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**NOTE**

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from:	Committee for Civilian Aspects of Crisis Management
to:	Political and Security Committee
Subject:	Draft CivCom advice on the Crisis Management Concept for a civilian CSDP mission in support of Security Sector Reform in Ukraine

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1. Delegations will find attached the draft CivCom advice on the Crisis Management Concept for a civilian CSDP mission in support of Security Sector Reform in Ukraine, as finalised by the Committee for Civilian Aspects of Crisis Management (CIVCOM) at its meeting on 17 June 2014.

**DRAFT CIVCOM ADVICE ON THE  
CRISIS MANAGEMENT CONCEPT FOR A CIVILIAN CSDP MISSION IN  
SUPPORT OF SECURITY SECTOR REFORM IN UKRAINE**

**A. INTRODUCTION**

1. On 11 June 2014, PSC 2014 invited CIVCOM to provide an advice on the Crisis Management Concept for a civilian CSDP mission in support of Security Sector Reform in Ukraine (10454/14, dated 3 June 2014). The PSC also invited relevant Services to revise the CMC as appropriate.
2. At the CIVCOM meeting on 11 June 2014, an orientation discussion was held.
3. On 13, 16 and 17 June 2014, CIVCOM discussed and agreed the following advice.

**B. CONSIDERATIONS**

4. CIVCOM noted that following the Presidential elections on 25 May 2014, characterised by a high turnout and largely in line with international commitments, and the subsequent inauguration of President Poroshenko, there is a continued commitment to inclusive reforms in Ukraine. Reform efforts would need to be carried out through an inclusive national dialogue and include constitutional reforms, also fully ensuring the rights of persons belonging to national minorities and the reform of the judiciary.

5. CIVCOM noted that the security situation in Ukraine continues to be complex and volatile. At the core of the events across Ukraine lay the request for a transformation of the state institutions in line with the principles of rule of law, good governance and with respect for human rights. This is especially relevant in the civilian security sector, given poor accountability and overlapping competencies as well as lack of loyalty and widespread corruption with a risk of increased polarisation. Amongst other factors, the violence and troubles over the recent months confirm the urgent need for civilian security sector reform in Ukraine.
6. CIVCOM recalled the European interest that countries on our borders are well-governed. Violent conflict, weak states where organised crime flourishes and dysfunctional societies all pose risks to Europe. The European Reform Agenda and the commitments in the AA/DCFTA set clear priorities and benchmarks for Ukraine's reform efforts. In this context, CIVCOM stressed the importance of assistance to the civilian security sector reform in Ukraine, especially police and rule of law. CIVCOM recognised that security sector reform is a long-term engagement and noted the significance of the EU remaining strongly committed to and engaged in Ukraine in the above fields, also by deploying a CSDP Mission as a short- to medium-term instrument.
7. The Ukrainian authorities are engaging in a revision of the national security plan which is to incorporate a comprehensive security sector review and a reform framework. The Government has invited the EU to support these efforts, including through the deployment of a CSDP mission.
8. CIVCOM emphasised the crucial importance of a Ukrainian lead on, and buy-in to, security sector reform efforts at all levels, and across the country. All EU assistance to Ukrainian civilian security sector reform will have to take Ukrainian needs and EU interests into account. To ensure a comprehensive approach, this assistance should be carried out in full coordination through the EU Delegation fully respecting various competencies and the Mission's chain of command.

9. CIVCOM took note of the Mission Statement and agreed that the Mission should provide strategic advice to the Ukrainian civilian security sector reform. This reform will create the basis for development of sustainable, accountable and efficient security services that contribute to strengthening the state monopoly on the legitimate use of force and deliver rule of law under democratic control, in full respect of human rights and in a manner that contributes to enhancing their legitimacy, inclusivity and increase public confidence and trust in the civilian security services, including through outreach to civil society and media. Operational engagement with particular services of the security sector as part of possible subsequent phases of the Mission shall be defined by member states on the basis of the strategic review following the delineation of competencies.
10. CIVCOM emphasised the importance that the Mission puts a particular focus on addressing issues which will contribute to enhanced transparency, democratic oversight, and accountability. Progress on these issues will also help the Ukrainian authorities in the fight against corruption and organised crime.
11. CIVCOM recognised the attention paid to the promotion and protection of human rights, including of persons belonging to national minorities and to Ukraine's international commitments and obligations as outlined in the Crisis Management Concept and emphasised the importance of mainstreaming this together with actions in support of the implementation of UNSCR 1325 into the Mission's activities and support the establishment of the appropriate structures and procedures in the Ukrainian security services.

12. CIVCOM agreed that the territory of Ukraine would be the mission area of responsibility (AoR). Initially, the Mission should deploy a strategic advisory component to Kyiv. As soon as operationally feasible the Mission will build a capacity to support its strategic advisory tasks through a regional outreach (e.g. mobile teams), to inform the central reform efforts with regional considerations and ensure compatibility with constitutional reform efforts. Further options for precise modalities for a more articulated footprint in the regions will be elaborated in operational planning based on operational requirements and will be well coordinated with international partners, especially with the OSCE, taking the security situation into account. CIVCOM underlined that details of security assessments and risk mitigation strategies for any such deployments would need to be elaborated early on in the planning process. A decision on the establishment of permanent field offices, that could include but not be limited to those named in the CMC, will be based on the first SR.
13. CIVCOM noted the risks to mission accomplishments as elaborated in the Crisis Management Concept and urged that operational planning should elaborate further on risks to mission accomplishment and identify ways to mitigate them while taking lessons learned on security sector reform and the need for strong political support from EU and its member states into account. CIVCOM particularly noted that the deterioration in the security situation would have an impact on the mission capacity to achieve results.
14. CIVCOM underlined the importance of coordination, cooperation and possible synergies with other EU rule of law-related activities and instruments in Ukraine: inter alia, the twinning project Support to Justice Sector Reform, the ENI funded programs on the Eastern Partnership Police Cooperation and the Programmatic Cooperation Framework with the CoE in the Eastern Partnership, as well as other twinning projects. Moreover, CIVCOM acknowledged that, together with its partners, EUBAM Moldova/Ukraine has achieved significant results in improvement of border management and customs procedures, serving the needs of citizens from both the Republic of Moldova and Ukraine, travellers and trade, and enhancing regional security and economic development. CIVCOM stressed the importance of these activities to be continued within the existing mandate and the need for the CSDP mission to avoid any duplication.

15. CIVCOM emphasised the cooperation and coordination with the OSCE as the main international actor contributing to de-escalation and stabilisation in Ukraine and agreed that the CSDP mission should not duplicate the OSCE Special Monitoring Mission in Ukraine. CIVCOM underlined that the CSDP Mission should establish strong links with all other EU instruments and other actors involved in security sector reform to avoid overlaps and maximise possible synergies, including with international partners such as the Council of Europe, NATO and the UN. Towards this end, CIVCOM underlined the importance of reciprocal and transparent exchange of information with respect to the decision making autonomy of each organisation.
16. Opportunities for synergies and effective complementarity with relevant instruments and actors should be explored from the outset. Transition to other instruments and actors and follow-on activities should be carefully elaborated in the operational planning and Strategic Reviews in line with EU's comprehensive approach, as appropriate. Annex D, containing EU bilateral donor mapping, was to remain a living document to be updated regularly as the situation evolves.
17. CIVCOM agreed an initial two year mandate for the Mission with a Strategic Review a year after launching the mission. The Strategic Review should in particular analyse progress on civilian security sector reform efforts against clear baselines, Ukrainian ownership, Mission achievements by then, the establishment of permanent field offices and calibrate the next possible phase of the Mission. CIVCOM called for a revision of the Mission sequencing as currently articulated in the CMC.
18. CIVCOM emphasised the importance and urgency of a timely and sound communication strategy, fully in line with that of the EU Delegation in Ukraine, focusing on explaining the rationale for support to civilian security sector reform efforts, especially police and rule of law, with CSDP means to a wide audience, including to the population of Ukraine and to international partners, including the Russian Federation.

19. CIVCOM recalled the need to start working on a SOMA immediately after the adoption of the CMC. CIVCOM strongly emphasised that the swift conclusion of a SOMA represents a priority in the deployment of a CSDP mission. Pending the SOMA conclusion, the privileges and immunities have to be covered by a unilateral statement by the Government.

### **C. RECOMMENDATIONS**

20. CIVCOM recommends the PSC that the Crisis Management Concept be revised on the basis of the considerations above.
  21. CIVCOM recommends that the PSC tasks the EEAS to take these considerations into account in further planning.
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