

Global and Domestic Factors Affecting the Failure of Police Reform in Post-Euromaidan Ukraine

by

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Abstract

Why is it so difficult to implement police reform in a post-Soviet state? By reform is meant transforming the police from an instrument of the state for controlling and protecting itself from its people into an apolitical, incorruptible law enforcement body that is accountable, fair in its dealings with the public, and restrained in its use of the means of violence. In the West, we speak of "community" or "democratic policing" as the ideal. Reforms aimed at achieving this ideal by eliminating the long-lasting Soviet legacy of the *militsia* as guardian of the state against its subjects were relaunched in Ukraine following the Euromaidan Revolution in 2014. After some initial success, however, the previous pattern re-emerged: political interference, corruption, lack of accountability, and reckless violence. This despite generous assistance from the United States, Canada, and the European Union and its member-states. Although there is some irony in their advocacy of de-militarizing the Ukrainian police while Western states, following the American lead, are militarizing theirs. Cornelius Friesendorf calls the Ukrainian police reform process "bricolage"—a patchwork of new and old components.¹ Indeed, this has been observable due to institutional inertia, but why the choice of this means? Was it consciously made? Was it inevitable? The paper aims, through a comparison of recent police reform experience in Georgia, Russia, and Ukraine, to disentangle the domestic and international determinants of success and failure.

¹ Cornelius Friesendorf, "Police Reform in Ukraine as Institutional 'Bricolage'," *Problems of Post-Communism* 66, no. 2 (2019): 109-21.

Successful transitions are contingent on legitimacy, . . . undoubtedly the largest hurdle for post-communist societies transitioning from an authoritarian to democratic system of government to overcome. Whether the police succeeds in regaining renewed legitimacy determines the role it will play once the transition is complete. Such renewed police legitimacy is essential to lasting stability and it is only through obtaining legitimacy that the ultimate goal of promoting, protecting, and preserving human rights and the rule of law will be achieved.²

Introduction

For students of the seemingly never-ending saga of development (no longer “transition”) of post-communist states turning themselves into unhyphenated democracies, police reform has lately become an article of faith. Some say it has become a world-wide industry, while others toiling in the field even in liberal democracies have called it a mirage.³ According to the standard narrative, police reform in the post-communist context involves transforming the Soviet-model *militsiia* (militia), guardian of the state against its people, into its opposite, a normal police force. It is needed so as to bring law enforcement into alignment with democratic values. The police must become depoliticized, accountable, restrained in the use of violence, and at the service of the community rather than their opposites. This can be done by reorienting the goals of the organization, recruiting new personnel properly trained and equipped for their work, and raising salaries so as to discourage corruption. Such measures would restore trust in the institution and at the same time bolster the legitimacy of the political system. Occasionally scholarly studies or the media have reported remarkable achievements in particular countries. Just as often they show backsliding or stalled reform. What determines success? What happens when police reform is not achieved?

The paradox in all this is that the predominant recipe for police reform in post-communist countries is a counsel of perfection that its Western purveyors themselves fall short of. In the United Kingdom, police reform is an ongoing project with no end in sight.⁴ Police corruption, an element that reform aims to eradicate,

² Niels Uildriks and Piet van Reenen, *Policing Post-Communist Societies: Police-Public Violence, Democratic Policing and Human Rights* (Antwerp: Intersentia; Open Society Institute, 2003), 37.

³ Graham Ellison and Nathan W. Pino, *Globalization, Police Reform and Development: Doing it the Western Way?* (Basingstoke and New York: Palgrave Macmillan, 2012); Robert E. Worden and Sarah J. McLean, *Mirage of Police Reform: Procedural Justice and Police Legitimacy* (Oakland: University of California Press, 2017).

⁴ Stephen P. Savage, *Police Reform: Forces for Change* (Oxford and New York: Oxford University Press, 2007).

has in Western democracies a long pedigree and remains a topic of research to this day still unresolved.⁵ Around the globe militarization of the police, following America's lead, is proceeding apace, quite at odds with the model of "community policing" simultaneously recommended for post-communist states.⁶ Unwarranted police violence in the United States against black citizens has dramatically damaged trust in the country's law enforcement bodies. Even Canada's RCMP has come under a cloud of distrust for abuses, discrimination, and incompetence.⁷ Yet legitimacy of the entire political system remains to all appearances unimpaired. Perhaps police reform exists only as an ideal, not a practical project—indeed, an endless process like democracy itself.

One study in particular is especially pessimistic about prospects for police reform according to the prevailing recipe globally, almost writing off the entire effort as an Anglo-American conspiracy. Based on their research on seven countries, and employing a three-level hierarchy of analysis (macro, meso, and micro), the authors reveal only a spotty record of success.⁸ They observe that police reform is a "highly contingent process"⁹ impacted internationally by the forces of globalization as well as domestically by the level of democracy or ripeness for it (stability; a civil society; degrees of poverty and inequality; readiness for implementation; and the resources to sustain reform).¹⁰ What academics and practitioners commonly refer to as "democratic policing" is, according to Ellison and Pino, unlikely to emerge; the "best we can hope for" in the predominantly developing countries they have studied is citizen protection from an even more coercive state.¹¹ In sum, "democratic police reform is a messy business and . . . there is no 'off the shelf' model that we can implant in any one country . . . applicable across a range of variant scenarios."¹² Only if certain conditions and preconditions are met can police reform actually succeed; international assistance is not, however, liable to be helpful.¹³ Quite possibly these findings are generalizable.

⁵ Lawrence W. Sherman, *Scandal and Reform: Controlling Police Corruption* (Berkeley: University of California Press, 1978); Maurice Punch, *Police Corruption: Deviance, Accountability and Reform in Policing* (Cullompton, UK, and Portland, Oregon: Willan Publishing, 2009).

⁶ Nicholas S. Bolduc, "Global Insecurity: How Risk Theory Gave Rise to Global Police Militarization," *Indiana Journal of Global Legal Studies* 21, no. 1 (Winter 2016): 267-92. Mike Brogden and Preet Nijhar, *Community Policing: National and International Models and Approaches* (Portland, Oregon: Willan Publishing, 2005).

⁷ See, for example, Colin Freeze, "New Top Mountie Delivers Candid, Scathing View of the Force," *Globe and Mail* (Toronto) (Alberta edition), 20 December 2011.

⁸ Ellison and Pino, *Globalization, Police Reform and Development*. The countries include Afghanistan, Brazil, Iraq, Northern Ireland, South Africa, Turkey, and Trinidad & Tobago in the Caribbean.

⁹ *Ibid.*, 82.

¹⁰ *Ibid.*, 199-205.

¹¹ *Ibid.*, 206-7.

¹² *Ibid.*, 208.

¹³ *Ibid.*, chap. 12.

Although they are usually not grouped for analytical purposes together with developing countries, where might this leave post-communist states? Are they also resistant to the neo-liberal panacea of democratic police reform? Or is adaptation possible? There must be some combination of circumstance and choice that determines the outcome of police reform in a particular state or class of states. In this paper, I am going to examine post-communist states in general and Ukraine in particular; if the latter is a deviant case then it requires explanation of its eccentricity as well as of the consequences.

Post-communist Police Reforms

A quick survey of some of the literature on police reforms in post-communist states prior to 2014 defies easy generalization about uniformity of outcomes. Two Dutch scholars set out in 2000-1 to study three aspects of the process: legitimacy and trust, use of force, and accountability. The core of their study consisted of interviews and surveys carried out in Lithuania and in the city of Perm in Russia, augmented by further research on Poland, Bulgarian, Romanian, and Mongolia.¹⁴ In Lithuania and Perm they found that: trust in and hence legitimacy of the police was low; the police were hampered from operating effectively by organizational issues; violence against police was more common in Lithuania than in Perm; and while in Lithuania a clear legal basis existed for its accountability was problematic; and “the realities of the Russian accountability system in many respects [were] . . . seriously wanting.”¹⁵ In the other countries levels of violence were similar, but accountability varied (positive in Poland, negative in Bulgarian and Romania, and unclear in Mongolia).¹⁶ For anyone expecting democratic transition to go hand-in-hand with police reform in post-communist states, Uildriks and van Reenen had as of 2002 a rather disheartening conclusion regarding their key variable:

we anticipated that growing political legitimacy would result in an increased public acceptance of the police and expected greater political legitimacy to equate with greater police legitimacy. The nature of our data does not, however, allow unequivocal verification or falsification of such a hypothesis.¹⁷

Shortly thereafter, in a volume of essays on the same theme edited by Uildriks, one of his contributors observed that in respect of the demilitarization and democratization of the police in Central and Eastern Europe “a lot still remains to be

¹⁴ Niels Uildriks and Piet van Reenen, *Policing Post-Communist Societies: Police-Public Violence, Democratic Policing and Human Rights* (Antwerp: Intersentia and Open Society Institute, 2003).

¹⁵ *Ibid.*, 52-71, chap. 3, 126, and 150, respectively.

¹⁶ *Ibid.*, chap. 5.

¹⁷ *Ibid.*, 195. “The overall picture emerging from our three main country studies in Lithuania, Russia, and Mongolia suggests that the police feel deeply distrusted by their populations. Strikingly, . . . the problem is considerably more serious in Lithuania than in Perm (Russia). . . . The survey data for Poland and Bulgaria provides a picture comparable to that of Perm. . . . Rather surprisingly, only 12 percent of the Romanian respondents report such distrust. . . .” *Ibid.*

done."¹⁸ Some of the "lessons learned" from fifteen years' experience since the fall of communism, the author said, were that: the complex nature of police work was not adequately understood and "the police are still highly politicized"; there was a lack of appropriate strategy for reforming the police, ad hoc measures being taken instead; expertise within the police forces had been neglected; foreign models had been copied mechanically; and donors' contributions were uncoordinated and their short-term perspective harmful.¹⁹ It was accordingly recommended that there be: more strategic planning with greater regard for local conditions; a more comprehensive approach; more long-term involvement by donors; use of more local expertise; and better coordination among donors.²⁰

In the same volume British scholar Adrian Beck outlined the steps taken towards, and the obstacles holding back, police reform in Ukraine.²¹ Transforming the *militsiia* into a proper police force there began with the relevant law passed in December 1991. This was followed in 1996, at the same time as the new Constitution, by the Ministry of Internal Affairs' Concept of Development, which notably embodied the "key notions of democratic policing (legitimacy, accountability and professionalism)." To these documents was added a plethora of other legislation, passed between 1992 and 2002, but without perceptible effect as far as real change or reform were concerned.²² According to Beck, the tally of obstacles at the time of writing comprised: a lingering Soviet style of decision-making; the police as a militarized bureaucracy; the monocratic management style; centralization; inappropriate performance indicators; public apathy and hostility; an initial lack of training and research facilities, now remedied but other problems have surfaced; corruption; and oversight and control being unchanged, although a law was adopted in 2003.²³ A new reform programme was just then being prepared, backhandedly acknowledging current failures in reforming the *militsiia*. "There are," Beck concluded

many able and committed people working within the MIA who seek to create a Ukrainian militia that is committed to the notions of democratic policing. Whether they will be successful is highly dependent upon a sea change in

¹⁸ Arie Bloed, "The Slow Process of Police Reform in Central and Eastern Europe: Some Lessons Learned," in *Police Reform and Human Rights: Opportunities and Impediments in Post-Communist Societies*, ed. Niels Uildriks (Antwerp and Oxford: Intersentia, 2005), 33.

¹⁹ *Ibid.*, 34-40.

²⁰ *Ibid.*, 40-2.

²¹ Adrian Beck, "Problems of Developing Democratic Policing in Ukraine," in *Police Reform and Human Rights*, ed. by Uildriks, 49-61. A fuller version also appeared as "Reflections on Policing in Post-Soviet Ukraine: A Case Study of Continuity," *The Journal of Power Institutions in Post-Soviet Societies*, Pipss.org, Issue 2 (2005), on the Internet at <http://pipss.org/document294.html>, accessed 5 May 2009.

²² Beck, "Problems of Developing Democratic Policing in Ukraine," 52.

²³ *Ibid.*, 52-9.

thinking amongst the ruling elite, something which to date has been largely absent.²⁴

In Ukraine, then, as of 2005, one could likewise say that “a lot still remains to be done.” As Beck expressed it at the time,

The legacy of the Soviet Union continues to pervade all aspects of the militia in Ukraine and the attempts to reform it since independence in 1991. It . . . recognises the necessity for change but lacks the political will to design and deliver a programme that necessitates a radicalised approach to the creation of a new structure and ethos. The notion of democratic policing . . . is for the most part singularly absent in Ukraine. . . . To date the policing culture in Ukraine is such that implementing the existing legal rhetoric, observing the rule of law and delivering . . . democratic policing (such as accountability, transparency and so on) seem emasculated by a sovietised tradition still focused on protecting the elite and maintaining the status quo.²⁵

Erica Marat, taking a society-centered rather than state-centered approach, has offered a novel explanation for the launch of successful democratic police reforms. Such reforms, she says, become democratic when the public takes over from the government responsibility for determining the boundaries of legitimate use of violence by the police.²⁶ Using the case studies of Georgia, Kazakhstan, Kyrgyzstan, Mongolia, and Tajikistan, she shows how violent events in the period 2008-12 led to either state-society collaboration in police reform or reinstatement of police repression and continuation of authoritarian rule. Generally, the first outcome has emerged in urban contexts; the latter, in rural ones.²⁷ In her subsequent book, Marat explains the contrasting outcomes in the following way:

In Kazakhstan and Tajikistan in the late 2000s and early 2010s, as well as in pre-Euromaidan Ukraine and post-2002 Kyrgyzstan, brutal policing in rural areas was left unaddressed. . . . The rural violence drew both domestic and international attention, but political elites were able to both suppress postviolence mobilization by vulnerable groups and strengthen policing in rural areas. Leaders also increased control of the media and clamped down on the political opposition. Authoritarianism deepened and expanded in these states.²⁸

²⁴ Ibid., 61.

²⁵ Beck, “Reflections on Policing in Post-Soviet Ukraine.”

²⁶ Erica Marat, “Reforming Police in Post-Communist Countries: International Efforts, Domestic Heroes,” *Comparative Politics* 18, no. 3 (April 2016): 336.

²⁷ Ibid., 333-52, *passim*.

²⁸ Marat, *The Politics of Police Reform: Society Against the State in Post-Soviet Countries* (Oxford Scholarship Online: March 2018), 196. DOI: 10.1093/oso/9780190861490.001.0001.

At other times and in other countries of those selected for her study, when there has been urban violence, but resistance to it by civil society, and an ensuing genuine state-society collaboration, police reform has been successful, or at least successfully launched.²⁹ She cautions, however, against expecting miraculous transformations following the launch:

In a democratic society, . . . police reform is a never-ending process. . . . In the post-Soviet context, reform is more haphazard . . . and also cyclical because political elites, even if elected in a competitive landscape, tend to turn to the police for support as elections approach. . . . [But] with each cycle of violence and reform, the police can become more receptive to outside influence.³⁰

This promises a significant breakthrough in research on police reform in the post-Soviet space. Unfortunately, because Marat includes Ukraine in the cases from which she draws her generalizations (the other two were Georgia and Kyrgyzstan), her theory cannot be utilized in the present paper to explain the latest developments in that same case which is the ultimate objective here.

In Russia, on the eve of the major police reform of 2011, an overview of the state of affairs opened with the inauspicious observation that, in the author's view, "the basic features of Russian policing are and have been that it is political, arbitrary, and limited in actual effectiveness."³¹ In substantiation, it was noted that reforms of the early 1990s had been terminated early, rules were rarely implemented, there was no Miranda rule (in the United States, "the legal rights of an arrested person to have an attorney and to remain silent so as to avoid self-incrimination"—Webster), the police have a great deal of discretion, relatives are not informed of a person's arrest, the right to a legal defence is widely abused, and there is a lack of data on police-citizen interactions. Sociological studies had revealed police inadequacies and corruption.³² "Significant economic and political changes," the writer concluded, "have had almost no positive effect on policing in Russia. . . . Scattered attempts for police reform have ended in failure. . . . [Hence,] Russia's criminal justice system remains a hybrid of half-reformed and purely Soviet institutions and laws."³³ Change had as of 2008 largely eluded the Russian police. "Public control over police activities is almost nonexistent in Russia today, although it is required under the Police Law."³⁴ A concurrent study by two British scholars reached a similar conclusion: "Whilst it is evident that policy and law makers alike are familiar with the guiding principles of democratic policing, and that various elements have been introduced to the laws and policies that should govern the practice of policing in Russia, in spite of various

²⁹ Ibid., "Conclusions."

³⁰ Ibid., 200-201.

³¹ Peter Roudik, "Policing the Russian Federation," in *Comparative Policing: The Struggle for Democratization*, ed. by M. R. Haberfeld and Ibrahim Cerrah (Los Angeles: SAGE Publications, 2008), 140.

³² Ibid., 154-6.

³³ Ibid., 164.

³⁴ Ibid., 165.

attempts to change practices, the overall assessment of reform is 'could do better' and serious doubts remain about the MVD's ability to implement genuine democratic policing."³⁵

The new law on the police came into effect in 2011 under President Dmitry Medvedev.³⁶ "The 2009-2011 police reform," Brian Taylor has observed, "was generally judged by most observers to have failed to seriously transform the police."³⁷ In regard to just one crucial particular in the making of this policy, Taylor noted that:

The MVD successfully resisted more far-reaching reforms, and managed to incorporate its own goals into the police law, such as centralized financing and legal affirmation of the practice of protecting property rights on a commercial basis. In classic garbage can style, rather than problems finding rational solutions in a systematic way, pre-existing solutions attached themselves to policy and political problems.³⁸

Evaluating the success of the most recent police reform in Russia is complicated. In the course of that first decade of reform, public trust in the Russian police had, according to one survey, improved from 46 per cent in 2013 to 67 per cent in 2017; or from 35 per cent in 2011 to 46 per cent in 2017, according to another research centre. At the same time, however, "the number of those who were dissatisfied with police did not change in 2017, compared to 2007."³⁹ An indirect and partial, but insightful, means of assessing Russian police reform is through change and stability in police officers' sense of identity.⁴⁰ According to Olga Semukhina, Russian police identify strongly with the state, see themselves primarily

³⁵ Adrian Back and Annette Robertson, "The Challenges to Developing Democratic Policing in Post-Soviet Societies: The Russian Experience," *Police Practice and Research* 10, no. 4 (August 2009): 291.

³⁶ "Federal'nyi zakon 'O politsii,'" *Rossiiskaia gazeta*, 8 February 2011. For a sober and knowledgeable comment in advance of the law's promulgation, see Mark Galeotti, "Medvedev's Police Reform Is More About Control Than Reform," Radio Free Europe/Radio Liberty, 7 January 2010, on the Internet at https://www.rferl.org/a/Medvedevs_Police_Reform_Is_More..., accessed 17 March 2020. See also Peter H. Solomon, "The Reform of Policing in the Russian Federation," *Australian and New Zealand Journal of Criminology* 38, no. 2 (2005): 230-40.

³⁷ Brian D. Taylor, "Police Reform in Russia: The Policy Process in a Hybrid Regime," *Post-Soviet Affairs* 30, nos. 2-3 (2014): 246. <http://dx.doi.org/10.1080/1060586X.2013.860752>.

³⁸ *Ibid.*, 247. Examining the question as he was from a policy-making perspective, he concluded: "In a competitive authoritarian regime, changes in policy preferences come not from electoral alteration or public pressure but from changing circumstances and struggles within the executive branch. In that sense, the policy process in Russia today is in some ways similar to that in the Soviet Union and other authoritarian regimes." *Ibid.*, 248.

³⁹ Olga Semukhina, "The Evolution of Policing in Post-Soviet Russia: Paternalism versus Service in Police. Officers' Understanding of Their Role," *Communist and Post-Communist Studies* 51 (2018): 223.

⁴⁰ *Ibid.*, 215-29. "The present study is based on 43 semi-structured, in-depth interviews with current and former police officers from three different cities in Russia conducted by the author in 2014-2017." She cautions, therefore, that "the findings . . . cannot be extrapolated on the entire population of Russian police." *Ibid.*, 217.

as crime-fighters, are frustrated and angry about having to deal with civil society, and try to avoid real scrutiny.⁴¹ She draws these startling conclusions pertinent to our inquiry:

Overall, despite significant political and economic changes that occurred in Russia over the past 25 years, the identity of the Russian police has not experienced a significant transformation. Police officers view themselves as a part of the state that they often personify as President Putin. This identification provides a safe haven for most police officers, as they refuse any responsibility for their failures to build better relations with Russian society. . . . From 2013 to 2017, the Russian government skillfully hijacked the narrative of public-police partnership and accountability and gradually removed unwanted NGOs from public discourse on police. In doing so, the state secured full control of the police institution but effectively undermined attempts of Russian civil society to establish external control over law enforcement.⁴²

These are not positive for the emergence and sustainment of democratic policing in Russia.

Georgia has been the poster-child of police reform amongst post-communist states—and still is for those unfamiliar with that country’s deeper problems.⁴³ Launched in 2003 by Mikheil Saakashvili in the wake of the Rose Revolution, this exemplary but incomplete police reform comprised: disbandment of the notoriously corrupt traffic police and dismissal of thousands of personnel; recruitment of a brand-new patrol police unencumbered by the institution’s legacy; increased salaries; structural changes to the interior ministry; and engagement with donors (EC, OSCE, and USAID) for aid, training, and strategic planning. But while “low policing” was an unqualified success, “high policing” was ignored. Motivated to remedy what they saw as the country’s two major problems—corruption and a weak

⁴¹ Ibid., 224-5.

⁴² Ibid., 225.

⁴³ My sources for this paragraph are: Matthew Light, “Police Reforms in the Republic of Georgia: The Convergence of Domestic and Foreign Policy in an Anticorruption Drive,” *Policing and Society* 24, no. 3 (2014): 318-45, DOI: 10.1080/10439463.2013.784289; Larysa Burakova, *Chomu Hruzii vdalosia* (Kyiv: Dukh i Litera, 2014), 60-66; Lilli di Puppo, “Police Reform in Georgia: Cracks in an Anti-corruption Story,” U4 Practice Insight, no. 2 (2010); idem, “Policing as Spectacle in Georgia: The Creation of Boundaries in a Post-revolutionary Country,” National Research University, Higher School of Economics, Basic Research Program, Working Papers, Series: Sociology WP BRP 85/SOC/2019; Alexander Kupatadze, “Police Reform in Georgia,” Center for Social Sciences, Foreign Policy & Security Programme, September 2012; Liz Fuller, “Can Planned Reforms Restore Public Confidence in Georgia’s Police?” Radio Free Europe/Radio Liberty, 12 March 2018, on the Internet at <https://www.rferl.org/a/caucasus-report-gakharia-police-reforms...>, accessed 23 March 2020; Gevorg Arutinov, “Reform of Law Enforcement Agencies: Georgia’s MIA Since 2003—Analysis,” Eurasia Review, 16 August 2018, on the Internet at <https://www.eurasiareview.com/16082018-reform-of-law-enfor...>, accessed 23 March 2020; and Daniel Kharitonov, “Police Reform in Georgia,” LAD (Leadership Academy for Development) Case Study, n.p., n.d.

state—the reformers simultaneously pursued a policy of strengthening the state. This involved centralizing the MOI and making it less transparent, cracking down on organized crime, and merging the ministries of interior and security (intelligence). While this gave the public an impression of greater safety from being victims of crime, it led also to repression, abuse of due process and violations of human rights, and a swelling prison population subjected to abuse and torture. In other words, it put the brakes on comprehensive police reform. Saakashvili began using the police to coerce his opponents, which produced protests, a state of emergency, and police raids. In 2012, his party lost the elections, and in 2013 Saakashvili departed for Ukraine eventually to help Petro Poroshenko, his former classmate, in implementing police reform there. The Georgian reforms continued thereafter, but more slowly; in 2015, security and intelligence was decoupled from the ministry of the interior; the interior minister continued to head the police; and the cohabitation of patrol police with repression carried on, as one Georgian academic has depicted it, although not quite in those words. Meanwhile, the public’s trust in the Georgian police fell from 67 per cent in 2011 to 51 per cent in 2017. While policing has been made more efficient in Georgia, larger problems of transparency, accountability, and politicization of the police remain unresolved. Despite the strategizing with international donors, their ideas—such as the community policing model—have not been taken up or gained any appreciable momentum.

What does this randomly assembled jumble of studies and commentaries tell us about police reform in post-communist states? In brief, they all describe partial, stalled, or incomplete reforms. What they do not mention—except in the case of the authors of the epigram—is the presumably negative effect that these inachieved reforms have had on legitimacy and stability. Which could be taken to mean either that all such states are liable to face the dire consequences of a legitimacy deficit—or that none of them will, because legitimacy after all does not really matter.

In the closing chapter of their already cited book, Uildriks and van Reenen discuss what they call the “legitimacy gap” and refer to it as being a long-term problem.⁴⁴ They do not, however, define legitimacy or specify between whom and how to measure the gap. Nor do they clarify the relationship between legitimacy and trust, although they obviously see that there is one. At one point, legitimacy and trust appear to be interchangeable; at another, it comes across that legitimacy creates trust. Sometimes they are distinct, sometimes not. It would appear that the “legitimacy gap” is being conceived as existing between the current level in a given

⁴⁴ Uildriks and van Reenen, *Policing Post-Communist Societies*, chap. 6. Stripped down to its bare essentials, their argument is that: “The legitimacy of states . . . constitutes a precious commodity . . . because legitimacy . . . and trust . . . are crucial for . . . effective governance. Legitimacy is also necessary for . . . policing . . . to be . . . consensual and not . . . challenged. If the police are . . . legitimate, . . . they . . . need to use a minimum amount of force. The police . . . rely more heavily on . . . force when their legitimacy is questioned.” Ibid., 193.

post-communist country and that which is desirable or normal in a democratic context.⁴⁵ And the degree of legitimacy can apparently be measured by the level of trust that the public has in its law enforcement bodies.⁴⁶ Presumably, the higher the level of trust, and the smaller the gap, the more stable the political system should be and the closer to genuine democracy. "In short," the authors say, "the acquisition of legitimacy is . . . a political mission and its scarcity has repercussions in daily policing."⁴⁷

Considering all of the foregoing, including the surmise that Ukraine post-Euromaidan is not an anomaly amongst its post-communist counterparts in still not having satisfactorily completed its police reform, we may now focus on that country as a specific case to inquire whether a "legitimacy gap" exists and what the authorities are doing about it. What explains the failure of police reform in post-Euromaidan Ukraine? Why has its government not fully implemented enough of a reform to close the "legitimacy gap"?

Police Reform in Post-Euromaidan Ukraine

An institutional explanation of the incomplete status of police reform in post-2014 Ukraine has been offered under the concept of "bricolage."⁴⁸ According to Cornelius Friesendorf, the Ukrainian case falls into a common pattern of incremental change due to inertia which impels institutions to resist wholesale transformation in favour of incorporating a patchwork of old and new elements instead. Thus, considering that it happens in other countries as well, "progress in Ukraine will, at best, be incremental and partial."⁴⁹ Although this is an intriguing and novel approach or interpretation, as an explanation it is to my mind less than satisfactory. For one, the concept of "bricolage" is not by itself a theory, and without a theory no explanation is possible. For another, the institutional perspective allows no room for agency: why, exactly, did decision-makers in Ukraine choose a patch-up job instead of a thorough overhaul of the police? The end result is quite obviously "bricolage," but what, it is fair to ask, brought that about, and what sustains this state of affairs?

At this point, it would be useful to recapitulate how the police reform process launched in the wake of the Revolution of Dignity has been implemented and to

⁴⁵ Or it may be between the police and the public. "In order to obtain democratic legitimacy, the police are mainly dependent on the government, political elites, and the population. The bigger the gap between the police and the population, the more difficult it will be to institute democratic policing styles. . . ." Ibid., 194.

⁴⁶ "Establishing legitimacy . . . hinges in part on the extent to which the public trusts the power brokers, . . . especially the police." Ibid., 196.

⁴⁷ Ibid., 194.

⁴⁸ "Three years after the Euromaidan revolution, police reform in Ukraine was characterized by bricolage, with new policing elements co-existing alongside Soviet and post-Soviet legacies." Friesendorf, "Police Reform in Ukraine as Institutional 'Bricolage'," 118. According to OED, bricolage is "(in art or literature) construction or creation from a diverse range of available things."

⁴⁹ Ibid., 109.

assess where it stands today before venturing further into the realm of explanation. In brief,⁵⁰ it begins with President Poroshenko's invitation to Eka Zguladze to introduce into Ukraine a police reform modelled on that of Georgia after 2003 which she had overseen in 2004-12. As deputy interior minister, Zguladze became the architect of Ukraine's police reform. Together with interim interior minister Arsen Avakov, and the participation of NGO activists, they drafted the new police law. The law was promulgated in 2015, and contained practically all the necessary provisions necessary to undergird a democratic police force—demilitarized, professional, accountable, and oriented towards serving the public. To execute the reforms, Poroshenko appointed Zguladze's fellow Georgian, Eka Dekanoidze, as inaugural head of the National Police of Ukraine (NPU). Dekanoidze immediately, following Zguladze's blueprints, introduced fundamental changes. She ordered the entire staff of 115,000 to undergo reassessment, involving tests and interviews for the rank-and-file, plus polygraph tests for managers and investigators. She raised the salaries for policemen and –women. She transformed the corrupt traffic police officers (DAI) into a new patrol police, recruiting totally fresh personnel with higher education, equipped with new uniforms and fuel-efficient vehicles. The patrol police (some 15,000 personnel) were separated from the criminal police service, and the infamous Berkut was turned into a rapid-reaction force, Korpus Operatyvno-Raptovoi Dii (KORD).⁵¹ Unfortunately, the reassessment process as carried out culled only 7 per cent of the existing personnel; of those, half were subsequently reinstated after complaining to the as yet unreformed courts.⁵² Thus initially the only significant renewal came through the patrol police; the rest of the NPU could hardly be expected to carry out further reforms and to alter the pre-existing institutional culture.

Entry into the NPU is now through competitive selection and through the patrol police. But for further advancement through the ranks competition is optional.⁵³ Without open competition promotions middle-management and higher positions as well as filling of vacancies, the door is left open to favouritism, nepotism, and stagnation, an unwelcome prospect in terms of reform.

⁵⁰ Fuller accounts, up to the end of 2015, on which what follows is partly based, are available in Marat, *The Politics of Police Reform*, chap. 6, and Bohdan Harasymiw, "Police Reform: Challenges and Prospects," in *Revolution and War in Contemporary Ukraine: The Challenge of Change*, ed. Olga Bertelsen (Stuttgart: **ibidem**-Verlag, 2016), 353-75.

⁵¹ *Den'*, 4 December 2015, 25 January 2016, and 7 April 2016; *Obozrevatel'*, 13 December 2015; *Dzerkalo tyzhnia*, 14 December 2015 and 1 March 2016; *Ukrains'ka pravda*, 17 February 2016; and *UNIAN*, 7 April 2016.

⁵² *Ukrains'ka pravda*, 14 December 2016.

⁵³ *Vysoky zamok*, 17 September 2015.

From the start, Erica Marat, the American expert, voiced her concern about the top-down nature of the Ukrainian police reform and its likely consequences.⁵⁴ Sure enough, as the reform got under way, civil society activists began to feel excluded from further participation in the process of reform and of ensuring accountability from the police.⁵⁵

A year after being appointed, Dekanoidze resigned, citing political interference.⁵⁶ Around this time, conflicts had developed between Saakashvili, governor of Odesa oblast, and both Poroshenko and Avakov; other Georgian reformers abandoned their posts, including Zguladze.⁵⁷ In a newspaper interview in March 2019, Dekanoidze set out her views on police reform. Firstly, although the introduction of the patrol police is rightly regarded as a success, genuine reform must include the entire police structure including the criminal police. Secondly, the police must be autonomous, independent of politics.⁵⁸ Thus, under its first chief, the NPU achieved only a very partial and elementary structural reform—the institution of the patrol police and the eradication of the DAI.

As a temporary replacement, Vadym Troian, her first deputy since March 2016, was appointed Dekanoidze's successor.⁵⁹ A week later, Avakov announced the opening of a competition for the position of head of the NPU and creation of an advisory commission with international participation to vet the candidates. Being advisory, the commission's recommendation would leave it to the minister to use his discretion. Initially, there were 64 applicants; when documentation was finalized, there remained 46; of these, the commission selected 10 for interview. Troian was not among them, having withdrawn in the face of foreign donors (USA, Canada, and EU) threatening to pull financial support. Ultimately, three men were chosen and recommended, from among whom the minister selected Serhii Kniazev, who only days before Dekanoidze's resignation had been promoted to head of criminal investigations of the NPU.⁶⁰

⁵⁴ Erica Marat, "The Problem with Ukrainian Police Reform," *Foreign Policy*, 29 December 2015, on the Internet at <https://foreignpolicy.com/2015/12/29/the-problem-with-ukraini...>, accessed 23 March 2020.

⁵⁵ Marat, *The Politics of Police Reform*, 132-33.

⁵⁶ *Dzerkalo tyzhnia*, 13 November 2016.

⁵⁷ *Dzerkalo tyzhnia*, 11 May 2016, 13 July 2016, 21 September 2016, and 7 and 13 November 2016; *Den'*, 14 and 16 November 2016; BBC Ukraina, 15 November 2016; *Obozrevatel'*, 2 May 2016; *Ukrains'ka pravda*, 14 November 2016; *Georgia Today*, 12 May 2016; and *Kyiv Post*, 13 May 2016.

⁵⁸ *Ukrains'ka pravda*, 21 March 2019.

⁵⁹ *Den'*, 16 November 2016. Of Troian's suitability, she was characteristically blunt: "Selecting new candidates is not my prerogative. But I do not see Vadym Troian as a politically independent figure. I myself, as a citizen of Ukraine, do not see him as the new head of the National Police." *Ukrains'ka pravda*, 14 November 2016.

⁶⁰ *Dzerkalo tyzhnia*, 17 November 2016, and 6 and 8 February 2017; *Obozrevatel'*, 26 January 2017; *Ukrains'ka pravda*, 1 February 2017; and *Komsomol'skaia pravda*, 7 February 2017.

Kniazev's appointment, on the recommendation of Avakov who described him glowingly as "the most competent" of all aspirants for the post, was approved unanimously by the Cabinet of Ministers.⁶¹ In accepting it Kniazev emphasized crime-fighting as his top priority, making only a single reference to reform. This was in line with his own experience: three years after joining in 1992, he was assigned to criminal investigation work where he made his career thereafter, serving in many different oblasti, including Kyiv, Donetsk, Rivne, and Zakarpattia. A true professional in the eyes of some; a "representative of the same old corrupt system" to others, according to social media at the time. Avakov was confident the new head of the NPU would be able to balance reform with safe streets, but time told a different story.

Even before the start of his term, one of the major supports of police reform, public accountability, had been knocked out of place. In mid-2016, civil society representatives on the commissions tasked with vetting (reassessing) the entire police force withdrew from these bodies claiming that the process was non-transparent and that the interior minister was interfering politically. Indeed, Avakov's people did take over with the help of police-friendly NGOs and the objective of the exercise was sabotaged.⁶² Kniazev apparently took no action to rectify this situation. Over the following two years, the mass media and civil society activists noted the new head's failure to extend reforms into the criminal side of police work (as opposed, that is, to public order policing, the function of the patrol police).⁶³ Of all registered crimes, only one-third were proceeding to court, and 95 per cent of the latter were investigated by the police. Investigators were overwhelmed with cases, and there was no relief. The NPU was still using the rate of solution of crimes, notoriously unreliable, as an indicator of performance. The institution of detective, combining both operational and investigative functions, was proceeding too slowly. Strategic documents meant to chart the way forward for the NPU remained unimplemented and purely declaratory. In May 2018, Kniazev himself announced that applicants who had failed the NPU entrance exam would now be given a second chance, which surely would be going against the original reform principle of professionalism.⁶⁴

⁶¹ Sources for this paragraph are: *Den*, 8 February 2017; *Dzerkalo tyzhnia*, 8 February 2017; *Vysokyi zamok*, 8 February 2017; *Tyzhden*, 9 February 2017; and *Ukrains'ka pravda*, 20 February 2017.

⁶² *Tyzhden*, 9 February 2017; and *Kyiv Post*, 21 September 2018.

⁶³ *Dzerkalo tyzhnia*, 7 July 2017; Olena Makarenko, "Ukraine's Photogenic 'New Cops' Went Viral, But the Real Police Reform is Yet to Start," *Euromaidan Press*, 13 June 2018, on the Internet at <http://euromaidanpress.com/2018/06/13/ukraines-photogenic-n...>, accessed 23 March 2020; Olena Prokopenko, "One Overlooked Issue that Ukraine's Political Parties Should Seize Now," Atlantic Council, 9 July 2018, on the Internet at <https://www.atlanticcouncil.org/blogs/ukrainealert/one-overlook...>, accessed 23 March 2020; and Oleksandr Banchuk, "Three Years of the National Police Law: The History of Success and Resistance of the System," 19 November 2018, on the Internet at <https://ukrainoffice.blogactiv.eu/2018/11/19/three-years-of-the-...>, accessed 23 March 2020.

⁶⁴ *Ukrains'ka pravda*, 10 May 2018.

Overshadowing all this was a devastating but little-publicized report on excessive use of force and on torture by the NPU in 2015-17.⁶⁵ Employing a combination of hospital records involving victims of police violence together with court proceedings of cases against offending officers, augmented by information gathered from interviews and focus groups, the researchers present findings not alluded to in official NPU documents or press releases but highly relevant to the topic of police reform. The study explores the scale and types of ill-treatment, its perpetrators within the police hierarchy, and the motivations involved. Recognizing the limitations of their data, the researchers nevertheless reported that: victims' requests for medical aid varied by oblast, with Kharkiv the highest and Ivano-Frankivsk and Zakarpattia the lowest; such requests rose from 1,217 in 2015, to 1,666 in 2016, and to 2,386 in 2017; injuries to the head, body, limbs, and bone fractures were, in that order, most prevalent; and most victims were treated as out-patients. From the court records and interviews with victims the study found astonishingly that perpetrators ranged through all the ranks from bottom to top at the police station, senior officers included, many with post-secondary education. Altogether 238 police officers' trials were culled from the court proceedings between 2012 and 2017. "Ill-treatment of detained persons by superiors make their subordinates believe that any ill-treatment practices are not only allowed, but even necessary. And in case of any problems, the superior will always protect," the study's authors commented.⁶⁶ Equally surprising was that, in a sample of 113 cases, the majority (76) of victim of ill-treatment had been charged with the least serious, most petty, kinds of offences—thief and administrative infractions.⁶⁷ In court cases reviewed over 2015-17, victims claimed their assault had taken place in the street, meaning it was perpetrated by the supposedly reformed patrol police. In one category of court cases, the leading cause of ill-treatment (42 per cent) was to obtain a confession; second was intimidation of the detainee. As the authors remarked: "Unfortunately, the study results show that, despite clear legislative bans, extraction of confessions and other information from suspects through violence is still one of the key methods for solving and investigating criminal offences."⁶⁸ The study included recommendations addressed to various state institutions for remedial action, which would be most interesting to follow up on by the same or other group of researchers.

The 2018 NPU Annual Report sought to reassure its readers and international donors that the organization was continuing to make progress in evolving into a body serving the public and adopting as its measure of success the level of trust it

⁶⁵ Yury Belousov, *et al.*, *Ill-Treatment in the Activities of the National Police of Ukraine: Types, Scale, Reasons* (Kyiv: Council of Europe, 2017).

⁶⁶ *Ibid.*, 22.

⁶⁷ *Ibid.*, 27.

⁶⁸ *Ibid.*, 38.

has among the population.⁶⁹ It was now eschewing the pursuit of crime statistics as an evaluative measure of performance because of the distortion such practice had created in the past, but it still contained an appendix of nine pages of statistics on crime and policing—just for old times’ sake. It opened with a scorecard on the status of thirteen reform projects, showing that seven had been completed and six were in progress. The completed reforms were: the country-wide “102” telephone network for emergencies; new types of training for the patrol police and the addition of tactical groups within them; and the creation of new units for dealing with organized crime, cyber-criminality, air- and water-borne policing, and the KORD. As yet incomplete were: introduction of community policing throughout the country; programmes for children at risk and prevention of juvenile delinquency; neighbourhood watch, set up in only seven cities; introduction of the “police officer of the *hromada*” in smaller centres including villages, involving 1,600 officers in 2019, doubling to 3,400 in 2020;⁷⁰ combatting gender-based violence, where there were 115,473 complaints resulting in 2,628 court cases and 27,352 fines; attaining European public order standards—dialogue groups had been set up in six oblasti thus far; the required number of fully-equipped situation centres with computers and video feeds; and expansion of the patrol police beyond the 19,100 personnel in 38 population centres at the moment. Also incomplete were these projects: road safety patrols—219 in 2018, with 324 more planned; expanded training for patrol police—652 graduates in 2018, increasing to 2,000 students per annum; assurance of prisoners’ rights; within the criminal police reducing investigators’ workload, raising the quality of pre-trial investigations, and simplifying procedures; and, finally, building up the counter-narcotics department. The budget of the National Police increased by 13 per cent from 2017 to 2018. Outside assistance to Ukrainian police reform efforts was being provided in 2018 in the form of 21 technical projects, the leading donors of which were: USA (8), EU (6), and Canada, Netherlands and OSCE (2 each).⁷¹ Not dwelling on any shortcomings or problems, the report offered only positive appraisals of the NPU’s various projects. Thus it probably met donors’ expectations, although it did contain one notable disclaimer, namely, that “The positions and particular thoughts of the authors as presented in this document do not necessarily reflect the views of the Government of Canada.”⁷² The Report alluded neither to the exclusion of civil society activists from the civilian oversight commissions—making, in fact, no reference to such bodies at all—nor to the ill-treatment of citizens by the NPU, or to any instances of excessive use of force in the course of its duties.

⁶⁹ Natsional’na Politsiia, *Zvit Natsional’noi Politsii Ukrainy za 2018 rik* (n.p., n.d.).

⁷⁰ For a skeptical evaluation of this particular innovation, see Andrii Chernousov, “Politseis’kyi ofitser hromady: politseis’kyi dlia hromady chy hromada dlia politseis’koho?” *Dzerkalo tyzhnia*, 5 March 2020, on the Internet at <https://dt.ua/article/print/internal/policeyskiy-oficer-gromady-po...>, accessed 6 March 2020.

⁷¹ Natsional’na Politsiia, *Zvit Natsional’noi Politsii Ukrainy za 2018 rik*, 42-44.

⁷² *Ibid.*, 2.

While the NPU's reorientation to public trust as the main measure of its own performance and effectiveness was certainly commendable (if overdue) as part of the reform, that yardstick already in 2018 was indicating an unhealthy situation requiring immediate remedial action rather than complacency. Even the 2018 Annual Report contained a warning signal which appeared to have been inexplicably overlooked in the rest of the document. A survey presumably commissioned by the NPU and conducted in November-December 2018, of 19,500 Ukrainians comparing trust in the country's principal sociopolitical institutions showed that only 2.7 per cent of respondents "fully trust" the police, while 20.4 per cent "fully distrust" it.⁷³ This produces, for the sake of more pointed analysis, a *deficit of trust* of 17.7 percentage points, which ought to be treated with alarm if not concern by the management of the NPU, were it not for the chronically high levels of all other institutions in Ukraine.⁷⁴ Independent public opinion surveys, as shown in Table 1, confirmed Ukrainians' lack of trust in their police despite the introduction of reforms.⁷⁵

Table 1.—Levels of Trust in the Police in Ukraine, 2012-18 (in per cent).

Year	Entity	Trust	Distrust	Net
2012	Militsiia	15.5	62.9	-47.4
2015	National Police of Ukraine	20.7	35.1	-14.4
2016	National Police of Ukraine	22.9	44.0	-21.1
	Patrol Police	25.6	41.7	-16.1
2017	National Police of Ukraine	23.0	44.0	-21.0
	Patrol Police	33.0	33.0	+1.0
2018	National Police of Ukraine	29.0	49.0	-20.0
	Patrol Police	30.0	45.0	-15.0

Source: Kyiv International Institute of Sociology website at <https://www.kiis.com.ua/> (discrepancies due to rounding).

Thus, in a strange way negative public perceptions of Ukraine's police were persisting at the very same time as police reform was under way—a curious disjuncture.

⁷³ Ibid., 52.

⁷⁴ In the same survey, only the Armed Forces and the Church were on balance more trusted than distrusted. All other institutions, including even civic organizations, were on balance distrusted.

⁷⁵ Other surveys at the time roughly concurred. The respected Razumkov Center, for example, reported in September 2016, that 1.8 per cent of respondents "fully trust" the National Police, while 32.5 "fully distrust" them; 4.3 per cent "fully trust" the then brand-new patrol police, and 14.6 "fully distrust" it. The net distrust in percentage points, then, was 31.7 and 10.3, respectively. Tsentrazumkova, "Sotsiolohichne opytuvannia [2016]," on the Razumkov Center website at <http://old.razumkov.org.ua/ukr/poll.php?poll-id1143>, accessed 18 May 2017. Another, in April 2017, reported 4.0 per cent "fully trust" the patrol police, whereas 17.4 "fully distrust," for a net negative balance of 13.4 percentage points. "Stalo vidomo, komu naibil'she viriat' ukrainsi," *Obozrevatel'*, 18 May 2017, on the Internet at <https://www.obozrevatel.com/ukr/politics/32467-stalo-vidomo-kom...>, accessed 18 May 2017.

Public confidence in the National Police has undoubtedly been affected by revelations in the mass media concerning the shortcomings in the country's law enforcement system since 2016. Seemingly endless stories of unsolved murders and police incompetence and brutality could not but undermine trust. In July that year, Belarussian journalist Pavel Sheremet, working for *Ukrains'ka pravda* investigating crime, corruption, and abuse of power, was blown up in Kyiv in the car he was driving;⁷⁶ three years later, newly-elected President Zelenskyy was being quoted as uncertain that the murder would be solved, but attempted to be reassuring when he expressed certainty the killer would be found.⁷⁷ Also in 2016, five police officers were killed in a shootout with colleagues in the course of a botched "special operation" aiming to catch a gang of robbers. Twenty-five officers were dismissed from service; the interior minister promised changes in personnel and methods.⁷⁸ From the beginning of 2017 to September 2018, one newspaper catalogued 55 assaults, four fatal, on civil society activists in Ukraine, none of them solved.⁷⁹ One such was the fatal acid attack on 31 July 2018, on Kateryna Handziuk, activist and public servant in the city of Kherson. Because the police were neglectful in their investigation, and were suspected of involvement at higher levels, the case was transferred to the SBU.⁸⁰ NPU Head Kniazev at that point expressed the hope that the matter would be resolved, the guilty punished, there would be closure, and attacks on activists will cease.⁸¹ Being one of those instances where the perpetrators were not the actual instigators, the case dragged on without resolution.⁸² In the summer of 2019, in a suburb of Kyiv, two off-duty policemen in a vacant lot were firing their weapons for practice at empty cans when a ricochet stuck a five-year-old boy next door where children were playing and smashed his skull. The two officers

⁷⁶ Reuters, "Ukraine Journalist Pavel Sheremet Killed in Kiev Car Bombing," *Guardian* (London), 20 July 2016, on the Internet at <https://www.guardian.com/world/2016/jul/20/ukraine-journalist-...>; and Roland Oliphant, "Prominent Ukrainian Journalist Murdered in Kiev Car Bombing," *Telegraph* (London), 20 July 2016, on the Internet at <http://www.telegraph.co.uk/news/2016/07/20/prominent-journalist-m...>, both accessed 20 July 2016. For accounts of the subsequent footdragging, see *Ukrains'ka pravda*, 20 December 2016, 8 February 2017, and 20 July, and 12 and 20 December 2019, plus *Den'* and *Dzerkalo tyzhnia*, both on 12 December 2019, as well as *Tyzhden'* 19 December 2019.

⁷⁷ *Ukrains'ka pravda*, 23 July 2019.

⁷⁸ *Den'*, 15 December 2016; *Vysokyi zamok*, 5 December 2016; *UNIAN*, 6 December 2016; *Ukrains'ka pravda*, 7 December 2016; *Dzerkalo tyzhnia*, 6 December 2016; and *Den'*, 6 December 2016. Oddly, in July 2019, one of those in charge of the ill-fated operation was appointed head of the criminal service for the city of Kyiv; the trial of the defendants in that case was then still under way in the Brovary court of Kyiv oblast. *Ukrains'ka pravda*, 5 July 2019.

⁷⁹ Roman Sinitsyn and Maryna Khromyk, "Movchannia vlady nas ubyvaie': 55 nerozkrytykh zlochyniv proty aktyvistiv," *Ukrains'ka pravda*, September 2018, on the Internet at <https://www.pravda.com.ua/cdn/graphics/2019/09/movchannja...>, accessed 7 April 2020.

⁸⁰ *Euromaidan Press*, 4 November 2018; *Guardian* (London), 5 November 2018; *Vysokyi zamok*, 6 November 2018; *Ukrains'ka pravda*, 4 and 6 November 2018, and 4 July 2019; *Radio Free Europe/Radio Liberty*, 5 and 6 November 2018, and 29 June 2019; and *Kyiv Post*, 31 July 2019.

⁸¹ *Ukrains'ka pravda*, 6 November 2018.

⁸² *Den'*, 23 March 2020. In a survey of public opinion conducted in November 2019 by the Democratic Initiatives Fund, 74.5 per cent of respondents assessed the Handziuk investigation as having been ineffective. *Ibid.*, 25 November 2019.

were both ex-DAIshnyky; both had been released from the police having undergone reassessment as unqualified; both were then reinstated by a court; and both, by their own admission, were “very intoxicated.” The individual who fired the fatal shot was an inspector; the weapon was never found. Immediately the chief of police of Kyiv oblast resigned, but was instead reassigned to the Donbas line of conflict as police chief, which the interior ministry took pains to explain as not being a promotion. After four days, Kniazev and Avakov met with the grieving family in the office of one of them to offer condolences.⁸³ Following investigation by the State Bureau of Investigations (DBR, Ukraine’s FBI), the police inspector was charged with the lesser count of causing death through carelessness rather than murder; three others faced lesser charges.⁸⁴ Calls for the resignation of the Head of the National Police and the Minister of the Interior in the wake of such incidents were in vain.

Zelenskyy’s Term: Who is in Charge?

Following his easy victory over incumbent President Petro Poroshenko in the presidential elections, and after his Servant of the People party’s unprecedented majority win in the Verkhovna Rada, there appeared to be a window of opportunity for Zelenskyy to re-inject momentum into the country’s police reform. His intervention in the unresolved case of the Dnipro(petrovsk) oblast police chief, among others, suggested as much. In September 2018, an automobile with the local police chief’s driver at the wheel was stopped for a traffic infraction by the patrol police on duty. The driver called to his boss for backup and when personnel from the KORD detachment duly arrived they arrested the patrol officers for their impudence, and brought them to the chief in person to explain themselves. One patrol officer recorded the interview on his bodycam, however, and the widely-distributed video was eventually seen by the President himself. In response to Zelenskyy’s concern about this blatant abuse of power and impunity, the police chief was finally sacked and others were warned that such behaviour would not be tolerated.⁸⁵ Intimations of further and fundamental change were heard from the Ukrainian government when the new Prime Minister, Oleksii Honcharuk, specifically mentioned the police reform having not gone beyond the setting up of the patrol police, it would be

⁸³ *Ukrains’ka pravda*, 1-6 June 2019; *UNIAN*, 4 June 2019 ; Christopher Miller, « Across Ukraine, Calls Grow for Powerful Interior Minister’s Exit After Police Shooting of 5-Year-Old,” *Radio Free Europe/Radio Liberty*, 5 June 2019.

⁸⁴ *Ukrains’ka pravda*, 5 November and 6 December 2019.

⁸⁵ *UNIAN*, 27 July 2019; “Zelens’kyi vymahaie zvil’nennia politseis’koho nachal’nyka zi skandal’noho video,” *BBC Ukrainian*, 27 July 2019, on the Internet at <https://www.bbc.com/ukrainian/news-49139341>, accessed 27 July 2019; “Zelens’kyi vymahaie zvil’nyty kerivnyka politsii Dnipropetrovshchyny,” *Ukrains’ka pravda*, 27 July 2019, on the Internet at <https://www.pravda.com.ua/news/2019/07/27/7222102/>, accessed 27 July 2019; and Artur Korniienko, “Dnipropetrovsk Oblast Police Chief Sacked After Abuse of Office Scandal,” *Kyiv Post*, 29 July 2019, on the Internet at <https://www.kyivpost.com/ukraine-politics/dnipropetrovsk-oblas...>, accessed 30 July 2019.

necessary to continue with reform of the criminal police.⁸⁶ Then in its first meeting, the new Cabinet of Ministers dissolved the NPU's department for safeguarding the economy, turning its personnel over to the separate Financial Investigating Service (SFR) of the government.⁸⁷ This was followed by the sudden resignation of the Head of the National Police, Kniazev; Minister Avakov praised him for raising the level of public trust in the police to 51 per cent,⁸⁸ explained that his resignation was not unexpected but planned in advance, and appointed Kniazev as one of his unpaid advisors within the interior ministry. Coincidentally, what caught everyone's attention was that just days before this, Kniazev's ex-wife had been detained at the Polish border attempting to cross with 500,000 euros in undeclared cash, and she and her companions were being charged with money-laundering. Kniazev dismissed this story as "misinformation" and a smear campaign.⁸⁹ In its assessment of the departing NPU Head, a civil society website said that he had accomplished only one-half of his original 42 promises; it gave him credit for providing the police with improved weapons and in setting up the KORD units in all oblasti, but scored as failures not installing videocameras as well as not completing the restructuring of the criminal police.⁹⁰ Kniazev was replaced by Ihor Klymenko, a deputy head of the NPU and previously its head of personnel.⁹¹

If disposing of Kniazev was relatively easy (or fortuitous), it was not so with Arsen Avakov, Minister of the Interior, Kniazev's immediate boss. Public protests against the two of them were insufficient to bring about their replacement. Avakov, an ethnic Armenian born in 1964 in Baku, graduated in 1988 as an automated systems engineer from the polytechnical institute in Kharkiv, where he then began his career as politician and businessman.⁹² He started his own shareholding

⁸⁶ *Dzerkalo tyzhnia*, 29 August 2019.

⁸⁷ *Ibid.*, 2 September 2019.

⁸⁸ This figure of 51 per cent, presumably derived from a survey commissioned by the NPU itself, is, of course, controversial and deserves to be treated with caution. Denys Kobzin, "Tsia 'dovira' do politsii zlamalas'. Nesit' inshu," *Ukrains'ka pravda*, 18 February 2020, on the Internet at <https://www.pravda.com.ua/columns/2020/02/18/7240864/>, accessed 4 April 2020.

⁸⁹ Vyacheslav Hnatyk, "Chief of Ukraine's National Police Resigns," *Kyiv Post*, 24 September 2019; *Vysokyi zamok*, 24 September 2019; *Den'*, 26 September 2019; *UNIAN*, 26 September 2019; *Ukrains'ka pravda*, 23, 24, and 26 September 2019; and "Serhii Kniaziev podav u vidstavku: dosiahennia ta skandaly, pov'iazani z ioho im'iam," *Gazeta.ua*, 25 September 2019, on the Internet at <https://gazeta.ua/articles/np/sergij-knyazyev-podav-u-vidstavk...>, accessed 26 September 2019.

⁹⁰ "Holova Natspolitsii Kniazev pishov u vidstavku, vykonavshy lyshe polovynu svoikh obitsianok," *Slovo i dilo*, 25 September 2019, on the Internet at <https://www.slovovidilo.ua/2019/09/25/infografika/polityka/holo...>, accessed 4 April 2020.

⁹¹ *Dzerkalo tyzhnia*, 25 September 2019. In a familiar game of musical chairs, Vadym Troian re-emerged to become a deputy head of the NPU, having hitherto served a vice-minister of the interior since his failed contest for the headship of the NPU. *Ukrains'ka pravda*, 26 September 2019.

⁹² My sources for the rest of this paragraph are: *Khto ie khto v Ukraini* (Kyiv: Vydavnytstvo "K.I.S.," 2007), 8; *Tyzhden'*, 20 July 2015; *Ukrains'ka pravda*, 6 and 10 November 2015, 6 July 2016, 28 October 2016, 14 December 2016, and 5 June 2019; *Vysokyi zamok*, 28 January 2016; *Komsomol'skaia pravda v Ukraine*, 13 September 2016; *Dzerkalo tyzhnia*, 14 and 15 September 2016;

company in 1990, was elected to the Kharkiv city council in 2002, and elevated to its chair the following year. After a dispute with Viktor Yushchenko, he switched parties to Yuliia Tymoshenko's *Batkivshchyna* (Fatherland). During 2011-12, he evaded prosecution by the Yanukovich regime by exiling himself to Italy. Returning to Ukraine, he won election to the Verkhovna Rada in October 2012. In February 2014, he was appointed interior minister on an interim basis which was made permanent later in the year. Only the second civilian ever to occupy the post, he had neither legal nor military background which might justify being named. He was said to have continued to be involved in business despite being a government official, supposedly incompatible under Ukraine's laws. All the while paying lip service to police reform, his tenure was dogged by controversy through which he managed to survive unscathed. Criminal cases were started against him; a petition by parliamentarians for his removal was forwarded to President Zelenskyy; all of this mysteriously vanished into thin air.

In 2019, following the Verkhovna Rada elections, Avakov was re-appointed Minister of the Interior, supposedly for a probationary six-month period.⁹³ This was difficult to comprehend in view of the public's dissatisfaction with him and his police chief—being demonstrated on the very eve of the appointment in front of the president's office. Zelenskyy had already replaced several other key heads of "power ministries." So it was surmised that there had been an understanding between the president and his minister: Avakov had ensured the neutrality of the police in the presidential elections, preventing Poroshenko from influencing them through "administrative resources," which made Zelenskyy's victory possible; the latter would leave Avakov in his post undisturbed within the cabinet of ministers. As Minister of the Interior, Avakov had under him significant coercive resources: the National Guard (formerly the Interior Troops of the MOI, some 60,000 strong); the National Police (nominally at 18,000 established strength); Border Guards; the "Azov" volunteer militia; and several other volunteer militia battalions. Zelenskyy did attempt to undercut Avakov by appointing his own people as the minister's deputies, but Avakov deftly countered this move. Zelenskyy also attempted to bring the National Guard under his authority, but the bill authorizing this died a quiet death in

Obozrevatel', 11-14 November 2016, and 5 and 13 July 2017; *UNIAN*, 5-6 June and 22 July 2019; and Harasymiw, "Police Reform," 361.

⁹³ My sources in the first part of this paragraph are: *Obozrevatel'*, 29 August 2019; Yuri Zoria, "Ukraine's New Cabinet: New Faces, Merged Ministries, and the Immortal Avakov," *Euromaidan Press*, 5 September 2019, on the Internet at <http://euromaidanpress.com/2019/09/05/ukraines-freshman-mini...>, accessed 6 September 2019; *Dzerkalo tyzhnia*, 25 September 2019; *Den'*, 28 and 30 August 2019; Andriy Petryns'kyi, "Novyi Kabmin: Shcho vidomo pro ministriv uriadu Honcharuka," *Tyzhden'*, 30 August 2019, on the Internet at <https://tyzhden.ua/Politics/234666>, accessed 4 September 2019; Oleg Sukhov, "Europe Should Oppose Ukraine's Law Enforcement Boss," *New Europe*, 11 September 2019, on the Internet at <https://www.neweurope.eu/article/europe-should-oppose-ukraine...>, accessed 29 March 2020; *Ukrains'ka pravda*, 18 September, 9 October, and 12 December 2019, and 28 January 2020.

parliament, where Avakov reportedly has influential friends.⁹⁴ With his power to ensure if not “peace, order, and good government,” then at least stability, this may have influenced the young president to keep Avakov in his post—even if the latter had not yet reformed the National Police on the European model as he kept promising to do. After the February 2020 cabinet shuffle, which saw fresh, young talent replaced by tried-and-true, Avakov remained in his post. There was no longer talk of his being on probation.⁹⁵

In February 2020, at the time of Avakov’s re-appointment into the cabinet of Denys Shmyhal’, the Razumkov Center reported on results of its latest survey of Ukrainians’ orientations towards their governmental institutions. It showed that trust in the National Police was at 43.7 per cent, while distrust appeared slightly greater at 44.3 per cent. The net balance, therefore, was just slightly negative at -0.6 percentage point.⁹⁶ Taking into consideration only the extreme responses, however, where the “totally distrust” was 14.9 per cent, and “fully trust” was 6.3 per cent, would produce a negative balance of -8.6 points. In either case, these were an improvement over the figures in Table 1 above, as well as those in the NPU’s own annual report for 2018 cited earlier, which may have justified the re-appointment. But a positive balance of trust over mistrust in the police had not yet been achieved.

Nevertheless, in the spring of that year the Verkhovna Rada approved the 2020 budget its notable feature being an increase in allocation to the Ministry of the Interior while other ministries and agencies were, in view of the circumstances of pandemic, severely cut back.⁹⁷ True to form, the bonus came at the expense of the several anti-corruption bodies, such as the High Anti-Corruption Court, the NABU, the NAZK, the Asset Recovery and Management Agency, Supreme Court, Prosecutor’s Office, and the State Investigation Bureau. In fact, the Ministry of the Interior was allocated 93 billion UAH, a net increase of 191 million overall. This implicit vote of confidence in Minister Avakov was puzzling, from an outsider’s point of view, in light

⁹⁴ *Ukrains’ka pravda*, 14 June 2019; and *Dzerkalo tyzhnia*, 6 September 2019.

⁹⁵ Konstantin Skorkin, “Nezamennyi Avakov: Kak glava MVD stanovitsia samym moguchestvennym politikom Ukrainy,” *Moskovskii Tsentri Karnegi*, 3 February 2020, on the Internet at <https://carnegie.ru/commentary/80954>, accessed 13 February 2020; *Dzerkalo tyzhnia*, 29 February and 3 March 2020; *Ukrains’ka pravda*, 4 March 2020; *Tyzhden*, 5 March 2020; Skorkin, “Ukraine’s Unromantic Reshuffle,” *Carnegie Moscow Center*, 6 March 2020, on the Internet at https://carnegie.ru/commentary/81224?mkt_tok=eyJpIjoiTTJ..., accessed 19 March 2020; “Ukraine’s New Government: More Oligarchic, More Pro-Russian,” *Euromaidan Press*, 6 March 2020, on the Internet at <http://euromaidanpress.com/2020/03/06/ukraines-new-govern...>, accessed 7 March 2020; and Valeriy Pekar, “With Cabinet Shake-up, Zelenskyy Undermined all Benefits Launched in Last Six Months,” *Euromaidan Press*, 12 March 2020, on the Internet at <http://euromaidanpress.com/2020/03/12/with-cabinet-shake-up-...>, accessed 13 March 2020.

⁹⁶ Razumkov tsentr, “Otsinka hromadianamy situatsii v kraini, riven’ doviry do vykonavchykh ta pravookhoronnykh orhaniv vlady, otsinka diial’nosti Uriadu (liutyi 2020r.),” 21 February 2020, on the Razumkov Center website at razumkov.org.ua, accessed on 13 April 2020.

⁹⁷ Oleg Sukhov, “Budget Bill Increases Funding for Interior Minister Avakov, Harms Anti-Graft Agencies,” *Kyiv post*, 12 April 2020.

of the stalled condition of police reform within the ministry. Even a cursory familiarity with the situation in Ukraine, as this paper has been attempting to argue, should have convinced anyone that reform of the NPU was as of 2020 still incomplete and was on no one's agenda in the government. Clearly, the generally accepted criteria for reform of policing in transitional polities such that it would be aligned with democratic norms—"police accountability to the law rather than to the government of the day; protection of human rights; police accountability to external bodies; and citizens' needs being given top priority by the police service"⁹⁸—had not been met in any reasonable sense and were showing no sign of ever being fully met soon. Why was Mr. Avakov being rewarded for not doing or facilitating this important part of his job?

In Search of an Explanation

How can we explain the stalemate over police reform in Ukraine after the dramatic upheaval of the Euromaidan Revolution? Cornelius Friesendorf, as we have seen, offers "institutional bricolage" as an explanation—the construction of a patchwork of old and new components, instead of a wholly new structure, is the best that can be expected from any effort at police reform practically anywhere in the world.⁹⁹ A similar characterization of the process could be drawn by comparison of the experience of other post-communist countries. After a few years of police reform in Serbia, for instance, its goals had not yet been achieved, nor fundamental changes made, civilian oversight was inadequate, and efforts had been made to improve transparency and communication with the public but these were only judged as first steps.¹⁰⁰ Results in Armenia have been uneven across the board: some genuine reforms, others ambiguous or neglected, and still others totally blocked.¹⁰¹ Police reform in Bosnia has been characterized as stalled and incomplete, with police services being fragmented and inefficient. "Civil society involvement and oversight of policing is in its infancy, despite some projects on community policing. As such, the question of overall legitimacy of the police remains open."¹⁰² If even recent police reforms in Scandinavia have not achieved their goals, not improved

⁹⁸ Harasymiw, "Police Reform," 360, paraphrasing David H. Bailey, *Changing the Guard: Developing Democratic Police Abroad* (New York: Oxford University Press, 2006), 18-20.

⁹⁹ Friesendorf, "Police Reform in Ukraine as Institutional 'Bricolage'," *passim*. "The situation in Ukraine, and experiences from other countries, suggest that the replacement of old by new policing elements will be incremental and partial, at best. At worst, factors such as escalating crime and the withdrawal of international support could erode the post-Euromaidan achievement." *Ibid.*, 118.

¹⁰⁰ Marijana Trivunovic, "Status of Police Reform after Four Years of Democratic Transition in Serbia," *Helsinki Monitor*, no. 3 (2004): 172-86; Mark Downes, *Police Reform in Serbia: Towards the Creation of a Modern and Accountable Police Service* (OSCE, January 2004).

¹⁰¹ Nona Shahnazarian and Matthew Light, "Parameters of Police Reform and Non-Reform in Post-Soviet Regimes: The Case of Armenia," *Demokratizatsiya: The Journal of Post-Soviet Democratization*, 26, no. 1 (Winter 2018): 83-108.

¹⁰² Branka Marijan and Dejan Guzina, "The Politics of the 'Unfinished Business': Bosnian Police Reform," CIGI Policy Brief, no. 42, June 2014, 8.

police performance, and have actually worsened relations between police and their publics, then perhaps post-Euromaidan Ukraine falls into a universal pattern in that regard.¹⁰³

Another institutional approach comes under the heading of “path dependence” theory, which we are told can “provide an explanation of why institutions are difficult to change,” and at the same time “suggests that there are key moments when there may be room for more radical reforms.”¹⁰⁴ Such “critical junctures” are more easily identified after the fact; it is very difficult to anticipate them in advance.¹⁰⁵ Nevertheless, the “path dependence” perspective does allow for crucial choices being made at certain points in time, thus nothing is inevitable about how things turn out in political and economic development. In the case at hand, we can surely agree that the Euromaidan Revolution, the subsequent elections, the appointment and resignation of Dekanoidze, the election of Zelenskyy, and Kniazev’s resignation were all critical turning points—potentially if not always actually. Why were they not taken advantage of to further the police reform in Ukraine? It is absurd to imagine the principals during this time—Poroshenko, Avakov, Kniazev, Dekanoidze, Zelenskyy—all pleading before the court of final judgment, “History made me do it.” A choice is always possible, despite the weight of institutional inertia.

One factor not hitherto mentioned as capable of determining the eventual path of police reform is international aid and the actions of its donors. Could these be responsible for the widespread stalemate, or might they be a force for driving the policy forward? More likely the former. “The European Union’s inability to recognize the stalled character of the police reform in Bosnia has impacted Bosnia’s development in more than one way,” report Wilfrid Laurier University’s researchers Marijan and Guzina. “Hence, many citizens perceive the international actors, rightly or not, as supporting the corrupt and inefficient political system.”¹⁰⁶ In his study of police reform in Bosnia and Herzegovina, Jarett Blaustein shows how assistance programmes are shaped by processes of cultural translation which involve disparate actors thus producing outcomes that are highly diverse and rather distant from their liberal democratic models.¹⁰⁷ It has been found that EU assistance in Macedonia was subordinated to “broader EU strategic calculations in relation to security and

¹⁰³ Lars Holmberg, “Continuity and Change in Scandinavian Police Reforms,” *International Journal of Police Science & Management*, 21, no. 4 (2019): 206-17.

¹⁰⁴ Mariana Prado and Michael Trebilcock, “Path Dependence, Development, and the Dynamics of Institutional Reform,” *University of Toronto Law Journal*, 59, no. 3 (Summer 2009): 350.

¹⁰⁵ *Ibid.*, 357.

¹⁰⁶ Marijan and Guzina, 7.

¹⁰⁷ Jarett Blaustein, *Speaking Truths to Power: Policy Ethnography and Police Reform in Bosnia and Herzegovina*, Oxford Scholarship Online, 2015. DOI 10.1093/acprof.oso/9780198723295.001.0001.

stability”; consequently, police reform actually regressed.¹⁰⁸ Along similar lines, another researcher has discovered that in the Western Balkans generally, the EU’s preoccupation with security has undercut its promotion of human rights and democratization as part of police reform. As he put it, “the EU contributed to new tensions related to the democratic accountability of the security sector: Western Balkans countries became partners in repressive policing priorities, while efforts to democratize and reform policing remained unfinished (for instance, in Bosnia and Herzegovina) or had not even begun (such as Serbia).”¹⁰⁹ “When projecting the normative concept of human rights protection in external activities such as police reform assistance, political expediency and the desire to achieve security gains can trump individual human rights and the requirements of the democratic process. Yet, despite the EU’s limitations and the prevailing difficulties in the Western Balkan countries, efficient policing and the protection of human rights seem to have come considerably closer over the last two decades.”¹¹⁰ In general, therefore, as has been commented, “the EU’s ‘stabilitocratic’ ambivalence in conjunction with specific domestic political agendas and strategies . . . have shaped the police reform processes in question.”¹¹¹ It seems fair to say that, while international donors are willing and able to support police reform in post-communist states, especially in regard to the security and stability aspects thereof, they have their own agendas and are unwilling to restart stalled reforms, particularly insofar as accountability, human rights, transparency, and engagement with civil society are concerned.

Canada’s aid package in support of Ukraine’s police reform effort is similar to that of the EU in its overarching concern with security to the neglect of democratic policing.¹¹² It consists of two parts: (1) a bilateral Canada-Ukraine mission with the NPU of Ukraine; and (2) participation in the European Union Advisory Mission for Civilian Security Sector Reform (EUAM Ukraine). An initial amount of \$5 million authorized in parliament in 2015 was increased in 2016 by an additional \$8.1 million (\$6.6 for training, the rest for equipment). In 2019, the number of RCMP officers

¹⁰⁸ Islam Jusufi, “Aid and Its Impact on Domestic Change: The Case of Police Reforms in Macedonia,” *Development Policy Review*, 36 (2018): 743-58. DOI: 10.1111 /dpr.12343.

¹⁰⁹ Tobias Flessenkemper, “European Union Approaches to Police and Human Rights in the Western Balkans,” *International Journal of Human Rights* 23, no. 4 (2019): 467. <https://doi.org/10.1080/13642987.2018.1503896>.

¹¹⁰ *Ibid.*, 470.

¹¹¹ Gemma Collantes-Celador and Stephanie Schwander-Sievers, “Introduction to Special Section on ‘Police Reform and Human Rights in the Western Balkans,’” *International Journal of Human Rights* 23, no. 4 (2019): 450. DOI: 10.1080/13642987.2018.1503897.

¹¹² Levon Sevunts, “Canada Donates \$8.1 for Ukrainian Police Reform,” Radio Canada International, 3 October 2016, on the Internet at <https://www.rcinet.ca/en/2016/10/03/canada-donates-8-1-for-uk...>; “Ukrainian MP Praises Canada’s Support for Ukraine’s Police Reform,” *New Pathway*, 10 April 2018, on the Internet at <https://www.newpathway.ca/ukrainian-mp-praises-canadas-supp...>; “Canada Increases Police Deployments to Ukraine,” *Blue Line*, 9 July 2019, on the Internet at <https://www.blueline.ca/canada-increases-police-deployment-t...>; and Government of Canada, “Canada’s Engagement in Ukraine,” on the Internet at <https://www.international.gc.ca/world-monde/country-pays/ukra...>, all the above accessed 17 March 2020.

assigned to the two missions was increased from 20 to 45, and the duration extended to 2021. With \$2.2 million in funding, according to Global Affairs Canada, a new three-year (2019-23) "Police Assistance Project on Strategic Reform Capabilities of the National Police of Ukraine will help reform efforts to improve security in Ukraine by supporting the strategic reform implementation of a more effective, efficient and gender-sensitive National Police of Ukraine (NPU)."¹¹³ Donors do not withdraw or terminate their technical support as a sanction even when it is clear the client has failed to live up to previous commitments—international assistance is all carrots, no sticks.

Conclusion

Everyone seems to agree that police reform, along generally-accepted lines of "democratic policing" and "community policing" with all that these entail, is essential for post-communist countries. Academic studies attempt to measure at various points in time certain of these countries' progress towards an approximation of the desirable model. The key to success is elusive, but some states have been judged relatively successful at this project.¹¹⁴

The case of Ukraine illustrates that, even though the ultimate goal is generally acknowledged by decision-makers who in turn are supported in this effort by international actors, the process can become hopelessly stalled. It is not that police reform is an alien idea being imposed on the country—there are civil society groups actively advocating on behalf of this reform with a full understanding of its nature and implementation.¹¹⁵ The fundamental problem, and ultimate explanation for the outcome, as other scholars have emphasized, is political.¹¹⁶ Implementation of police reform requires a political alignment of the reform programme with: consistent leadership; institutional interests; public support; civil society engagement; and long-term commitment. In Ukraine, there has been in effect only lip-service paid to reform instead of commitment, missed opportunities (alluded to earlier) for consistent execution of the policy, and exclusion of genuine involvement by civil society. International donors have skewed the reform to emphasize securitization at the expense of accountability and respect for human rights. The National Police of

¹¹³ Global Affairs Canada, "Backgrounder—Canada Announces Support to Improve Security During Meetings in Ukraine," March 2020, on the Internet at <https://www.canada.ca/en/global-affairs/news/2020/03backgro...>, accessed 9 March 2020.

¹¹⁴ Indeed, according to Ukrainian parliamentarian Mustafa Nayem, his country's reform of policing was modeled on that of the Czech Republic. "Ukrainian MP Praises Canada's Support for Ukraine's Police Reform," *New Pathway*, 10 April 2018. See also Oleksandr Pahiria, "Politsiia z narodom. Iak Chekhiiia reformovala pravookhoronni orhany," *Ukrains'kyi tyzhden'*, 30 November 2013.

¹¹⁵ See, for instance, the Reanimation Package for Reform website at <https://rpr.org.ua>, for a host of well-thought-out proposals on the subject.

¹¹⁶ Marat, "Reforming Police in Post-Communist Countries," and *The Politics of Police Reform*; Marijan and Guzina, "The Politics of the 'Unfinished Business'"; and Shahnazarian and Light, "Parameter of Police Reform and Non-Reform in Post-Soviet Regimes."

Ukraine remains minimally reformed, and only slightly more trusted by the population than the *militiia* it replaced, because politicians have opted for the *status quo* and the police themselves, unopposed, have pushed back against reform, aided by the judges of Ukraine's unreformed courts as well as perhaps unwittingly the foreign donors.

As to legitimacy, Ukraine's police reform appears to have worked in reverse—the more reform, the less legitimacy. A proper discussion of legitimacy as concept and as theory (legitimation, de-legitimation) is beyond the scope of this paper, particularly at this point of conclusion. Suffice it to say that legitimacy is the idea of the right to rule and that it is manifest in the consent of the governed.¹¹⁷ It is notoriously difficult to measure, which probably accounts for why scholars assert that police conduct affects legitimacy but never actually manage to assess its magnitude or depth. For simplicity's sake, however, we may accept public trust as an indicator of legitimacy, as suggested by Bruce Gilley.¹¹⁸ We know that the post-2014 Ukrainian police are less distrusted by the population than they were before. But since 2016, according to at least one prominent polling organization, an odd reversal of roles has been experienced by the NPU as a whole by comparison with the patrol police.¹¹⁹ In 2016, when the latter component was still young and fresh, it was *less distrusted* than its parent. By 2020, the relationship was reversed—the patrol police had become *more distrusted* than the NPU. Thus the supposedly reformed component of the National Police of Ukraine was becoming *more* distrusted, while the purportedly unreformed was becoming *less* distrusted. This was the opposite of the initial intention of the reformers: to improve the image of that portion of the police service with which the public had the greatest contact. Hence, the interior minister was able to claim that 51 per cent of Ukrainians now trusted their police, which served to cover up his obstruction of reform.¹²⁰

Postscript 2021

In July 2021, Arsen Avakov tendered his resignation as interior minister, having served seven years uninterruptedly without having reformed the Ukrainian

¹¹⁷ David Beetham, "Political Legitimacy," in *The Wiley-Blackwell Companion to Political Sociology*, ed. Edwin Amenta, Kate Nash, and Alan Scott (Chichester, England: Blackwell Publishing Ltd., 2012), 120-29.

¹¹⁸ Bruce Gilley, *The Right to Rule: How States Win and Lose Legitimacy* (New York: Columbia University Press, 2009).

¹¹⁹ Tsentrazumkova, "Sotsiologichne opytuvannia [2016]," on the Razumkov Center website at http://old.razumkov.org.ua/ukr/poll.php?poll_id143, accessed 18 May 2017; and Razumkov Tsentrazumkova, "Otsinka hromadianamy diial'nosti vlady, riven' doviry do sotsial'nykh instytutiv ta politykiv, elektoral'ni oriientsii hromadian (liutyi 2020r.)," on the internet at <http://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/...>, accessed 20 April 2020.

¹²⁰ The 51 per cent figure appeared in "Almost 80% of Ukrainians Trust in Zelensky—Poll," UNIAN, 17 September 2019, on the Internet at <https://www.unian.info/politics/10688256-almost-80-of-ukraini...>, accessed 20 April 2020.

police.¹²¹ Despite scandals and public calls for his ouster, he survived under President Poroshenko because the latter's parliamentary bloc needed the support of the National Front—of which Avakov was a prominent leader. Beyond his formal position he had formidable political connections and influence, and saw himself as a necessary counterweight to the presidential power. He ingratiated himself with Zelenskyy in the course of the 2019 election campaign by curtailing Poroshenko's use of presidential "administrative resources" to influence the voting. His resignation symbolically coincided with the fifth anniversary of the murder of journalist Pavel Sheremet, a case which had still not come to court due to lack of evidence. It may well have been decisive in Zelenskyy's act of removing the "irreplaceable" Avakov, to replace him with a fellow-Servant of the People, Denys Monastyrskyi, and thus to bring the interior ministry under presidential control. The new minister was not known as a reformer. Police reform is at a critical juncture globally;¹²² for Ukraine, neither international nor domestic factors are now favourable for its advancement any time soon.

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¹²¹ This paragraph draws on the following: Roman Kravets' and Roman Romaniuk, "Ideal'na vidstavka: zvil'nyty Shmyhalia, shchob pozbutys' Avakova," *Ukrains'ka pravda*, 17 June 2021, on the Internet at <https://www.pravda.com.ua/articles/2021/06/17/7297511/>, accessed 17 June 2021; Olga Rudenko and Oleg Sukhov, "Arsen Avakov Resigns as Interior Minister (UPDATED)," *Kyiv Post*, 13 July 2021, on the Internet at <https://www.kyivpost.com/ukraine-politics/arsen-avakov-resign> . . . , accessed 13 July 2021; "Kinets' epokhy Avakova. Iak Zelenskyi vmovyv ministra pity u vidstavku," *Ukrains'ka pravda*, 14 July 2021, on the Internet at <https://www.pravda.com.ua/articles/2021/07/14/7300436/>, accessed 14 July 2021; Olga Rudenko, "Parliament Supports Avakov's Resignation," *Kyiv Post*, 15 July 2021, on the Internet at <https://www.kyivpost.com/ukraine-politics/parliament-supports> . . . , accessed 15 July 2021; Oleg Sukhov, "Avakov's Dubious Legacy to Remain Intact Under his Proposed Successor," *Kyiv Post*, 15 July 2021, on the Internet at <https://www.kyivpost.com/ukraine-politics/avakovs-dubious-le> . . . , accessed 16 July 2021; Oleksii Sorokin, "'Almighty' Arsen Avakov Leaves Interior Ministry After 7.5 Years," *Kyiv Post*, 15 July 2021, on the Internet at <https://www.kyivpost.com/ukraine-politics/almighty-arsen-avak> . . . , accessed 22 July 2021; and Olga Rudenko, "Parliament Appoints New Interior Minister," *Kyiv Post*, 16 July 2021, on the Internet at <https://www.kyivpost.com/ukraine-politics/parliament-appoints> . . . , accessed 16 July 2021.

¹²² Serhii Bahlaj, "Pislia Avakova. Iakoiu bude nastupna reforma politsii?" *Ukrains'ka pravda*, 17 July 2021, on the Internet at <https://www.pravda.com.ua/columns/2021/07/17/7300844/>, accessed 19 July 2021.