The Threat of War and Domestic Restraints to Defence Reform- How Fear of Major Military Conflict Changed and did not Change the Ukrainian Military 2014-2019

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Abstract

The annexation of Crimea and the Russia enabled rebellion in Donbas created a need for radical improvements of Ukrainian military capability. This study discusses how different, mostly domestic, reform drivers and reform impeding factors had impact on the pace of Ukrainian top-down defence reform in the period since the confrontation with Russia started in 2014. It concludes that reform has been uneven, and that while vested organizational interests and dominant organizational ideas explain much of the slowness of reform, also corruption played a significant role. Furthermore, the Ukrainian case demonstrates how foreign pressure was important to facilitate reform even in a country that found itself facing the danger of major war. Nevertheless, the study does confirm previous findings that a "threat of defeat in war" in the end overcome domestic restraints to defence reform.

Keywords

Ukraine, Russia, defence reform, corruption

"It takes the threat of defeat in war to compel militaries to innovate" (Barry Posen, 1984)

Introduction

Is the "threat of defeat in war" enough to overcome domestic restraints to defence reform? In the case of Ukraine after 2014 we argue yes, but only slowly. Domestic restraints held back reforms, sometimes to a dangerous degree in terms of national security, but they did not stop them completely In addition to the often identified reform inhibiting factors of vested organizational interests and dominant organizational ideas, we also find that corruption is an important part of the explanation. In summing up ten years of Western experience in assisting military transformation in Central and Eastern Europe, Chris Donnelly in 2001admitted that "we underestimated the impact of corruption and vested self-interest as obstacles to change" (Donnelly, 2001, 8). This is a lesson that all current and future enactors of defence reform should take to hart, at least in countries where corruption is known to be widespread.

According to Transparency International, 124 of 180 countries in 2018 scored 50 points or lower on their Corruption Perception Index.¹ This indicates that corruption is a significant problem in almost 70 percent of the world's countries. There are few signs that the military sector is an exception.

¹ In this index a score of 100 means no corruption and 0 is total corruption.

The sudden encounter with war in 2014 made the Ukrainian military transform from totally inadequate to relatively competent over a fairly short period. To a large extent, this change was a bottom-up process. The Ukrainian forces were learning on the job. While undoubtedly important, bottom-up military transformation can only get you so far. Top-down reform will at some point also be necessary. It is this top-down part of the transformation that is the topic of thisanalysis . We do not study how combat lessons from the fighting in Donbas may have changed and not changed army tactics, operations and procurement. Instead, we analyse how a broad domestic consensus on the possibility of major conventional war with Russia influenced the Ukrainian willingness and ability for top-down defence reform. Furthermore, we do not limit our analysis only to the institution of the Ukrainian armed forces, but instead take a more "whole of defence" or military capability approach.

The study analyses four key areas of Ukrainian military capability where the need for reform has been seen as urgent, and where it has been possible to attain empirical evidence detailed enough to let us draw the conclusions we draw. These four areas are the navy; the security service (SBU); the defence industry (OPK) and the special forces (SOF). The analysis is structured around three domestic reform-promoting factors (political leadership intervention; civil society activism; and receptiveness to foreign advice and pressure), and three domestic reform-impeding factors (vested organizational interests; dominant organizational ideas and corruption) (Terriff, 2006). Since the selection of areas for study is partly decided by the availability of evidence, we do not make claims about generalization. The purpose of this article is to shed light on a politically important case. Additionally, we hope that our findings on the effects of corruption create alertness to this phenomenon in other future studies.

Although the SBU and the OPK are not parts of the Ukrainian military organization, they are both indispensable parts of Ukrainian military capability. SBU is indispensable in the area of counter-intelligence, and the OPK is the main provider of military hardware. As of 2019, the SOF are generally seen as a reform success whereas the three others are seen as only in their initial stages of reform. This means that plans for reform have been suggested, but that these have either not been adopted into legal documents or have been adopted but not successfully implemented. By comparing one success against three (so far) non-successes in the same country, we hope to get a better understanding of why different sectors of the same military organization have so different degrees of reform progress.

The findings of our study in terms of reform progress can be summarized in the following table:

Table 1 in here

Furthermore, we make no assumptions about whether steps taken to implement top-down reform in the end will lead to better performance or not. Thus, for example, we have no opinion on whether a balanced navy (non-reform) or a so called "mosquito fleet" (reform) would be the best option for Ukraine. We only try measure to what extent reform has or has not taken place, and how the change or lack of change can be explained.

A final disclaimer is that the evidence in support of corruption as an impediment to defence reform is not based on cases of individuals found guilty by a court of law. Instead, the evidence is based on numerous cases of investigate journalism revealing military corruption; the fact that several cases currently are being investigated by the Ukrainian National Anti-corruption Bureau (NABU); the reality that certain organizational arrangements and procedures seem to facilitate corrupt practices; testimony from individuals who have worked in military institutions were they claim to have witnessed corrupt practices; Transparency International's 2015 categorization of Ukraine as a country with "a high risk of defence corruption"; and the admittance from central Ukrainian politicians to the existence of the problem. President Poroshenko himself confessed as much when he in October 2017 stated that "those who steal from the army – we will cut their hands off" (Rudenko and Kupfer, 2019). The Transparency International report *The 3rd line of* Defence gives numerous examples of the existence of Ukrainian military corruption, leaving very little doubt about the extreme urgency of the problem (Barynina, Pyman, Mustafa and Gili, 2012). In fact, the head of Transparency International's Defence and Security Program, Mark Pyman, thinks that in the case of Ukraine " all solutions [and this presumably also includes reform] have to start from the understanding" that in Ukraine corruption is "absolutely at the heart of state insecurity and incapacity" (Pyman, 2017, 523).

However, since there are no major convictions to point to so far, we will generally not name individuals in the evidence presented below. There are, furthermore, also reasons to be careful about some of the journalistic reports on single cases of defence corruption. At least one highly publicised case of investigative journalism into Ukrainian defence corruption has later come under serious criticism by the Ukrainian expert community for numerous inaccuracies and questionable conclusions (Lukanov, 2018; Zgurets, 2018).

The study analyses each of the four different areas of rreform separately. However, since each area in itself presents a huge number of different sub-fields for reform, we have chosen to concentrate only on what we can judge from the evidence to be the most pressing topic within each area of reform. After that, the areas are compared in terms of the explanatory power of the

different reform-promoting and reform-impeding factors in the conclusion. The evidence comes from seven interviews conducted with key present and former decision makers in the military sphere and two independent experts in Kyiv in August 2018, as well as from Ukrainian media sources.

The Navy

The main issue in terms of naval reform has been whether Ukraine should go for a so-called balanced navy or a mosquito fleet. The first option means a mix of larger and smaller vessels with different roles, the second means a concentration on small vessels. One of the main protagonists of the mosquito concept, Captain of the First Rank Andrii Ryzhenko, argues that this concept offers such advantages as maneuverability, speed and discretion. He says that "the main requirements to a Mosquito Fleet platform is self-sufficiency (over 5-7 days) and the ability to operate 150-200 nautical miles away from the stationing site".² He further claims that such vessels now constitute an asymmetrical technological advantage due to the increased efficiency of missiles and torpedoes (Krivko and Ryzhenko, 2017). Additionally, former Deputy Minister of Defence, Admiral Ihor Kabanenko suggests that "Mosquito capabilities offer a solution for three groups of problems: 1) deterrence of maritime threats (patrol-strike platforms); 2) control over the immediate maritime zone, mine defense, protection of stationing sites, ports, guard ships, etc.; 3) operational deployment of Navy units (amphibian platforms)".³

However, until his dismissal in April 2016, navy thinking and navy policy was dominated by Navy Chief Serhii Haiduk. He was a main proponent of a balanced navy, and had little symphathy for a "mosquito fleet". Haiduk, argued that "by taking the surface component out of the context of the overall development of the Ukrainian Navy, we are losing the potential offered by naval aviation and coastal missile troops. The mosquito fleet concept must be a component of a wider, more general development program of the Ukrainian Navy".⁴

In the context of this article, a balanced navy represents the no-reform option whereas the mosquito fleet represents the reform option. Based on the empirical evidence presented below, we argue that defence reform in the naval sector seems to have reached the stage of decision but not implementation. It would be wrong to say that there has been no reform, since the mosquito concept is now official policy. This is written into the Strategy of National Fleet Development till 2035, which was developed in 2018 by the Naval Command of the Armed Forces of Ukraine in close cooperation with NATO and Swedish professionals.⁵ However, for two reasons, it would

² Authors' interview with Andrii Ryzhenko, Deputy Chief of Staff of the Ukrainian Navy for Euro-Atlantic integration, Kyiv, August 2018.

³ Authors' interview with Ihor Kabanenko, Navy Admiral (Rtd), President of UA.RPA, Kyiv, August 2018.

⁴ Authors' interview with Serhii Haiduk, *Vice Admiral, former Commander of the Ukrainian Navy (2014-2016)*, *Head of the Association of Veterans of the Naval Forces of Ukraine*, Kyiv, August 2018.

⁵ An English language version of the strategy can be found here <u>https://navy.mil.gov.ua/en/strategiya-vijskovo-morskyh-syl-zbrojnyh-syl-ukrayiny-2035/</u>.

also be wrong to say that reform has seen much implementation. First, the mosquito concept has won the day only as a guiding concept. There is still significant disagreement over what the concept should entail in terms of practical procurement details and doctrine. As pointed out by Ukrainian defence analyst Serhii Zgurets, it is the actual content of the concept rather than the concept itself that determines whether we are talking about real reform (Radchenko, 2018). To give but one example, it remains an open question whether corvettes should be part of the mosquito fleet (Popovich, 2018). Given the size of the Ukrainian naval budget, the choice between a few corvettes or a significantly larger number of even smaller vessels is a very real one. Thus, it is difficult to talk about actual navy reform until the mosquito concept is filled with more concrete content. Second, the mosquito concept is seen as a first stage rather than a long-term choice. The Strategy argues for the mosquito concept more in terms of budget restraints than operational efficiency. It is what the country can afford today, but given better state finances in the future there will be a shift towards a more balanced concept.

This half-way state of naval reform creates problems. One immediate issue is whether Ukraine should continue to spend resources on the repair of old and large vessels. For the balanced concept this makes sense. For the mosquito concept, on the other hand, these vessels are too big and take away resources that instead could have been used to buy a larger number of small vessels (Reshetilova, 2016).

Why did navy reform stop half ways? In terms of reform-promoting factors, we in this case find some evidence both of political intervention and civil society activism. Foreign pressure, on the other hand, does not seem to have played a very strong role.

A major enabler for the adoption of at least the concept of a mosquito fleet, was probably President Proshenko's decision to dismiss Serhii Haiduk as Chief of the Navy in April 2016. Resistance to the mosquito concept was not officially mentioned as a reason for his dismissal, but it is likely that it played a role. The balance of power between protagonists and opponents of the mosquito concept seems to have started to change in favour of the former in early autumn 2015 (Sukhov, 2015). One sign of this is that Minister of Defence, Stephan Poltorak, created a new working group on naval reform headed by the mosquito protagonist Ryzhenko. It should be noted here that according to the constitution, the president appoints the defence and foreign affairs ministers. Thus, when Poroshenko's personal choice as Minister of Defence opened the way for mosquito protagonists, this concept was also more likely to secure the support of the president. Additionally, pressure from civil society, especially from the NGO the Committee for the Renewal and Development of the Fleet, may also have played a role in Poroshenko's decision remove the reform sceptic Haiduk (Sukhov 2015; Shara 2016). Thus, political intervention and civil society activism may have opened the way for the formal adaptation of the mosquito concept, but why did this not translate into a full victory for the concept? The evidence indicates that a particular version of vested institutional interests and possibly opportunities for corruption played a role here.

In terms of vested institutional interests, or in this case better termed bureaucratic infighting, it has been argued that the fact that the naval command is located in Odesa and not Kyiv is important. Even if the navy is able to adopt new policies, their implementation is made difficult by the geographical distance to the top military and political decision makers in Kyiv. Andrii Ryzhenko claims that "no-one is lobbying the Navy interests in the Ministry of Defense", and that "navy command must be located in the capital, next to the Ministry of Defense and the General Staff, perhaps even within these structures" for transition to move forward.⁶ Other naval sources complain that military thinking in Kiev is too dominated by concerns in the land domain, leading to a neglect of the naval domain (Olekhnovych, 2018).

In terms of more corruption-like causes, it has been suggested that the parochial interests of the owners of Ukrainian naval shipyards to get contracts for bigger vessels has worked against the implementation of the mosquito concept. For example, Ukraine took four years to accept as a gift from the USA two Island-class patrol boats. These boats would have fit the mosquito concept nicely, and in terms of naval reform it is a big question why they were not accepted sooner. Investigative Ukrainian reporting suggests both that prohibitively high commissions demanded by UkrOboronProm for intermediary services, and the commercial interests of then President Poroshenko, may have been reasons for the long delay. The President's shipyard Kuznya na-Rybalskomu had already produced six similar boats, and was hoping for additional orders. Thus, the shipyard may have been afraid that if Ukraine accepted this gift, that would make such orders less likely. If one or both of these allegations are true, that would still not constitute corruption in favour of stagnation vs. reform. Both the US and the Ukrainian boats fit the mosquito concept. However, one can still argue that the non-acceptance of the gift had negative consequences for the speed of implementation of the new concept, and probably also for reform quality. Ukrainian naval sources claim that the US vessels are technologically superior to the ones Kuznya-na-Rybalskomu was building, and in addition they are interoperable with NATO naval forces. The latter is not the case for the Ukrainian produced boats (Egoshina, 2018; Ponomarenko, 2018f).

Moreover, an additional, if not corruption related, reason for reform resistance, may be that Ukrainian naval officers were afraid of reductions in the number of higher officer and admiral positions if the boats become too small (Sukhov, 2015).

In sum, despite gradually more dominating organizational ideas in the navy leadership in favor of a balanced navy, the mosquito concept reformers were able to secure at least a partial victory in terms of the Strategy of National Fleet Development concept. This was made possible by some degree of political intervention and possibly also some civil society activism. However, the decision has so far not resulted in much clarity of content and reform implementation. A mix of vested institutional interests and possibilities for, if not outright corruption then at least material self-interest, may go some way to explain this.

⁶ Authors' interview with Andrii Ryzhenko, Kyiv, August 2018.

<u>SBU</u>

The main controversy in SBU reform is whether the agency's operations should be optimized by relieving the SBU of functions not intrinsic to a security service. This primarily concerns the investigation of economic crimes. That is something not normally dealt with by the security services in Western countries. Below, the investigation of economic crimes will be referred to as SBU's "atypical functions". After initial progress in other areas, the battle to rid the SBU of its atypical functions has become the main test of SBU reform. Here, little has happened until very recently.

The presidential term of Viktor Yanukovych saw deep erosion of the Security Service of Ukraine (SBU). This manifested itself in the suspension of a previous set of reforms (2005-2009), increased influence of Russian special services, politicization of the agency, growing corruption in the ranks, etc. Reform in the SBU was one of President Poroshenko's main campaign pledges before he was elected president in 2014 (Ponomarenko, 2018e). He also repeated those pledges several times throughout his first term in office. And, indeed, on certain issues Ukraine delivered. First and foremost, the SBU was purged of a significant number of foreign (Russian) agents. Additionally, there has been an ongoing improvement in the institutional capacity of the special service in the spheres of counter-intelligence, protection of state secrets, and in the capability of fighting terrorism. Still, the vexing issue of the atypical tasks remains.

There are several reasons why many think the investigation of economic crimes should not be the responsibility of the SBU. First, legal uncertainty in this field blurs the boundaries between the functional objectives and authority of the SBU and other law enforcement bodies (National Anti-Corruption Bureau, Police, State Bureau of Investigations). Thus, these agencies currently spend valuable time and resources quarrelling over who should do what. This fact has also been recognized by the SBU itself. According to Olexandr Belov, an adviser to the Head of the SBU "there is an obvious crisis, as can be seen from the example of fighting corruption. The problem lies in the insufficient coordination between the new structures (NABU, SBI) and the SBU. This can result in gaps in Ukraine's economic security".⁷ However, Belov does not go as far as to say that the atypical tasks should be taken away from the agency.

Second, there are strong suspicions that some of the SBU actions against economic crimes in reality are cases of illegitimate SBU pressure on business to elicit bribes. Thus, they may be cases of corruption rather than of the fight against it. If these allegations are true, the atypical tasks contribute to the maintenance of a culture of corruption within the agency that may spill over into the performance of other SBU functions. So far, no high ranking SBU officers have been convicted for corruption. Ukrainian investigative journalists have, however, uncovered

⁷ Authors' interview with Iurii Belov, adviser to the Head of the SBU, Kyiv, August 2018.

many questionable cases that are cause for serious concern (Verstiuk, 2017; Krasnoselskaia; 2018; Istomina, 2018; Romanyshyn, 2018). Some of these cases are currently under investigation by the NABU. According to Major-General Aleksandr Radetskiy, who was deputy head of the SBU for only 20 days in August 2015, "the SBU is itself integrated into organized crime, shadowy business structures and corruption to a degree that makes the whole organization a danger to Ukrainian security". Radetskiy says he left because he could not morally justify to himself working there (Dvali, 2019).

Third, the atypical tasks demand resources that in their absence could have been used for other purposess. The Ukrainian ombudsman for business, Algirdas Shemeta, complained in August 2017 that "the SBU should be concerned with state security, not with the oppression of business" (Verstiuk, 2018). How many of the agency's 31 000 employees that work in the corruption investigating K department is in principle a secret, but independent sources put the figure at about 4000 (Krasnoselskaia, 2018; Butusov, 2018). In addition, the department for economic counter-intelligence has about 2000 employees. This department is also known for putting pressure on business. By comparison, the number of employees in the department for political counter-intelligence, which one would think would be highly significant for the defence of the country, may be as low as 500 (Butusov, 2018). In March 2017 Ukrainian media suggested that the head of the K department, who officially lived in modest quarters provided by thes SBU , in reality lived in a luxurious mansion outside Kyiv and owned a number of expensive cars (Ukrainska Pravda, 2017).

On the other hand, it should be mentioned here that the distinction between typical and atypical tasks may not always be as clear cut as some of the SBU critics claim. Issues of illegal economic activity and national security may sometimes overlap. First Deputy Head of the Security Service of Ukraine in the years 2012 to 2013, Petro Shatkovskii, thinks that "the SBU's scope of competence should retain such issues as fighting drug business and organized crime, as well as counteracting contraband of weapons of mass destruction and their delivery systems. Special services are often involved in economic issues that affect the international interests of our country. Was such a situation to arise, other countries' special services would not be satisfied work only with our police. Cooperation would have to be done between structures of similar profile".⁸

Some steps towards removing the atypical functions from the SBU were taken. On 14 March 2016, the President signed a decree to adopt the Concept of Development of the Security and Defense Sector of Ukraine. Here, among other things, a roadmap for SBU reform was laid out. This roadmap stated that the SBU no longer should have a role in the fight against corruption. It was, nevertheless, allowed a continued role in economic counter-intelligence (Butusov, 2018).

⁸ Authors' interview with Petro Shatkovskii, First Deputy Head of the Security Service of Ukraine in the years 2012 to 2013, Kyiv, August 2018.

The concept by itself, however, was not enough to rid the agency of the atypical tasks. According to Dmitrii Cheretun, editor of the respected internet site *Liga.net*, this concept should be seen first and foremost as a framework for later laws (Cheretun, 2018). The atypical tasks would not actually go away until a new specific law on the SBU was adopted.

The SBU did in fact produce its own proposal for such a law. Ukrainian sources claim that a draft of this proposal was handed over to the President in December 2018. He, however, returned it to the service for further revision. It is the president's job to present the SBU proposal to parliament. Little is known about the contents of this SBU proposal, but the Ukrainian weekly *Zerkalo Nedely* claimed to have seen a draft. Here, they found that the atypical tasks had not been removed (Lemenov, 2019a). In parallel, there was also a working group in parliament that worked on a separate proposal for SBU reform. This initiative, however, may mainly have been started in order to put pressure on the SBU and the President. Unless the latter two came up with significant changes, they would risk losing the initiative to the parliament (Mukhin, 2019).

Foreign pressure is likely an important reason why the few first steps towards a removal of the atypical functions were taken . Sharon Irwin, Deputy Head of the NATO mission in Ukraine, pointed out in October 2018 that "reform of the SBU was singled out as a main priority in connection with the adoption of the assistance for Ukraine package that was adopted at the Warsaw NATO Summit in 2016". She further warned that "delay of this reform is unfortunate because it is likely to seriously hurt the NATO countries trust in Ukraine" (Mukhin, 2018). Given the fact that closer relations with NATO became one of the most important goals for Poroshenko during his presidency, and figured prominently in his 2019 election campaign, it is likely that he would be especially sensitive to comments of the kind quoted above. In October 2019 the SBU finally handed over its proposal for a new law. It was given both to the president and to Ukraine's Western partners in the same week. The new Ukrainian president, Volodymyr Zelenskyi, had appointed a new head of the SBU, Ivan Bakanov, soon after his inauguration. The proposal retained some of the criticized functions in terms of economic investigations, but for the first time there was a proposal to get rid of the infamous K department. It remains to be seen how the law will look once it has been through parliament (Lemenov, 2019c).

The counterforces to reform in this case seem to have been the vested institutional interests of the SBU as an organization and the possibilities for corruption by individual SBU employees. In addition, the vested institutional interests of the presidency may also have played a role. In terms of institutional interests, the SBU mandate to investigate corruption in other agencies is likely to have made these other agencies more cautious than they otherwise would have been in opposing the SBU – even on issues that had nothing to do with corruption. Standing up for your own organization's interests or point of view is easier if you do not fear that your opponent may strike back by going after you or one of your colleagues on an individual basis. In addition, if at least some of the accusations of corrupt SBU behavior are true, then the possibility for self-

enrichment is also likely to have been a strong reason for the SBU resistance to being deprived of the atypical functions

When it comes to the institutional interests of the office of the president, this institution may have more to lose in terms of political power in the case of SBU-reform than in the other cases of reform in this study. Throughout the post-Soviet period, the SBU has been seen as an agency largely in the hands of the president (Trepak, 2018; Lemenov, 2019b). The independent expert Oleksandr Lemonov highly doubts that the current ideas of SBU reform will diminish the agency's usefulness for presidential political leverage.⁹ On the other hand, if the President out of vested institutional interests was against taking away the atypical tasks, it would be counterproductive of him to bring attention to the issue of SBU-reform to the extent that Poroshenko did. Thus, it may be that SBU resistance more than executive resistance explains why the atypical tasks were so hard to remove from the SBU portfolio.

Our preliminary conclusion in terms of the atypical tasks is that the difficulty in getting rid of them is mostly a result of agency resistance to reform, possibly in combination with the presidency's interest in maintain the SBU as a source of political leverage.

<u>OPK</u>

In the area of the defence industry, it is more difficult than in the other areas of this study to single out one main reform issue. However, changes in how the main government armaments producer *Ukroboronprom* functions seems like a good candidate. This major holding company was established by President Yanukovych in 2010. It includes about 130 state owned arms manufacturers (about one third of total arms manufacturing capacity of the country) (Badrak, 2016). In addition to its commercial activities, the company was also, when established, allocated some government regulatory functions. This made *UkrOboronProm* a quasi government agency and state owned commercial enterprise at the same time. One example of such regulatory functions was that all other Ukrainian arms producers had to get *UkrOboronProm* authorization for any export or import of defence related goods. Thus, in many instances *UkrOboronProm* was at the same time both competitor and regulator vis-à-vis the other arms producers in Ukraine.

The claims about the ways *UkrOboromProm* undermined Ukrainian military capability are many. Four of the most important are that the company's dominant position and extensive prerogatives enabled it to (1) sell to the Ukrainian armed forces not what they wanted but what *UkrOboronProm* was able to produce; (2) prioritize export opportunities over domestic demands in technology development, (3) siphon off substantial resources in corruption, thus significantly

⁹ Authors' interview with Oleksandr Lemonov, Chief Expert of the Anti-Corruption Group, Reanimation Package of Reforms, Kyiv, August 2018.

diminishing the purchasing power of the money the MOD sets aside for procurement, and (4) prevent Western investment in the Ukrainian OPK. Such investment could have improved both volumes of production and technology development.

In the beginning of 2018, however, things started to change. At the start of that year, UkrOboronProm agreed to institute an independent supervisory board. This board also included former USA MOD employee Anthony Teter. His job was to control the top management of the company and to make suggestions for reorganization and improvement (Ponomarenko, 2018c). According to the then head of UkrOboronProm, Pavlo Bukin, Teter was formally just one of the members of the supervisory board, but in reality " if Tony is against this or that decision, they are either rejected or sent back for revision. We are currently trying to fill in the gap between the Western way of doing things and ours" (Butusov, 2019). Additionally, in February the same year this new supervisory board approved the contracting of an international company to fulfill a thorough audit of the running of the company by July 2020 (Ponomarenko, 2018c). Then, in March, the new manager announced a 40% staff cut (Ponomarenko, 2018c). Finally, on 31 January 2019, President Poroshenko signed into law a bill that did away with the detested UkrOboronProm monopoly on imports and exports of military goods (Ponomarenko, 2019). Independent military expert Valentin Badrak believes that "among the major achievements of the UkrOboronProm reform is the decision to conduct an international audit. This opens the door to large-scale joint project and 'injections' of technology".¹⁰

When the above described reform initiatives finally came underway in 2018 and 2019, this seems largely to have been as a result of foreign pressure and some willingness for political intervention. Two examples of the former include a personal letter to the president in spring 2018 from the US-Ukraine business council urging *UkrOboronProm* reform (Plakhuta, 2018); and a threat from the independent Ukrainian Defence Anti-Corruption Committee to stop working with *UkrOboronProm* unless the government and the president started to reform the company (Ponomarenko, 2017c). The latter committee consists of a mix of Ukrainian and international experts, and is set up by Transparency International with financial assistance from the foreign ministries in Holland and Sweden.

The willingness for political intervention can be seen in Poroshenko's decision to remove his long time business partner, Roman Romanov, as head of *UkrOboronProm* in February 2018. (Ponomarenko, 2017b). Romanov was replaced with the former mentioned Pavlo Butkin. We cannot know for sure whether the change of head of the company was necessary for reform to be initiated, but the above mentioned reform efforts at least in time corresponded with the dismissal of Romanov.

¹⁰ Interview with Valentin Badrak, Kyiv, August 2018.

The fact that reform was successfully resisted until 2018 seems largely due to the vested institutional interests of *UkrOboronProm* and possibilities for corruption. These vested interests, as already alluded to above, took several different forms.

First, in terms of *UkrOboronProm* not giving the armed forces what they needed but what the company preferred to produce, Taras Yemhura from the Ukrainian NGO Reanimation Packeage of Reforms (RPR) has made some strong accusations. Yemhura worked for several years in different positions within Ukrainian arms procurement. He claims that "*UkrOboronProm's* leaders, appointed by the president, were closely involved in the drafting of strategic programs on Ukraine's armed forces development that made sure these documents included ammunition and weapons *UkrOboronProm* was able to produce. Private suppliers, which could offer more advanced alternatives but had no political ties, were excluded" (Prokopenko, 2018). One example here may be the *Furiya* UAV. According to Ukrainian military expert Valentin Badrak, the *Furiya* had tested well in combat conditions in the Donbas and the military were ready to purchase. However, the UAV was produced by the private company Athlon Avia and not by *UkrOboronProm*. Thus, *UkrOboronProm* persuaded the MOD to go for a long term development project of a new UAV by one of the *UkrOboronProm* companies instead of purchasing the already developed and tested *Furiya* (Badrak, 2016; Ponomarenko, 2018d).

Second, in terms of rent-seeking, figures from the Ministry of Economic Development showed that in 2016 as much as 95% of the defence order was purchased on non-competitive contracts (Badrak, 2016). This fact in itself increases the possibility for rent-seeking significantly. So far, nobody has been sentenced in a court of law for corruption in connection with arms procurement, but ongoing cases suggest strong reasons for suspicion In July 2017, several employees at the Lviv Armored Plant were arrested on charges of embezzlement. They were accused of stealing 1,1 million USD from the procurement budget in connection with the purchase of defective engines for the Ukrainian army's fleet of T-72 tanks (Ponomarenko, 2018a). In August 2017 the State Audit Service declared that it had detected financial abuses and violation in *UkrOboronProm* totaling 20.8 million USD (Ponomarenko, 2018b).

Third, according to former US Deputy Minister of Defence Michael Carpenter, there are several Western companies that see an investment potential in parts of the Ukrainian OPK. They are willing to spend money, but have so far been scared away by the dominance and prerogatives of *UkroboronProm* (Ponomarenko, 2017a). In terms of Ukrainian military capability that is problematic. Western investors could bring both money, technologies and organizational improvements to Ukrainian defence industry companies that could significantly boost output.

Fourth, in terms of the priority between exports and domestic needs, it is a fact that even at a time of war, 85% of Ukrainian arms production is for export. Now, domestic needs and exports are not necessarily in contradiction. If we are talking about technologies that are in demand both

domestically and internationally, then exports may actually aid domestic procurements. Exports may bring in foreign money for additional R&D and they may decrease unit costs for domestic customers by allowing for more serial production. However, if OPK capabilities that could be used to produce for the domestic market instead are used to produce items for export that simultaneously are of little or no interest to the domestic market, then domestic military capability is suffering. To prevent the latter, there is now new regulation in place stating that defence producers can only start to sell products abroad after they have fulfilled the domestic orders for the same products (Krechko, 2019). Currently there is some foreign funded R&D taking place in the Ukrainian OPK, but the Ukrainian defence order is not really large enough to take significant advantage of those developments for domestic needs. According to Deputy Director of *UkrOboronProm* in the years 2014 to 2018, Denis Gurak, exports are aiding rather than diminishing Ukrainian military capability by maintaining military production capacity that otherwise would have gone bankrupt because of limited domestic procurement capacity (Krechko, 2019).

Even if not all accusations of corruption against *UkrOboronProm* turn out to be true, the evidence presented nevertheless suggest that *UkrOboronProm* reform is likely to have a positive effect on Ukrainian military capability. Criticism of *UkrOboronProm* underperformance has been there from the time the company was established in 2010. However, it increased significantly after Maidan and after the start of the war in Donbas. Still, little or nothing changed for the first four years of the war. According to Badrak, President Poroshenko had by July 2016, under pressure, started to listen to the idea that *Ukroboronprom* was not only an unnecessary but also destructive organization in terms of improving the country's military capability (Badrak, 2016). Nevertheless, he initially did not agree to disband the organization or make any particular efforts to reform it. As stated above, only in 2018 were the first initial decisions that may result in improvements launched .

When things started to happen in 2018, the main reason seem to have been to be foreign pressure. Poroshenko finally chose to remove a long time business ally as the head of the company, and he chose to ignore many of the vested institutional interests of *UkrOboronProm*. So far, however, we do not know how successful the implementation of the reforms will be. It is still unclear whether sub-holdings and corrupt individuals will be able to find new ways of continuing the practices of corruption and self-enrichment that are damaging to Ukrainian military capability even under the new regime. An OPK reform proposal submitted to parliament between the two rounds of presidential elections in spring 2019 has been criticized for looking radical, but in fact retaining several of the problems with *UkrOboronProm* described above (Badrak, 2019). Still, even if reforms at the present time should be insufficient, the new rules of the game should at least make corruption and mismanagement notably harder. In November 2019 the new Minister of Defence, Andrii Zahorodniuk, presented a new law on military procurement to parliament. According to him, this new law would do away with what he called

the "the sick system of secrecy" in arms procurement. If adopted, this law is also likely to have serious consequences for *UkrOboronProm*.Furthermore, in August 2019 President Zelenskiy appointed the well know reformer Aivaras Abromavicius to new head of the company. Together, these steps seem to increase the chances that *UkrOboronProm* reform may progress towards implementation.

SOF

SOF is often considered one of the few areas of genuinely successful top-down defence reform by independent Ukrainian defence experts.¹¹ As an example of the results of this reform, in late June 2019 the 140th Special Operations Forces Center of the Ukrainian armed forces was the first non-NATO unit to pass NATO certification as an SOF unit.¹² The question of the forces' autonomy vis-à-vis other parts of the military has been the main controversy. Already in July 2016 President Poroshenko signed a new law on Ukrainian SOF that largely gave them what they wanted. There can be little doubt that this law constituted a case of significant defence reform. Some of the main provisions of the law were:

- 1. SOF areas of responsibility:
 - a. Conduct of special operations, including abroad
 - b. Special reconnaissance
 - c. Informational and psychological operations
 - d. Organization of resistance movements on the occupied territories
 - e. Military assistance
- 2. SOF will be financed by a separate, secret budget, independent from the general defence budget.
- 3. The president has the right to make decisions on the use of SOF without agreement from the General staff.
- 4. The head of SOF is appointed by the minister of defence in agreement with the president.
- 5. SOF operations are directed exclusively by the SOF operational command. That is, SOF cannot be subordinated to any of the other branches of military organization (Butusov, 2016).

Thus, SOF reform started much earlier than in the other sectors discussed here, and it has progressed much further. However, also this development did not take place without a struggle. Political intervention and receptiveness to foreign pressure seem to have been the most important reform-promoting forces, whereas vested institutional interests and dominant organizational ideas initially held reform back. It is notable that the issue of corruption is largely absent from

¹¹ http://opk.com.ua/створення-ссо-та-ракетні-програми-н/

¹² https://www.unian.info/politics/10595037-ukrainian-spec-ops-forces-unit-passes-nato-certification-first-time-in-history.html

the empirical evidence in this case. The absence of corruption as a reform-impeding factor most probably means that there are relatively few opportunities to self-enrich in the sector of SOF. One reason why major reform came easier in SOF that in the other sectors may therefore be the lack of a corruption potential.

The struggle over SOF reform largely took place between Chief of the General Staff Viktor Muzhenko and Deputy Commander of the Special Forces Serhii Krivonos. The latter came directly from the fighting in Donbas, and was seen as a popular hero because he had commanded the successful defence of the strategically important airport in Kramatorsk against separatist attacks. In terms of political intervention, the head of the president's communication department, Irina Friz, seems to have been of particular importance. Friz had been an important individual in Poroshenko's 2014 election campaign, and therefore had the president's ear. Friz was to some extent an arbiter between Muzhenko and Krivonos, but mainly she took the side of the latter. She publicly accused Muzhenko and the General Staff of destroying cooperation with NATO by refusing to go forward on the SOF reform (Butusov, 2015). Furthermore, she warned the General Staff that "we have at the presidential administration formed a working group especially for the topic of SOF reform where I, as one of the authors of the new law proposal on SOF, is a member. Thus, the administration has full insight into all aspects of this reform (Simonchuk, 2015). Friz was furthermore aided by then Minister of Defence Valerii Heletey, who seems to have appointed Krivonos to his position despite protests from Muzhenko (Marco, 2015; Simonchuk, 2015).

According to some sources, Muzhenko and Krivonos were already prior to reform not on good terms. They in particular disagreed on who was responsible for not preventing the escape of Donbas separatist leader Girkin from Slaviansk to Donetsk in the beginning of July 2014 (Butusov, 2015). Nevertheless, Krivonos was by Muzhenko given the task of preparing a new concept for Ukrainian SOF. There are two versions of what later happened. Krivonos, and those who support him, claim that Muzhenko and the General Staff stalled the reform in the hope that it would go away. Muzhenko and his supporters, to the contrary, claim that Krivonos failed to deliver on the concept. Krivonos was told that unless he presented something meaningful by the end of October 2014, Muzhenko would take the matter "under my personal control" (Shulman, 2015). Independent of who is right on this account, it seems clear that autonomy was the main bone of contention. Krivonos, citing Western standards, wanted a lot of autonomy. Muzhenko wanted to merge the SOF and the Airborne forces into one service. An anonymous MOD source told the Ukrainian internet newspaper *Ukrainska Pravda* that merging the forces in reality meant to subordinate SOF to the Airborne forces (Ringis, 2015).

The Ukrainian SOF, on the other hand, were, since hostilities started in 2014, adamant about the need for more autonomy. They had become tired of being used as regular army reconnaissance units and "gap fillers" by the regular forces. This had in particular been the case in the first stages of the conflict in Donbas. They thought their subordination to other branches prevented them from doing genuine SOF tasks, such as special intelligence and acts of sabotage. Such

operations, they argued, could have seriously hampered the military efforts of the Russian backed separatists and in effect had a greater strategic effect than what happened in reality (Marco, 2015). The independent military observer Iurii Butusov claims that the General Staff made SOF their "favourite infantry", and that if they had lost command of SOF, their own performance would suffer and the weaknesses of the regular army would become even more visible (Simonchuk, 2015). Similarly, in the naval domain, former Ukrainian navy commander Serhiy Haiduk did not want to lose control over the 73rd Center of Naval SOF because its personnel performed important non-SOF functions for the navy (Marco, 2015).

The General Staff first tried to have it both ways. In accordance with the general Ukrainian agreement on the need to implement NATO-standards, they suggested to establish a separate SOF command as part of the General Staff. At the same time, they tried to accommodate non-SOF branch interests by not subordinating the different SOF units to this new command (Butusov, 2015). Thus, vested institutional interests initially put a real brake on what of the surcafe looked as SOF autonomy, but the subordination issue was later solved in favour of the new SOF command. The new SOF command in the end received full control over the SOF units.

Dominant organizational resistance to the idea of SOF autonomy was probably one cause, but a genuine lack of comprehension may also have been an issue here. Chief of the General Staff Muzhenko himself said that "we have no experience with the establishment of such forces". However, he also added that "in the end of May last year I discussed the matter in Brussels with the head of the NATO SOF command in Europe. There, we came to an agreement about the concept for Ukrainian SOF" (Shulman, 2015). The quarrel therefore seems to have been not only about what consequences more SOF autonomy would have for the other types of forces, but also about a lack of understanding for why this was important.

To summarize, SOF reform succeeded in the sense of giving Ukrainian SOF a, by international standards, almost unprecedented degree of autonomy. This development took place because of significant intervention into military matters by the political leadership (Friz) in combination with persistent efforts to push for autonomy from reform-minded officers (Krivonos). Friz was powerful because she was close to the president, Krivonos was powerful because he had gained strong legitimacy from successful exposure in combat. Still, there was strong initial resistance to the autonomy. This resistance had its roots both in vested organizational interests, such as the desire for control and the possibility to use SOF in non-SOF roles, and dominant organizational ideas in the form of hostility towards or unfamiliarity with the idea of SOF autonomy as such. However, as far as we can tell from the evidence, possibilities for corruption did not play a role as reform-impediments here.

Conclusions

This study has looked at four key areas of top-down reform, and discussed reform progress against the presence or absence of three reform-drivers and three reform-impeding factors.

Reform has undoubtedly taken place, but the picture is decidedly mixed in terms of how far these reforms have progressed. In terms of SOF autonomy, the reform is largely implemented. In the navy and the OPK reform decisions have been adopted but only to a limited extent implemented. This is especially the case for the navy. In the case of the SBU, improvements have taken place in several spheres, including the October 2019 proposal to close down the disreputable K department, but a suggested new law is not yet adopted and there are uncertainties about implementation The identified effects of reform-drivers and reform-impeding factors can be summarized in the table below. In the table an X suggests relatively solid evidence that a factor had a reform-driving or reform-impeding effect, and an X in brackets suggests that the evidence is weaker either about the presence of the factor or about its effect.

Table 2 in here

Neither reform proponents nor antagonists deny the real possibility of a major military conflict with Russia. Thus, nobody also denies the need to improve performance. Why then, has reform not progressed more easily and more evenly in the four cases discussed?

One obvious reason is that recognition of the need for reform is not the same as agreement on how to reform. Thus, the confrontation between the concept of a balanced navy on the one hand, and the concept of a mosquito navy on the other, obviously has important elements of professional disagreement. This is in itself a break on reform. If everybody, or at least a significant majority, had agreed on what to do, reform could have taken place quicker.

However, the evidence presented above suggests that professional disagreements and dominant organizational ideas are far from enough to explain reform slowness. I addition, vested organizational interests and opportunities for corruption played substantial roles. These interests are more difficult to identify with certainty than the dominant organizational ideas. Nevertheless, the evidence presented in this study at least indicates a strong likelihood that they both played important roles. A complicating factor is of course that vested organizational interests and possibilities for corruption sometimes may be the real motivator also behind professional disagreements and dominant organizational ideas. Disentanglement here, however, is close to impossible. Thus, voiced professional disagreements have largely been taken at face value in this study.

It seems likely that vested organizational interests played a role in the resistance to both SOF autonomy, removal of SBU untypical functions, and *UkrOboronProm* dominance over other parts of the OPK. In the discussion of navy reform, on the other hand, dominant organizational

ideas and corruption may have been more important. Regular military units and commanders have historically often resisted SOF autonomy because they felt a lack of control, and sometimes also because they would have liked to draw on SOF capacities to augment the capacities of their own units. This seems to have been the case also in the Ukrainian example. The exceptional prerogatives of *UkrOboronProm* meant that the organization faced limited competition from other parts of the OPK. This is a most comfortable position for any institution. The SBU's anticorruption role gave that organization significant power vis-à-vis other state agencies. Crossing the SBU could lead to charges of corruption against individuals in the competing agencies.

The main lesson from the Ukrainian case is that a threat of defeat in war by itself is not enough to set aside the anti-reform effects of vested organizational interests, dominant organizational ideas and corruption. These impediments are not necessarily the only reasons why defence reformers struggle, but they are important. However, the Ukrainian case also suggests that such factors are in the longer run not enough to stop reforms. They are only enough to significantly slow them down. In all areas discussed in this study the combination of pressure from foreign governments, reform minded individuals within the institutions in question and pressure from civil society were able to force some degree of reform. That was, despite numerous attempts, almost never the case before the Russian aggression. A real threat of defeat in war was necessary.

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