be that “efficacious organ”, called upon “to take decisions emerging from the existing situation, when it is difficult for one man to take a decision.” Volodymyr Horbulin on the 22<sup>nd</sup> of August 1996, a week before his appointment to the position of the Secretary of NSDC, clarified his future role: “... The most important task is to provide the President of Ukraine as the guarantor of its national security with the extremely precise information, ... to ensure its competent discussion with the President,

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<sup>40</sup> Volodymyr Horbulin had been working as a Communist Party leader at “Yuzhmash” (Southern machine-constructing plant, which produces multi-tasks missiles) when Leonid Kuchma was its director.

and *help him to define his own position in relation to this cause* (italic is mine – O.S.).”<sup>41</sup> This determination to shape and mould the President’s thinking hastened the end of Volodymyr Horbulin as the Secretary of the NSDC. It was the fate of many others who helped Leonid Kuchma to “define his own positions” on various issues. But with Mr. Horbulin it did not happen as soon as might have been expected. He managed to build an effective mechanism of direct control over the activity of the Executive in the country, which linked to the President through the Secretary of NSDC; for many years he was the ‘sword of retribution’ of the President and his only trusted source of information and advice. He survived often in situations when others would have fallen. That is why one can say about the paradox of Volodymyr Horbulin.



Fig. 1.  
Volodymyr Horbulin

**Biographical reference:** Volodymyr Pavlovych Horbulin was born in the city of Zaporizhzhia in 1939. He graduated from the physical & engineering faculty of Dnipropetrovsk State University. By now Mr. Horbulin is a Doctor of Engineering, Professor, Academician of National Academy of Science of Ukraine. In 1962-1977 he worked at the “Southern” Design Bureau as a designer of the “Kosmos” series of space vehicles and after that as a creator of the strategic missile systems. In 1980-1992 Volodymyr Horbulin was a chief of the Space and Aviation sector at the Central Committee of the Communist Party of Ukraine. He was a Laureate of the State Prize of the U.S.S.R. (1990). In 1992-1994 he was the Director of National Space Agency of Ukraine and was responsible for the creation and implementation of the National Space Program of Ukraine. In 1993 he was elected as a member of International Academy of Astronautics. Beginning from the 3<sup>rd</sup> of August 1994 he had been the Secretary of National Security Council to the President of Ukraine, from the 30<sup>th</sup> of August 1996 till November 1999 – Secretary of the National Security and Defense Council of Ukraine. From that time he has been an Advisor to the President of Ukraine, and then Head of the State Commission on Defense-Industrial Complex of Ukraine. He is a member of the Union of Journalists of Ukraine, and an Honored Engineering Worker of Ukraine (1994). On the 27<sup>th</sup> of October 2001 Volodymyr Horbulin was elected to the post of the Head of a party

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<sup>41</sup> Viacheslav Pihovshek, “The Efficacious Organ of the Guarantor,” *Zerkalo Nedeli*, Section “Power”, #49 (157), Saturday, 4 -10 October 1997.

“Democratic Union”. Decorations: two Orders of Labor Red Flag (1976 and 1982), three medals, Order of Yaroslav the Wise Fifth Class (1997).

The paradox of Horbulin might be explained in what follows. President Kuchma learned an important lesson from his predecessor, Leonid Kravchuk, who lost the trust of the Ukrainian electorate because he risked taking all responsibility for successes and failures that took place in the country. Leonid Kuchma, instead, has been careful to hold others responsible for failures in the country, and make them bear the part of the negative popular opinion of the Ukrainian people. All the Prime Ministers of Ukraine during Kuchma’s presidency have had to endure this sad reality in their political careers. This might explain why no Ukrainian Head of the executive branch could remain in office for more than a year and a half. It must be remembered that President Kuchma needed someone to exercise permanent control over the executive, and Volodymyr Horbulin as the Secretary of the National Security Council met these requirements best. The NSC’s Secretary declared, “... the work of the Secretariat of NSC and my personal activity as its Secretary are regulated in such a manner that it covers practically all issues, which the President considers essential.”<sup>42</sup>

Volodymyr Horbulin attempted to be fully involved in all executive processes. One journalist has described the Secretary’s ‘list-to-do’ for May-June of 1996. It included various activities connected with: the adoption of the first Constitution; the resignation of the Prime Minister Yevhen Marchuk; the designation of Pavlo Lazarenko as a new Prime Minister of Ukraine; negotiations with Ezy Milevski; the preparation to the visit of Aleksander Kwasniewski; an international conference in Bonn; negotiations with Havier Solana; common activities in the framework of the Program “Partnership for Peace”; Interagency Working Group on Cooperation with NATO; negotiations with the representative of the Great Britain to the EU Mr. D. Golden; observation of the elections in Russia; P. Lazarenko’s proposals on cadre policy; the attempt of the legislators to establish their control over television and have their own network; the issue of the of foreign military bases on the territory of Ukraine; a conference of the Carnegie Fund in

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<sup>42</sup> Viacheslav Pihovshek, “The Efficacious Organ of the Guarantor,” *Zerkalo Nedeli*, Section “Power”, #49 (157), Saturday, 4 -10 October 1997

Moscow; negotiations with Mr. D. Riurikov; visit of Russian Prime Minister Victor Chernomyrdin; problems of Chernobyl; arms traffic and trade; supervision of Ukrainian-American relations and others.<sup>43</sup> In order to substantiate Horbulin's status and involvement, Leonid Kuchma issued a decree making the Secretary of NSDC "on the conditions of remuneration of labor, living standards, medical and transport services [equal] to the First Vice Prime Minister of Ukraine."<sup>44</sup>

As the Secretary of the NSDC Horbulin managed to unite informational security, monetary and financial security and ruling party security under the common roof of national security. With this achievement he accounted very little opposition. The thought of allying to any other political power save the pro-presidential one would have been viewed by him as a game of immature politicians. His own formula states that "the parties are temporary categories, but national security is a constant category; even more, without its guaranteed status there would be no parties at all."<sup>45</sup> This was the clearest Horbulin's description of his own role in the political system of the country.

Back in February 1996 Oleksandr Razumkov, a future Deputy for Mr. Horbulin, accurately assessed the power of the Secretary of the National Security Council. He argued that "... the team of the President ... cleans the cadre field, getting rid of people who are guided by more than personal devotion [to the President]. ... For the realization of this task they just use a good opportunity."<sup>46</sup> At the same time Oleksandr Razumkov could not have known that Volodymyr Horbulin too would fall prey to the same policy.

Leonid Kuchma appeared to be the all-sufficient player in Ukrainian politics, a man who did not need to rely on anyone. Such politicians seldom have lasting friendships; rather they acquire temporary (always temporary) allies. For example, the situation in the presidential elections of 1999 created an opportunity for a 'doublet'. In

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<sup>43</sup> Viacheslav Pihovshek, "The Efficacious Organ of the Guarantor," *Zerkalo Nedeli*, Section "Power", #49 (157), Saturday, 4 -10 October 1997

<sup>44</sup> Decree of the President of Ukraine #773/96 dated 30<sup>th</sup> of August 1996, available [on-line]: [<http://www.rada.kiev.ua/laws/pravo/new/cgi-bin/search.cgi>]; accessed 15 January 2003.

<sup>45</sup> Viacheslav Pihovshek, "The Efficacious Organ of the Guarantor," *Zerkalo Nedeli*, Section "Power", #49 (157), Saturday, 4 -10 October 1997

order to neutralize his potentially strong competitor Yevhen Marchuk Mr. Kuchma made a political deal with him. (Marchuk would dismiss himself from fighting for the presidency and would publicly exhort his supporters to vote for Leonid Kuchma. In return Mr. Marchuk would be promised the position of the Secretary of the NSDC. This would provide a plausible excuse to relieve Horbulin of his post.) It happened probably because Mr. Kuchma discovered (or someone helped him to realize this idea) that as the Secretary of the NSDC Horbulin had inadvertently reached a level of extremely trusted and popular public politician, who managed not only to escape being viewed as a cog in Kuchma's state wheel, but because of his very active public policy began to outshine his boss – the President of Ukraine.

## **2. The Status of the NSDC and Its Practical Coordination of the Activities of the Executive Power Institutions**

Volodymyr Horbulin began his the improvements to NSC with the elimination of defects in the Statute of National Security Council of Ukraine. In its first redaction of 1994 there were several provisions, which are legally confusing. In accordance with its Article 5 "... the decisions of the Council and its Presidium are mandatory for all bodies of the state executive power."<sup>47</sup> This statement made unnecessary repetition of the Article 114-6 of the provisional Ukrainian Constitution, according to which the decisions of the President were "... compulsory for the implementation on the whole territory of Ukraine."<sup>48</sup> In addition to that, the Statute regulated that "the decisions ... are taken by the members of the Council or its Presidium by the simple majority"; and only in case of fifty-fifty "the vote of the President is decisive."<sup>49</sup> In this case the President could become a hostage of a situation in which a majority of the executive appointed officials

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<sup>46</sup> Viacheslav Pihovshek, "The Efficacious Organ of the Guarantor," *Zerkalo Nedeli*, Section "Power", #49 (157), Saturday, 4 -10 October 1997

<sup>47</sup> Statute of the National Security Council assigned to the President of Ukraine, approved by the Decree of the President of Ukraine of 23<sup>rd</sup> of August 1994 #469/94, available [on-line]: [<http://www.rada.kiev.ua/laws/pravo/new/cgi-bin/search.cgi>]; accessed 08 February 2003.

<sup>48</sup> Verhovna Rada of Ukraine, Constitution (the Fundamental Law) of Ukraine, Article 114-6, # 254/96-BP, *Bulletin of the Verhovna Rada*, 1996, #30, p.142.

<sup>49</sup> Statute of the National Security Council assigned to the President of Ukraine, approved by the Decree of the President of Ukraine of 23<sup>rd</sup> of August 1994 #469/94, available [on-line]: [<http://www.rada.kiev.ua/laws/pravo/new/cgi-bin/search.cgi>]; accessed 08 February 2003.

would to dictate him their will. Volodymyr Horbulin eliminated this legal discrepancy with a formula “the decisions of the Council are implemented by the decrees of the President”<sup>50</sup>, which he managed to secure in Article 107 of Ukrainian Constitution of 1996 and in the Law of Ukraine “Concerning the National Security and Defense Council of Ukraine.”

Even after the NSDC had received its constitutional status, its role and vocation remained yet undefined. As has been stated earlier it began to assume many powers connected to the sphere of executive, but most of its involvements related to the issues, which were not of importance for national security and extended the national security sphere. For example, the President of Ukraine signed a number of decrees which legalized the decisions of the National Security and Defense Council on following matters: “Concerning urgent measures for establishment of the state control over the aviation in Ukraine” of 21 November 1996; “Concerning urgent measures to supply energy resources to Ukraine, and their rational use” of 22 March 1997; “Concerning the situation in science and technology sphere in Ukraine and urgent measures related to the rise of the effectiveness of their state regulation” of 19 September 1997, and others. In so doing the President allowed the NSDC to assume responsibility corresponding to other ministries and other executive institutions, thus, demonstrating the presidential attempts to preserve the ability to control and regulate the executive power’s activity<sup>51</sup> and to have the Cabinet of Ministers and Prime Minister personally responsible for such policies. So, the National Security and Defense Council would become the instrument for this policy; and the Staff for the NSDC would serve as a small equivalent of the Ukrainian Cabinet of Ministers for Presidential vision of national security needs.

Mr. Leonid Kuchma was able to reach an agreement with the Ukrainian parliamentarians about his authority and the authority of the NSDC for two main reasons.

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<sup>50</sup> Constitution of Ukraine, Article 107, Government Printing Office, Kiev, 1996; Law of Ukraine “Concerning National Security and Defense Council of Ukraine,” #183/98-BP, 5<sup>th</sup> of March 1998, Article 10, available [on-line]: [ [http://www.rainbow.gov.ua/about/z-n\\_rnbow.shtml](http://www.rainbow.gov.ua/about/z-n_rnbow.shtml)]; 08 February 2003.

<sup>51</sup> Before the Constitution of Ukraine (1996) was adopted in accordance with provisional Constitutional Agreement the President of Ukraine had the right under certain conditions to regulate state executive sphere with his decrees.

First, he has had a strong influence on the parliament. During the time of his presidency Mr. Kuchma has managed to keep the parliament stacked with a number of those who for various reasons favored him and his policy. Though this number was never stable, it was sufficient to create a pro-presidential majority in the Verhovna Rada. Second, because it was so necessary to adopt a new Constitution for Ukraine, the parliamentarians from the opposition decided to pay a price by giving greater authority to the President and his structures in order to make this adoption possible.

In the NSDC the President has gathered all heads of “power-ministries”<sup>52</sup> and services in order to take care of national security issues in the country. In addition to the mentioned ex-officio members, the NSDC includes the Minister of Emergencies and the Liquidation of the Consequences of the Chernobyl Disaster, the Head of the State Committee on Protection of the State Borders of Ukraine, and the Chief of the General Staff of Ukraine. It was a smart decision to include the Speaker of the Verhovna Rada as an invited member of the NSDC. Even though he has no right to vote in the NSDC, the Speaker may influence the decisions of the Council by representing the position of Ukrainian Parliament during the discussion time.

Considering the greater importance of non-military threats to national security, most of which have a domestic character, the President of Ukraine included the Minister of Finances, the Minister of Economics, the Minister of Justice and the President of National Academy of Science as members to the Council. But the importance of these inclusions to NSDC might be questioned. If top Ukrainian politicians consider domestic threats to be of a great importance to national security of Ukraine, the United States’ experience might serve best. The logic would demand the creation of some sort of Ministry for Homeland Security and instruct it cooperate with the appropriate departments of the other functional ministries of the Ukrainian government.

With all these potential powers and authorities the tasks of the NSDC remain unclear. In addition to the mentioned reasons this uncertainty in fields of NSDC’s direct responsibility can be explained also by the other factors. The analytical component of the

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<sup>52</sup> The term “power ministries” refers to all government agencies tasked with use of force, be it military, paramilitary, police, security, etc.



NSDC Staff's structure is not well developed as well. The NSDC has two assigned research institutions, which might reflect the priorities of the Council in its implementation of national security policy. The first one is the National Institute of the Problems of International Security (the National Institute of Ukrainian-Russian Relations before March 2001). To be sure, problems of international security have a great impact on formulation of national security policy of Ukraine as well as many other countries. It can be seen a logical and reasonable that a decision was taken to appoint its Director Serhii Pirozhkov to the position of Deputy Secretary of the National Security and Defense Council of Ukraine.<sup>53</sup>

The importance and necessity of the Ukrainian Institute for the Research of Environment and Resources (the other research center whose activity is devoted to the NSDC's needs), though, may be questioned. Some of the latest analytical researches of UIRER deal, for example, with the estimation of the effectiveness of the use of water in a water-industry complex on the South Bug and the conceptual approaches to the improvement of the use of forests in Ukraine.<sup>54</sup> This research can be considered as the one of regional or branch importance but not of national security.

Oleksandr Razumkov, former Deputy Secretary of the National Security and Defense Council of Ukraine, made the only attempt to strengthen the analytical component of NSDC's feedback. Beginning from the time he was elevated to the position in August of 1997, Mr. Razumkov created the Analytical Service within the Council's Staff. This department concentrated its activity on the estimation of the threats for national security of Ukraine and worked out the priorities of Ukrainian national security for long and short-term perspectives. The overall idea was to overcome the uncertainty about the mechanisms and spheres of use of the National Security and Defense Council's authority and influence on internal and external policies of Ukraine. The sudden death of

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<sup>53</sup> Decree of the President of Ukraine "Concerning the Appointment of Serhiy Pyrozhkov to the position of Deputy Secretary of the National Security and Defense Council of Ukraine". 23<sup>rd</sup> of October 2001. #1008/2001, available [on-line]: [<http://www.rada.kiev.ua/laws/pravo/new/cgi-bin/search.cgi>]; accessed 08 February 2003.

<sup>54</sup> *Effectiveness of the Use of Water in a Water-Industry Complex of South Bug* (5<sup>th</sup> of November 2001). *The Conceptual Approaches to the Improvement of the Use of Forests in Ukraine* (5<sup>th</sup> of November 2001), available [on-line]: [<http://www.rainbow.gov.ua/action/>]; accessed 14 December 2002.

Oleksandr Razumkov retarded this process, but members of his team have established the most successful and well-known non-governmental analytical center in Ukraine, the Center of Economic and Political Researches named after Oleksandr Razumkov.<sup>55</sup>

By the time of the presidential elections in 1999 the National Security and Defense Council was dealing with a wide variety of issues beginning with the coordination of Ukrainian cooperation with NATO and controlling the government's activity in a number of spheres (energetic, banking, financial and many others).

The President of Ukraine, in accordance with the Constitution of Ukraine, is not the head of the executive branch of the national government. However, as the Head of the NSDC, which includes five top executive officials of the country,<sup>56</sup> the President can influence the work of the government and the whole executive system without needing to assume complete responsibility for possible faults or mistakes. Yet the Cabinet of Ministers (to a lesser extent) and personally the Prime Minister (to a greater extent) assume responsibility for the politics generally authorized by the President and in some cases initiated by his Administration.

### **3. Achievements in National Security Sphere**

Analysis of national security policy between 1994-1999, must take into account the personal role of Volodymyr Horbulin. Patterns of his leadership, his personal characteristics to a very large extent shaped the state policy in national security sphere and often far beyond it.

I would extract the spheres of foreign policy of Ukraine including participation in peacekeeping operations and relevant military issues as two areas where the achievements of NSDC and personally of its secretary in defending national security priorities of the state are the most obvious. The activity of NSDC in domestic issues

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<sup>55</sup> The Director of the Center of Economic and Political Researches named after Oleksandr Razumkov, Anatoliy Gritsenko, was among the first Ukrainians who graduated from Naval Postgraduate School (Department of National Security Affairs).

served primarily to the political or economic interests of the top Ukrainian establishment. When it was the turn for Prime Minister Pavlo Lazarenko to leave Ukrainian political arena, Volodymyr Horbulin was among those who insisted on “moral resignation of the cabinet”.<sup>57</sup> Within a brief period of time after that a meeting of NSDC on the issue of energy carriers took place. Its decision, which was approved by the President, “to recognize the work of the government on solving the problem of energy supply to Ukraine as unsatisfactory” caused the crisis of the government of Pavlo Lazarenko.

However, there was a positive side to the international component of NSDC’s activity, which in many respects was the result of Volodymyr Horbulin’s ability to build relations of trust with top political figures abroad. With the energy of his Deputy Oleksandr Razumkov and the work of the Staff of the NSDC, Mr. Horbulin ensured the stacked relations between Ukraine and Russia moving forward. The adoption on the 24<sup>th</sup> of March 1999 of the Law “Concerning the Ratification of Agreement between Ukraine and the Russian Federation Concerning the Status and the Conditions of Basing of the Black Sea Fleet of the Russian Federation on the Territory of Ukraine; Agreement Between Ukraine and the Russian Federation Concerning the Parameters of the Division of the Black Sea Fleet; an Agreement Between the Government of Ukraine and the Government of the Russian Federation Concerning the Reciprocal Accounts Concerned with the Division of the Black Sea Fleet and Basing of the Black Sea Fleet of the Russian Federation on the Territory of Ukraine” contributed substantially to the realization of the large-scale Ukrainian-Russian Treaty, which later was ratified by the parliaments of both countries. As a result a major stumbling block that existed in the relations of two states was overcome. On the local level, the regulations of the mutual relations of people and companies of both countries and the various issues of jurisdiction arising from the temporary stay of Russian military units on the territory of Ukraine were defined.

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<sup>56</sup> Because of their positions, Prime Minister of Ukraine, Minister of Defense of Ukraine, Head of the Security Service of Ukraine, Minister of Interior of Ukraine and Minister of Foreign Affairs of Ukraine are the permanent members of the National Security and Defense Council of Ukraine - The Law of Ukraine “Concerning the National Security and Defense Council of Ukraine”, available [on-line]: [<http://www.rainbow.gov.ua/about/index.shtml>]; accessed 08 February 2002.

<sup>57</sup> Viacheslav Pihovshek, “The Efficacious Organ of the Guarantor,” *Zerkalo Nedeli*, Section “Power”, #49 (157), Saturday, 4 -10 October 1997

Furthermore, the power of the National Security and Defense Council of Ukraine is evidenced in Ukraine's participation in international peacekeeping operations. On the 23<sup>rd</sup> of April 1999 Verhovna Rada adopted the Law of Ukraine "Concerning the Participation of Ukraine in International Peacekeeping Operations" and on the 16<sup>th</sup> of July 1999 it approved the Decree of the President of Ukraine "Concerning the Deployment of Peacekeeping Contingent for the Participation of Ukraine in International Peacekeeping Operation in Kosovo, Union Republic of Yugoslavia." On this basis on the 5<sup>th</sup> of November 1999 Ukrainian Parliament adopted the Law of Ukraine "Concerning the Procedure for Sending the Armed Forces Units of Ukraine to Other Countries." The work on proposals and draft laws was implemented by the common efforts of the professionals of the Staff of the NSDC, appropriate Ministries and other central executive bodies, and members of the respective Committees of the Verhovna Rada.

However, while attempting to be the primary or even the only body responsible for the issues of national priorities of Ukraine, the NSDC and its first Secretary in certain cases did not pay sufficient attention to the necessity of close cooperation with the legislature and ignited opposition from the people's deputies in Ukrainian Parliament. For example, the Verhovna Rada was practically left out of all discussions about the issues of cooperation with NATO. Ukrainian parliamentarians were not involved in the consideration of any of the fundamental documents that created the legal basis of the "distinctive partnership" of Ukraine with NATO. One need only mention the Frame Document of the Partnership for Peace Program (of the 8<sup>th</sup> of February 1994, Kiev); Charter of Distinctive Partnership between Ukraine and North Atlantic Treaty Organization (of the 9<sup>th</sup> of July 1997, Madrid); Memorandum on Common Understanding Between the Government of Ukraine and NATO Concerning the Foundation of the Center of Information and Documentation of NATO in Ukraine (of the 7<sup>th</sup> of May 1997, Kiev); and the documents relative to the designation of the NATO liaison officers to Ukraine (of the 9<sup>th</sup> of December 1998, Brussels). Having the State Interagency Commission on Cooperation with NATO assigned to the NSDC, Volodymyr Horbulin managed to secure the President's approval of the State Program of Cooperation of

Ukraine with North Atlantic Treaty Organization dated on the 4<sup>th</sup> of November 1998 without its consideration in the appropriate committees of the Verhovna Rada.

Even though the style of Horbulin's policymaking was quite authoritarian, the obvious achievements in the spheres where the NSDC was involved definitely contributed to the rise in his popularity and respect among the key players of the Ukrainian political arena and with his foreign colleagues.

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## **IV. THE ORIGINS OF THE NEW ROLE OF THE NATIONAL SECURITY AND DEFENSE COUNCIL IN THE GOVERNMENT OF UKRAINE**

*Never confuse motion with the action.*

*- Ernest Hemmingway*

### **A. CONVENTIONAL WISDOM: PROBLEMS WITH EXISTING EXPLANATIONS**

There is a dominant understanding among Ukrainian and foreign experts that the NSDC has not become a real mechanism for the implementation of the national security policy, and that the influence of the NSDC in the government of Ukraine is declining because acting Secretary of the NSDC does not have the confidence of President Leonid Kuchma.<sup>58</sup> Of course, we should not forget about the last presidential election of 1999, when Yevhen Marchuk – then the third powerful candidate for presidency – was offered the position of the Secretary of the National Security and Defense Council of Ukraine in exchange for his supporters backing of Leonid Kuchma. He accepted this proposition and from then has addressed Mr. Kuchma as “my chief”<sup>59</sup> (but they have never been close enough to consider each other as “allies” before a “common threat”). In this case Kuchma followed the Russian tradition of neutralizing any potential competitor during presidential elections. As was already mentioned, running for his second term, Boris Yeltsyn also invited Russia’s third most popular candidate for president Gen. Aleksandr Lebed to be Secretary for National Security Council in Yeltsyn’s Administration in exchange for voter support. It is not surprising that Russian experience is imitated in Ukraine, but some may wonder why third-place political competitor would agree to ignore the votes of several million people and risk his popularity by accepting a proposal to work for his political opponent. Perhaps, it can be explained in the following way. An explanation, in my opinion, could be the following. Russia, Ukraine, and many other newly independent

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<sup>58</sup> See, for example, Sergei Goncharov. “The Foresters in Civilian.” *Telegraf*, 21-27 January 2002, pp. 10-11; *Ukrainian Foreign and Security Policy. Theoretical and Comparative Perspectives* / edited by Jennifer D.P. Moroney, Taras Kuzio, and Mikhail Molchanov. p. 105, Praeger Publishers, 2002.

<sup>59</sup> Yevhen Marchuk: “My constituency is Ukraine”. Interview with the Secretary of National Security and Defense Council of Ukraine / *Den` (Day)*, #17, 29<sup>th</sup> January 2002.

countries have very poorly developed political cultures. In many cases people vote not for a party or its political program but for its leader or leaders. Those leaders being personally popular or at least known are not in fact very much accountable to those who vote for them. Because of problems with the development of democratic institutions, it is much easier to fire a state official than to recall a politician. As a result political establishments do not often jeopardize their political future making decisions, which in the countries with strong democracy could cost them their political careers. The appointment of Yevhen Marchuk was an example of a purely political decision made by President Kuchma; and he, of course, considered that factor while defining how much control over and coordination of executive agencies the Council and its Secretary may be given.

The following evidence may show that Yevhen Marchuk is not from the President Kuchma's political team. The "silent rivalry" between these two political figures dates from the time when Yevhen Marchuk as a Prime Minister of Ukraine was trying to divide powers between the presidential administration and the government. Ukrainian President Leonid Kuchma fired Marchuk for 'creating a personal political image' and appointed in his place Pavlo Lazarenko (now jailed in San Francisco). Mr. Marchuk learned a lesson and then never again used the position of the Secretary of NSDC for his own political needs arguing that he works for the President.<sup>60</sup> Even though, having the authority to appoint deputies for the Secretary of NSDC,<sup>61</sup> President Kuchma always had someone to keep an eye on Yevhen Marchuk. In addition, when Mr. Marchuk took the position of the Secretary of NSDC, Leonid Kuchma decided to separate the National Security and Defense Council from the National Institute of Strategic Studies (NISS), terminated the

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<sup>60</sup> Viktor Timoshenko. "Ukraine is in the circle of enemies. Secretary of the National Security and Defense Council is alarmed by the great number of security threats and crises for Ukraine." Interview of Yevhen Marchuk to *Nezavisimaja Gazeta* (Independent Newspaper, Russia) 18<sup>th</sup> October, 2001.

<sup>61</sup> Constitution of Ukraine, Article 107, Government Printing Office, Kiev, 1996; Law of Ukraine "Concerning the National Security and Defense Council of Ukraine", #183/98-BP, 5<sup>th</sup> of March 1998, Article 10.



authority of the Director of the NISS as the Deputy Secretary of the NSDC, and subordinated the NISS to his Administration.<sup>62</sup>

Considering the mentioned conditions it would appear that the NSDC Secretary and its Staff have the only option - to follow direct instructions coming from the President or his Administration. The problem, though, is that, it is not in Leonid Kuchma's interest to have either strong and powerful nor highly effective NSDC while Yevhen Marchuk remains its Secretary. On the other hand, the President of Ukraine cannot pension the current NSDC's Secretary off because it is much safer to have Mr. Marchuk working for him than for any other political power in Ukraine, which could mount opposition to him.

The abovementioned understanding of the problem, as expressed by the experts in this sphere, is correct but definitely is not complete. The personal relations between the Secretary of the NSDC and the Ukrainian President are not the only determining factors providing an explanation for the difficulties discussed. Instead, the research question should be viewed as complex problem related to changes in the Ukrainian political and power system. The declining role of NSDC in the political decision-making process reflects deeper problems that exist in the Ukrainian political establishment, and in the social and economic life of the country as a whole. At the heart of these problems is that period of hardship accompanying the establishment and development of any democracy, and in particular, the construction of a democratic institutional system. It has been a big problem for the current administration to balance the power of a state institution or agency with the political weight of its appointed head. Because of that, the political figures could either strengthen the authority of the office they lead or disperse the real power of that institution. It should be mentioned here that this situation is not unique to Ukraine. All developing countries experience similar hardships. But the Ukrainian case differs because of the national peculiarities of the political affairs within the country and its own experience with finding solutions for existing problems.

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<sup>62</sup> Decree of the President of Ukraine of 12 June 2001, # 428/2001, available [on-line]: [<http://www.rada.kiev.ua/laws/pravo/new/cgi-bin/search.cgi>]; accessed 08 February 2003.

## B. YEVENH MARCHUK – THE CHANGE OF ACCENTS

*Setting a goal is not a main thing.  
It is deciding how you will go about achieving and staying with that plan.*

*- Tom Landry*

### 1. New Tasks and Goals

A new broom sweeps differently. This expression to some extent could be applied to Yevhen Marchuk's tenure as the new Secretary of the National Security and Defense Council of Ukraine in 1999. Of course, Mr. Marchuk did not prepare himself particularly for this position. He accepted the offer from President Kuchma as a compromise between his political expectations and real political weight and influence. But the experience, which Yevhen Marchuk gained taking various leading positions in the state executive and legislative helped him adapt quickly to his new political mission.



Fig. 2

Yevhen Marchuk

**Biographical reference:** was born in the village Dolynivka, Gajvoron Rajon, Kirovograd oblast` on the 28<sup>th</sup> of January 1941. In 1963 he graduated from Kirovograd Pedagogical Institute. Defended PhD dissertation in Criminal Law. In 1963-1988 he worked as a KGB officer, in 1988 he was appointed to the position of the Head of KGB in Poltava oblast`. In 1990 – 1<sup>st</sup> Deputy Head of KGB of the USSR. State Minister of Defense, National Security and Extraordinary Situations (06.1991-11.1991). From November 1991 till July 1994 – Head of the Security Service of Ukraine. Army General of Ukraine. In July 1994 Yevhen Marchuk was appointed to the position of Vice Premier Minister of Ukraine, beginning from 31<sup>st</sup> of October 1994 – First Vice Premier Minister of Ukraine. From 8<sup>th</sup> of June 1995 till 27<sup>th</sup> of May 1996 – Prime Minister of Ukraine. Two times Yevhen Marchuk was elected as a deputy to the Verhovna Rada. There he worked as a member of Parliamentary Committee on Defense and State Security (07.1996 - 05.1998), the Head of the Parliamentary Committee on Social Policy and Labor (07.1998 - 11.1999). Mr. Marchuk competed in presidential elections in 1999 and received 2,138,356 votes (8.13%). Yevhen Marchuk is the President of Ukrainian Transport Union. Fluent English and German.

Having no desire to downsize himself to the role of national security adviser, whose recommendations are not always taken into consideration, Mr. Marchuk was trying to pursue the policies of his predecessor Volodymyr Horbulin, who in May 1998 argued: “Political security ... can be internal and external. The current situation in our country is determined by internal problems; therefore, let us limit ourselves to the topic of our internal political security.”<sup>63</sup> Yevhen Marchuk argued that “in order to get a worthy place among economically and socially successful countries, to be equal member of the European and world community, it is necessary to have the realistic image about how we should develop ourselves. ‘Movement after’ has no perspectives for Ukraine. It is necessary to have look-ahead movement.”<sup>64</sup> So, as he understood this, the role of the NSDC and its Secretary would be to develop the appropriate strategy for this aim.

There have been many problems associated with this plan. The difference between the first Secretary of the NSDC Volodymyr Horbulin and Yevhen Marchuk was that the former had the authority to represent the President’s will and used the NSDC as a tool to make the President’s policy possible. The latter, by contrast, has no such authority, and is not a mouthpiece for the President. Ukrainian executive officials realized this very soon with all the emerging consequences. Taking this into account, Yevhen Marchuk launched his ‘revision of security’, which was highly accelerated after the terrorist attacks on the 11<sup>th</sup> of September 2001. In one of his subsequent interviews he said:

The tragic events of September 11<sup>th</sup> of this year in the United States became an intense factor for the reconsideration of the existing stereotypes concerned with the national security policy implementation of many countries including Ukraine. In principle, this policy has not changed in Ukraine. But it is seriously being reconsidered in its part devoted to the priorities of national security.<sup>65</sup>

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<sup>63</sup> *Kyivskie Novosti*, 15 May 1998, p. 1, translated in *FBIS Daily Report*, Central Eurasia, 22 May 1998.

<sup>64</sup> Official web site of Yevhen Marchuk. Interviews, available [on-line]: [<http://marchuk.kiev.ua/ua/inter.html>]; accessed 08 February 2003.

<sup>65</sup> Viktor Timoshenko. “Ukraine is in the circle of enemies. Secretary of the National Security and Defense Council is alarmed by the great number of security threats and crises for Ukraine.” Interview of Yevhen Marchuk to *Nezavisimaja Gazeta* (Independent Newspaper, Russia) 18<sup>th</sup> October, 2001.

The logic of the proposed 'revision of security' could be summarized as follows. Now every country faces the need to reconsider the meaning of the concept of 'national security.' Any country or international community, including such strong interstate structures as NATO, UN, and the OSCE, found it impossible to tackle the global phenomena like the world economic crisis of 1998, global warming, the threat of international terrorism, etc., alone. There are new players on the international arena like "world-wide terrorist international" and new types of wars, in which "the dominant component is not military tasks, but the informational and humanitarian interventions, manipulative technologies. The aims of such wars are no longer material objects, but symbols, public sense, mass psychology. ... [In these conditions] the obsolescence of the understanding and stereotypes of national security today is as obvious as never before."<sup>66</sup>

The new priorities of the national security policy of Ukraine were presented in the address of Deputy Secretary of NSDC Serhii Pirozhkov at the meeting of three committees of Parliament Assembly of NATO on the 8<sup>th</sup> of November 2001 in Kiev. In addition to the already mentioned points, rephrased by Marchuk's Deputy, this speech stressed the greater danger of internal threats to Ukrainian national security.

The analysis of the situation in Ukraine and its positions in international environment let us assert that the majority of the threats to its national security have a *domestic origin*. We are talking about corruption; organized, first of all economic, crime; spread of narcotics; shadow economy; considerable deformations of economic and social development, serious ecological and man-caused problems etc.<sup>67</sup>

The situation in which the greater threats to national security are those of internal nature can be explained only by the poor work of the state institutions responsible for countering these threats or if the activity of such institutions is directed toward something other than threats to national level security. Considering the abovementioned, Marchuk argues, "the modern situation requires brave and adequate political initiatives."<sup>68</sup>

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<sup>66</sup> Natalia Trofimova. "Revision of security." *Den*, 20<sup>th</sup> of October 2001.

<sup>67</sup> Address of the Deputy Secretary of the NSDC, Serhii Pirozhkov, at the meeting of three committees of Parliament Assembly of NATO on the 8<sup>th</sup> of November 2001 in Kyiv.

<sup>68</sup> Natalia Trofimova. "Revision of security." *Den*, 20<sup>th</sup> of October 2001.

## 2. The Reformation of the Institutional System Responsible for National Security Issues

Marchuk's 'revision of security', on one hand, and reformation of the system of the state institutions responsible for national security issues, on the other hand, followed two different paths. The acting Secretary of the NSDC appears to be trying to restore the influence of the Council (and, in that way, his personal influence) on the political decision-making process in Ukraine, which was characteristic of Volodymyr Horbulin. According to this end he has initiated the creation of additional structures designed to deal with the branch components of national security to be supervised by the NSDC. For example, in order to fight money laundering in Ukraine, Yevhen Marchuk declared his intention to create an Office for the Issues of Financial Security. In his opinion "such an organ should be above the departmental level and by no means be included in any power structure. ... Neither the State Tax Administration nor Security Service can have a monopoly over the creation of such an office."<sup>69</sup> Addressing the representatives of the Parliamentary Assembly of NATO in November 2001, his Deputy Serhii Pirozhkov introduced Marchuk's initiatives to the Ukraine's Western allies, saying "Creation of ... the new coordinating mechanisms on [Ukrainian – O.S.] domestic level should be brought to the forefront of international cooperation."<sup>70</sup>

In contrast to Marchuk's policy formulations, the Ukrainian President is attempting to increase his personal influence on the executive power in Ukraine and to avoid granting special powers to the new NSDC's Secretary. Running for President in 1994, Leonid Kuchma stressed the necessity for the creation of a vertical executive structure with the President as head. From the very beginning of his presidency, Mr. Kuchma put this attitude into practice.<sup>71</sup> In accordance with the Decree that he issued in August 1994, the President of Ukraine would assume direct control over the government through which he would 'determine the basic directions of its activity and priority issues

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<sup>69</sup> Natalia Trofimova. "Revision of security." *Den*, 20<sup>th</sup> of October 2001.

<sup>70</sup> Address of the Deputy Secretary of the NSDC, Serhii Pirozhkov, at the meeting of three committees of Parliament Assembly of NATO on the 8<sup>th</sup> of November 2001 in Kyiv.

<sup>71</sup> Taras Kuzio. *Ukraine under Kuchma. Political Reform, Economic Transformation and Security Policy in Independent Ukraine*. pp. 99-100, St. Martins Press, New York, 1997.

that need to be resolved as a matter of urgency'. Later, contrary to the provisions of the Law of Ukraine "Concerning the National Security and Defense Council of Ukraine" Leonid Kuchma appointed the Head of his Administration as a member of the Council<sup>72</sup> with the aim of ensuring further penetration of this non-executive institution into the areas controlled by the Ukrainian government. The President of Ukraine seems determined to increase the influence of his Administration and personally of its Head onto the sphere of national security, and to undermine the power of the Secretary of the NSDC. The latest example, which could be mentioned, is the decision of Leonid Kuchma to appoint the Head of his Administration, Viktor Medvedchuk, as the only contact person responsible for working with the representatives of the U.S. Commission, trying to examine the claim that Ukrainian "Kolchuga" radar systems had been supplied to Iraq.

There are other examples leading to the conclusion that the NSDC is being marginalized. So-called 'material and technical' maintenance of an organization's personnel and its leadership is still a significant index that estimates the status and real influence of this structure. In a society where the overall standard of living is low, the state's top leaders grant special privileges and advantages to the structures that secure the stability of the existing regime or at least are loyal to acting political elite. If an organization is not considered as to be effective in ensuring the "reign" of a political party or a political group, it is obvious from the lack of special privileges for this institution. A modern NSDC is not among those organizations, which are supposed to deal with special or sensitive tasks; and this condition definitely influenced the 'material and technical' related status of the Council and its staff.

Just after Yevhen Marchuk was appointed as Secretary of the National Security and Defense Council of Ukraine, the staffers of this organization were moved from the physical complex of presidential administration to an "out of president's sight" location.

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<sup>72</sup> The members of the National Security and Defense Council of Ukraine could be the heads of other (then Prime Minister of Ukraine, Minister of Defense of Ukraine, Head of the Security Service of Ukraine, Minister of Interior of Ukraine and Minister of Foreign Affairs of Ukraine – O.S.) central bodies of *executive power* (Italic is mine – O.S.). The President of Ukraine and his Administration do not belong to the executive institutions in Ukraine. Official web site of the NSDC. The Law of Ukraine "Concerning the National Security and Defense Council of Ukraine", available [on-line]: [<http://www.rainbow.gov.ua/about/index.shtml>]; accessed 21 December 2002.

Instead, the State Administrative Department came in, which in fact is not a constituent of the Presidential Administration but a highly favored body. In addition to physical move, the staff for NSDC experienced other challenges. In compliance with administrative reform, which called for a 25% reduction of state machinery, the NSDC's staff had to exclude about one-fifth of its experts from working for the Council's staff while the most of the other state bodies managed to avoid cuts in personnel. The salaries of the workers stuffing the NSDC are lower than the average paid to workers in the Cabinet of Ministers or in the Presidential Administration. The military in general and central apparatus of the Ministry of Defense of Ukraine or the officers of Security Service of Ukraine in particular are paid much higher salaries than their counterparts at the NSDC staff. The NSDC employers do not have the same advantages in state-sponsored vacations or in transport and material supplies. Besides, the Administration of the President of Ukraine is the only structure in the system of state institutions that grants equivalent diplomatic ranks to its personnel in the Department of the Issues of Foreign Policy and the Department of State Protocol.<sup>73</sup>

The Presidential Administration continues to diminish and undermine the influence of the NSDC. For example, according to the Command of the Head of the Administration of the President of Ukraine, the Staff for Coordination Committee on Fight Against Corruption and Organized Crime was created within the Administration. Following the provisions of the abovementioned document, the Head of the Administration appoints the staffers for the Coordination Committee by enlisting service personnel from the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, the State Taxation Administration of Ukraine, the State Customs Service of Ukraine, and the General Office of Public Prosecutor of Ukraine. Having created its own committee with an authority to "control the implementation by law enforcing and other state institutions as well as by enterprises and organizations of all forms of property, of the legislation of Ukraine, the decisions of the Coordination Committee and instructions of the President of Ukraine concerning the issues of fighting corruption and organized

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<sup>73</sup> The Command of the Head of the Administration of the President of Ukraine # 33 of 28<sup>th</sup> of April 2000, available [on-line]: [<http://www.rada.kiev.ua/laws/pravo/new/orgvld.html>]; accessed 08 February 2003.

crime,”<sup>74</sup> the Administration of the President of Ukraine and the Head of that Administration, Viktor Medvedchuk, secured the operational means to control governmental and non-governmental structures in one of the important fields of national security.

Earlier in December 2000, the Governmental Committee on the Issues of National Security and Defense, Defense-Industrial Complex and Law-Enforcing Activity was created by the special Resolution of the Cabinet of Ministers of Ukraine.<sup>75</sup> The creation of this Committee was initiated by former Premier Viktor Yushchenko’s Cabinet to reform the executive system. Mr. Yushchenko maintained that even though the NSDC was made up of the top and most powerful executive leaders, it was meant to serve the priorities of the President and his Administration. Bearing that in mind, he decided to create a structure similar in name, tasks and personal composition to the NSDC, whose activity would reflect the governmental priorities of the national security sphere and would work out its own recommendations for national security policy. The heads of the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Economics, the Ministry of Defense, the Ministry of Finances, the Ministry of Justice, the National Space Agency, the State Committee on Protection of the State Borders, the State Customs Service, and the State Committee on Industrial Policy were included as the members of this governmental committee. The first Head of the Committee, Premier Viktor Yushchenko, appointed former Secretary of the NSDC, Volodymyr Horbulin, as his Deputy Head.

It might be argued that the creation of the Governmental Committee on the Issues of National Security and Defense, the Defense-Industrial Complex and the Law-Enforcing Activity was possible mainly because of the personally active position of the former Prime Minister Viktor Yushchenko and lack of the President’s interest in the NSDC. These two reasons reveal the unsettled nature of political and economic life in

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<sup>74</sup> The Command of the Head of the Administration of the President of Ukraine “*Concerning the Stuff for Coordination Committee on Fight Against Corruption and Organized Crime*” of 1 of July 2002, #27, available [on-line]: [<http://www.rada.kiev.ua/laws/pravo/new/orgvld.html>]; accessed 18 December 2002.

<sup>75</sup> “The Governmental Committee of National Security was created.” Information of the Press Service of the Cabinet of Ministers of Ukraine / *Uriadovyi Kurjer* (Governmental Courier), December 2000.



Ukraine. As a transitional economy, the country faces a problem of a poorly developed institutional system, in which authorities of the state institutions retain redundant positions because of political infighting and competition. In this undeveloped economy decisions are made often on the basis of profits rather than the state needs. The national security sphere is not the exception. The NSDC as a state institution differs from the bodies of the executive branch only in that it does not have any narrow orientation, and under certain conditions the position of the Secretary of the NSDC could be used to lobby any issue of someone's interest. The absence of a developed economy and democratic traditions pushes politicians to prostitute their positions for profit-gaining. This reality calls into question the conclusion of Paul D'Anieri, Robert Kravchuk and Taras Kuzio who, in their research book entitled "*Politics and Society in Ukraine*", say that "... Kuchma ... appears to use nation building to promote state building, rather than using it for its own value..."<sup>76</sup>

The general question is what kind of state building Ukraine has and what factors stimulate this process. Catherine Wanner argues that "Nationalism is a project of the modern state and an integral part of the process of state building."<sup>77</sup> In Ukraine any member of a political party or movement of national-patriotic orientation lead an executive office now; the representatives of those parties are the opposition in Verhovna Rada. In contrast, along with the political powers of the left wing they constitute the opposition in the Ukrainian Parliament. Following Catherine Wanner's logic, a lesser degree of nationalism (or patriotism in a non-national country) in a modern state's political life makes the process of state building weaker. Furthermore a less patriotic nation erodes the passion needed to build an effective and non-politicized state institutions' system, and especially one determined to protect national security interests.

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<sup>76</sup> Paul D'Anieri, Robert Kravchuk, Taras Kuzio. *Politics and Society in Ukraine*. p. 62, Westview Press, 1999.

<sup>77</sup> Wanner, Katherine. *Burden of Dreams: History and Identity in Post-Soviet Ukraine*. p. xix, Pittsburg: Pennsylvania State University Press, 1998.

### 3. Recent National Security Policy in Practice

Yevhen Marchuk studiously avoided the policies in the national security area and methods of its implementation that his predecessor, Volodymyr Horbulin, developed. During his first year in office Mr. Marchuk reduced the scope of activities of the NSDC's staff to such limits as would accommodate his understanding of the Law of Ukraine "Concerning the National Security and Defense Council of Ukraine". The main accent in the work of the Council and its staff has involved "putting forward proposals for the President of Ukraine concerning the realization of the tasks of internal and foreign policy in the sphere of national security and defense" rather than on "coordination and control over the activity of executive institutions in the sphere of national security and defense in the time of peace."<sup>78</sup> This is outlined in the official report "Concerning the main results of the work of the National Security and Defense Council of Ukraine in the year of 2000" which states:

The Staff for NSDC together with the scientific organizations, whose jurisdiction is assigned to NSDC, in accordance with the assigned tasks conducted informational, analytic and organizational work in support of the meetings of the National Security and Defense Council of Ukraine and inter-agency consultations at the Office of the Secretary of NSDC of Ukraine on the urgent issues of the sphere of national security; everyday monitoring of the conditions and the tendencies of the development of the events that testify the potential or real threats to national security, conflict with the national interests of Ukraine; ... and preparation of the proposals for their consideration by the President of Ukraine and their follow up implementation by Ukrainian central executive bodies.<sup>79</sup>

In particular, the NSDC worked out the proposals to the President of Ukraine with drafts of appropriate decrees and laws; held inter-agency meetings; prepared analytical papers concerning present-day issues of national security of Ukraine in its seven major spheres – political, economic, social, military, man-caused and ecological, science-and-technology, and informative. Such activity by an institution dealing with national security

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<sup>78</sup> Law of Ukraine "Concerning the National Security and Defense Council of Ukraine", #183/98-BP, 5<sup>th</sup> of March 1998, Part II, Article 3, available [on-line]: [<http://www.rainbow.gov.ua/about/index.shtml>]; accessed 21 December 2002.

<sup>79</sup> Marchuk Y. K. "Concerning the main results of the work of the National Security and Defense Council of Ukraine in the year of 2000." *Stratehichna Panorama* (Strategic Panorama), #34, p. 3, 2001.

reflects the most common practices of similar institutions in the world and serves the purpose for which such agencies are created.

In the Ukrainian case, however, it is necessary to acknowledge that the recent activity of the NSDC deals with consultative functions only. It must be admitted that the practice of using the powers and activities of the NSDC for issues outside of national security concerns was not limited to the early years. One may find examples of the Council's involvement with issues that are of questionable suitability or fall beyond the direct Presidential authority or responsibilities assigned to the NSDC. The Council and its new Secretary found themselves involved in activities more connected with the activities of the governmental structures than with concerns for threats to national security. During Yevhen Marchuk's first year at the post of the Secretary of the NSDC, the Staff of the Council prepared and held seven meetings of the NSDC that "determined the system of measures directed to turn aside or neutralize the threats to national security of Ukraine in appropriate spheres."<sup>80</sup> Those spheres include: "state regulation of the activities of the enterprises with foreign investments in Ukraine" (Meeting of NSDC of the 3<sup>rd</sup> of February 2000); "fuel and energy complex of Ukraine" (Meeting of NSDC of the 14<sup>th</sup> of February 2000); "railway transport of Ukraine" (Meeting of NSDC of the 11<sup>th</sup> of April 2000); "reform and development of the Armed Forces of Ukraine" (Meeting of NSDC of the 29<sup>th</sup> of May 2000); "aviation transportation and aircraft industry of Ukraine" (Meeting of NSDC of the 27<sup>th</sup> of September 2000); "the participation of Ukraine in the Euro-Asia Petroleum Transporting Corridor" (Meeting of NSDC of the 31<sup>st</sup> of October 2000); "the course of liquidation of the consequences in the energy system of Ukraine of the natural disaster of 27-28 of November 2000" (Meeting of NSDC of the 8<sup>th</sup> of December 2000). These meetings resulted in special instructions being given to the executive agencies. The overwhelming majority of the considered issues could be viewed as not directly connected with "the system of measures directed to deter or neutralize the threats to national security of Ukraine in appropriate spheres." Taking this into consideration along with the idea that the fields for application of Ukrainian national

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<sup>80</sup> Marchuk Y. K. "Concerning the main results of the work of the National Security and Defense Council of Ukraine in the year of 2000." *Stratehichna Panorama* (Strategic Panorama), #34, p. 3, 2001.

security policy are not yet precisely defined. The NSDC, in fact, plays a role of a restricted cabinet that is subordinated to the President of Ukraine and is used for the issues of a particular interest.

In addition to the abovementioned ideas, one might add that the NSDC and its staff have turned into some sort of Ukrainian bureau of investigations, and now duplicates the activity of other agencies. This situation not only slows down the process of constructing of a democratic system of state institutions, but also potentially dangerous during possible socially unstable periods. Two of the most obvious examples come first: the catastrophe of the Russian Tu-154 over the Black Sea in 2001 (this commercial plane was accidentally destroyed by Ukrainian missile S-200) and the Sknyliv tragedy on 27<sup>th</sup> of July 2002 (during the flight show at airdrome “Sknyliv” near Lviv a fighter Su-27 UB of Ukrainian Air Force crashed into the audience). In both cases the Secretary of the NSDC was appointed as the head of the special investigation commissions. However, these decisions of the President of Ukraine were more political and emotional than practical. The experience of other countries shows that in similar situations their leaders avoid appointing heads of their national security agencies to investigate disaster-related issues. For example, in Russia Deputy Head of the Government of the Russian Federation, Illia Klebanov, was appointed as a head of Governmental Commission to investigate of the causes of the disaster on atomic submarine “Kursk”.<sup>81</sup> Recently, after the disaster of the shuttle Columbia, NASA established the Accident Investigation Board, appointing retired U.S. Navy Admiral Harold Gehman, Jr. as its chair.<sup>82</sup> Even considering the latest (1<sup>st</sup> of February 2003) hearings in the U.S. Congress about an

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<sup>81</sup> On line program “Time of news”, Public Russian Television (ORT), *Governmental Commission on investigation of the causes of the disaster on atomic submarine “Kursk” was created*. Issue of 14<sup>th</sup> of August 2000, available [on-line]: [<http://www.vremya.ru/2000/102/events/3.html>]; accessed 18 February 2003.

<sup>82</sup> Brian Berger and Jason Bates. *NASA Chief Insists Columbia Investigation Board will be Independent*. 12<sup>th</sup> February 2003, available [on-line]: [[http://www.space.com/missionlaunches/sts107\\_hearing\\_030212.html](http://www.space.com/missionlaunches/sts107_hearing_030212.html)]; accessed 14 February 2003.

independent Columbia Accident Investigation Board<sup>83</sup>, no one considers the National Security Advisor to be a candidate to head this board.

The level of practical involvement of the NSDC and its Secretary in sensitive issues of political, economic, social, military, ecological, science-and-technology, and informative spheres has the tendency to increase. One could mention the Decree of the President of Ukraine of 31<sup>st</sup> of July 2001 “Concerning the Measures for Development of National Part of Global Information System of Internet and Conditions for Wide Access to This System in Ukraine,”<sup>84</sup> which reflected the corresponding decision of the NSDC. It might be argued that if a state regulates access to global information resources, considering such access as a national security issue, there is either an awkward understanding of national security in the country or that democratic developments did not go as far as state officials claim.

The mentioned problems with tasking the NSDC, in defining the fields for application and implementation of Ukrainian national security policy, represent the necessity for thoroughly reconsidering and reforming the activities of the NSDC. The Ukrainian political establishment, economic elite, military, and finally Ukrainian society need a predictable national security policy and agency with a clearly defined scope and sphere of responsibility for the successful development of a democratic system of state institutions.

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<sup>83</sup> Brian Berger and Jason Bates. *NASA Chief Insists Columbia Investigation Board will be Independent*. 12<sup>th</sup> February 2003, available [on-line]: [http://www.space.com/missionlaunches/sts107\\_hearing\\_030212.html](http://www.space.com/missionlaunches/sts107_hearing_030212.html); accessed 14 February 2003.

<sup>84</sup> Decree of the President of Ukraine “*Concerning the Measures for the Development of National Part of Global Information System of Internet and Conditions for Wide Access to This System in Ukraine.*” #928/2000, 31<sup>st</sup> of July 2000, available [on-line]: [<http://www.rada.kiev.ua/laws/pravo/new/cgi-bin/search.cgi>]; accessed 09 February, 2003.

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## **VI. CONCLUSION**

### **A. FACTORS THAT DETERMINE THE STATUS OF THE NSDC**

The latest developments in Ukrainian political life reveal that the position of the NSDC in the Ukrainian state system is quite weak and that the influence of the NSDC on the political-decision-making processes of Ukraine continues to wane. Conventional wisdom shows that the suspicion existing between the NSDC's Secretary and the President of Ukraine determines the scope of the Council's control over and coordination with executive agencies.

The problematic nature of NSDC's role emerges from the new and uncertain construction of a system of democratic institutions in Ukraine. Temporary confusion is common to any nation attempting to introduce a new democracy. All developing countries experience problems when designing their own system of democratic institutions; countries may vary in how successful they are in dealing with this task. The situation in Ukraine was worsened by the intense non-democratic rivalry for power among the Ukrainian political players. For example, Ukrainian President's determination to secure his position and that of his administration precipitated a role change for the NSDC in the Ukrainian system of the state institutions. The Presidential Administration continues to undermine the NSDC's practical power in the political realm.

Another component of the problem is that there has been no clear definition formulated by Ukrainian policy-makers regarding the sphere of national security. In the absence of any clear definition, the NSDC has no real purpose. This explains the NSDC's uncertainty regarding immediate tasks and the fields within its direct responsibility. In addition the analytical component of the NSDC staff's structure is lacking. For example, the utility of the Ukrainian Institute for the Research of Environment and Resources as serving the needs of the NSDC seems questionable. As a result of this bond, the NSDC has begun to take on all tasks connected with the sphere of the executive, including issues seemingly unrelated to the sphere of national security.

If national security policy is to include a broad range of concerns, all political branches – the executive, the legislative, and the judicial – of the country should be involved. Obviously, the executive power should fully participate. The National Security and Defense Council of Ukraine cannot manage a wide range of such concerns without the influence of the executive branch. The fact of the matter is that the President of Ukraine, in accordance with the Constitution of Ukraine, is not the head of the executive branch of government in the country. However, as the Head of the Ukrainian NSDC, which includes five top executive officials of the country, the President can influence the work of the government and the whole executive system without being directly responsible for possible policy errors or mistakes. Thus, the role of the NSDC in Ukrainian policy formulation depends upon the President's influence and input.

This legislative confusion surrounding the role of the NSDC emerged due to the agreement between the President Leonid Kuchma and Ukrainian parliamentarians regarding the President's authority and the authority of the NSDC. This appears to have come about for two reasons. First, the President has had a strong influence on the members of parliament. During the time of his presidency, Mr. Kuchma managed to ensure that a large number of those who supported him remained in the Verhovna Rada. Second, because it was so necessary to adopt a new Constitution of Ukraine, the parliamentarians from the opposition decided to pay a price by giving greater authority to the President and his structures in order to make this adoption possible.

The abovementioned problems remain unresolved in Ukraine. Because the economy remains transitional, the country retains a poorly developed institutional system, in which the authority of state institutions often overlap due to alternating priorities and factors, such as the personal attitudes of the political leaders. This situation is unlikely to change during the present administration without a comprehensive reform to the system. The probability of such a reform is unlikely because the major political and economic players in the country are not at present interested in assuming responsibility for its development. The only exception to these situations is found with those nationally oriented parliamentary figures in the Verhovna Rada. Thus, the most probable scenario



might include a shift from the NSDC's present tasks to monitoring the national security and defense activities of executive agencies without having authority to control them.

**B. POTENTIAL OF THE NATIONAL SECURITY AND DEFENSE COUNCIL AS AN ACTOR IN THE UKRAINIAN POLICY FORMULATION PROCESS AND LESSONS FOR THE FUTURE**

It has been necessary to study conditions under which one might expect changes to the NSDC's contemporary role in the Ukrainian government. It seems that changes will be possible only when the nation makes progress toward democratization in the country. And this will not happen without an effective division of labor, legally established and verified in practice. This would curtail the attempts to transmit additional powers from one institution to another, a move that often attributed to momentary political expediency.

In order to reach the maximum efficiency, the NSDC should make the following changes. The National Security and Defense Council should drop "and Defense" from its title and, considering the wide variety of national-security-related issues, limit its activity to the spheres directly covered by the new national security policy of Ukraine. Considering the power of the NSDC to control and coordinate the work of the executive agencies within the area of national security policy formation, the Council should become a part of the executive branch. Accordingly, the President of Ukraine as the Head of the NSC should also become the head of the executive branch and take full responsibility for his cabinet. The requisite amendments should be introduced into the Constitution. Otherwise, this role could be delegated to the Verhovna Rada. In this case Ukraine would develop a parliamentary system, which in turn will demand appropriate changes to the Constitution. Under these circumstances the leader of the winning party or coalition of parties would lead the Cabinet of Ministers and become the Head of the National Security Council. In both cases state officials at the NSC would be granted authority for the period of time they are elected. This would reflect the level of public trust either in the President or party in representatives who won the last elections.

Looking at the composition of the Ukrainian NSDC, one finds that the President has included the heads of power ministries and services, some of whom should rightfully

deal with national security issues in the country. But even considering the greater importance of non-military or domestic threats to national security, the retention of the Minister of Finances, the Minister of Economics, the Minister of Justice and the President of National Academy of Science as permanent members of the Council seems unnecessary. If top Ukrainian leaders believe that domestic threats pose a great danger to national security of Ukraine, then some form of the Ministry of Homeland Security should be established which would cooperate with appropriate departments of the other functional ministries of the Ukrainian government.

### **C. THE EXPERIENCES OF NATIONAL SECURITY INSTITUTIONS OF OTHER COUNTRIES AND THEIR APPLICATION TO THE UKRAINIAN NATIONAL SECURITY AND DEFENSE COUNCIL**

In this paper the experiences of the United States, the Russian Federation and the Republic of Poland were studied in dealing with national security policy through appropriate agencies. A variety of tasks, missions corresponding to each national security institution were examined. The agencies of the United States, Russia and Poland cases represent three examples of how the NSCs could be understood and used. Ukraine has proclaimed the United States, the Russian Federation and the Republic of Poland its strategic partners because of their geographical locations and their respective regional and global political weight. Their experiences in the security sphere enable Ukraine to better understand the ways in which security policies can be created and can be put into effect.

Though the mentioned cases differ in experience, each in its way can prove valuable for Ukrainian approach to national security. The more transparent and precise the definition of 'national security', the higher the efficiency of a particular agency and more effective the implementation of national security policy is. The attempts to expand the field of national security would not seem to be wise since this could lead to the creation of an agency, which, on the one hand would duplicate the work of the executive and, on the other, would come out of its effective control.

The NSC should be responsible for the coordination of the executive in the area of national security. The abundant experience of the United States in this area reveals a

system that coordinates the work of the heads of government agencies and their deputies, and day-to-day interagency coordination at expert levels. As the result, the United States' national security system has proven to be one of the best example for national security agencies in the world.

The present Assistant to the President for National Security Affairs has reorganized the structure of the NSC staff. Her determination to create directorates meant to consolidate the activities of smaller field departments has specified the general orientation of the NSC staff's activity, simplified the coordination of its field experts, and will positively influence the overall efficiency of the organization.

It is necessary to emphasize the importance of the decision-making process in the Security Council for overall effectiveness of policy formulation strategy in a country. The U.S. National Security Council stands out as the most progressive example, because the appointed Council members cannot even potentially block policy making by the elected top-level officials. Members of the NSC serve as advisors representing various agencies to the American President; and he personally makes all the decisions and is solely responsible for them. The Russian example provides another option for constructing a decision-making process within a Security Council. The fact is that the Russian model separates the members of a security council into two distinct categories - permanent (that have the right to vote), and non-permanent (that hold advisory functions) – is worthy of consideration.

National security decisions should cover not only the areas of state security but should also include security of a society and its individuals. Accordingly, the prevention of threats to the vital interests of an individual, society and state, should form the core of a state's national security policy. Such an attitude is expressed in the Law of the Russian Federation called "Concerning the Security"<sup>85</sup> so Russia has an interesting experience to share with Ukraine and other countries.

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<sup>85</sup> The Law of the Russian Federation "Concerning the Security." #4235-1, 22<sup>nd</sup> of December 1992, available [on-line]: [<http://www.scrf.gov.ru/Documents/2646-1.html>]; last accessed 14 December 2002.

The successful control and supervision of national security related agencies indicate the stability of the democracy in a given country. In general, the Congressional control over the security sphere, and specifically its oversight of national security related agencies make the U.S. experience important and valuable for many countries, including Ukraine.

Finally, one should note the unique example of the Coordination Committee of the Presidents of the Republic of Poland and Ukraine. In this committee the Polish Secretary of the National Security Council took on a special role in the government of Poland. This experience could be applied to all cases of the relations between top Ukrainian officials and leaders of other strategic partners of Ukraine.

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