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ANALYTICAL REPORT

RISK AND THREAT MANAGEMENT COORDINATION



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The views, opinions, recommendations and conclusions expressed in this report are those of the authors and do not necessarily reflect the views and position of the UN and the government of the Kingdom of the Netherlands.

The United Nations Recovery and Peacebuilding Programme (UN RPP) is being implemented by four United Nations agencies: the United Nations Development Programme (UNDP), the UN Entity for Gender Equality and the Empowerment of Women (UN Women), the United Nations Population Fund (UNFPA) and the Food and Agriculture Organization of the United Nations (FAO).

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Cover photos: The Main Department of The State Emergency Service of Ukraine in Donetsk Oblast

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INTRODUCTION

This analytical report has been developed as part of a consultancy under the UN Recovery and Peacebuilding Programme (UN RPP) 2015 – 2022 with the **purpose** to provide analytical support in risk and threat coordination management to foster reconstruction, economic recovery, and peacebuilding in eastern Ukraine. To that end, the **objective** of this analytical report is to reflect upon the Ukrainian civil protection system vis-à-vis some of the best practices employed around the world and to put forward recommendations on how to strengthen the risk and threat coordination system with a focus on the Donetsk and Luhansk Oblasts, which comprise the Eastern Conflict Area (ECA).

The UN RPP is an area-based programme designed to respond to and mitigate the causes and effects of the armed conflict in eastern Ukraine that has caused the subsequent humanitarian crisis since 2014. There are three priority areas of intervention under the UN RPP:

- (1) economic recovery and the restoration of critical infrastructure,
- (2) local governance and decentralisation reform, and
- (3) community security and social cohesion.

One of the areas of focus under the third component includes support for the eastern regions of Ukrainian in creation of a modern emergency warning, monitoring and response system. The consultancy work falls under the scope of the priority area *Community security and social cohesion*.

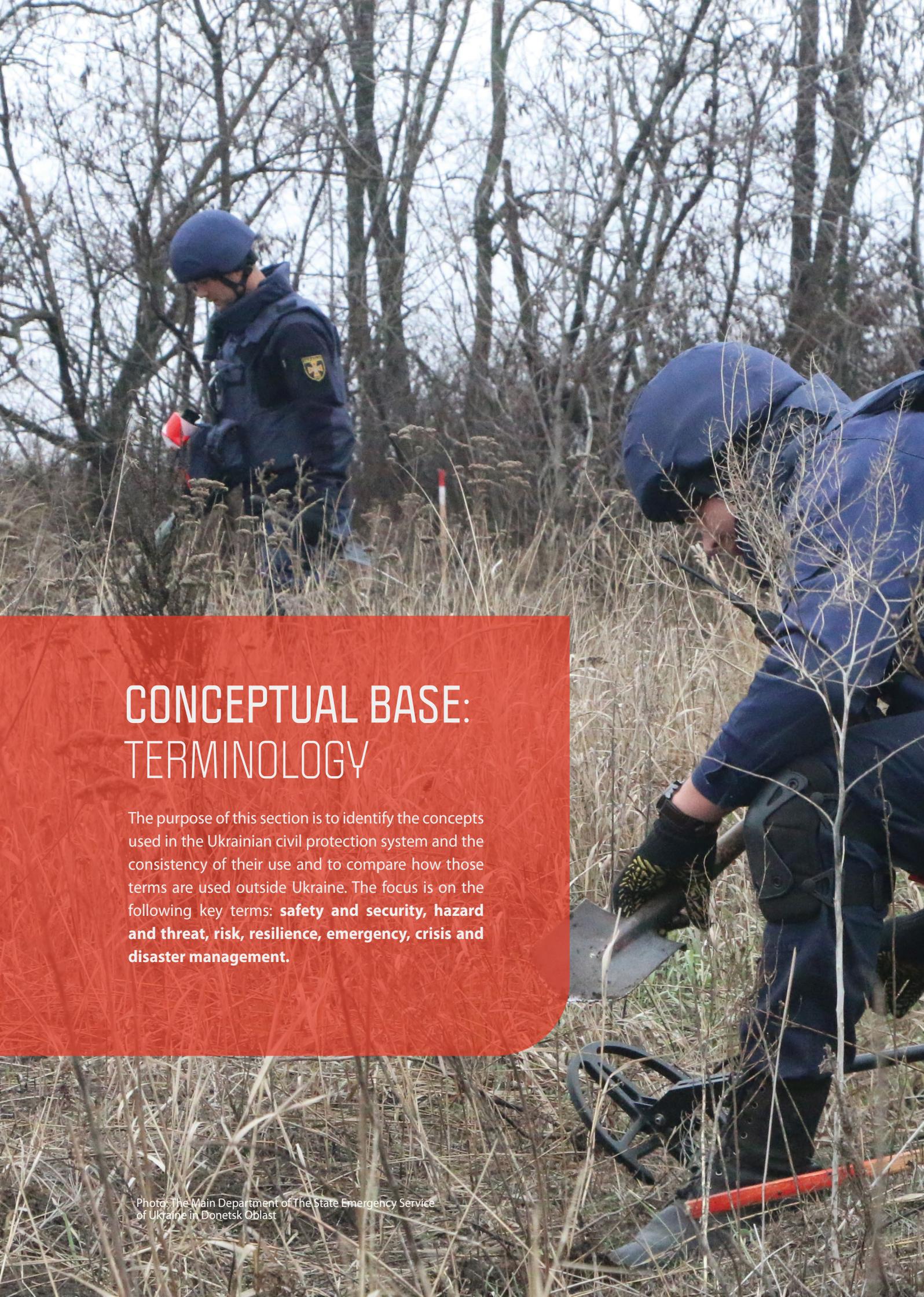
The UNDP's approach to **community security** includes both group and personal security and focuses on ensuring that the community members live their lives 'free from fear'. The wide variety of discrete risks can jeopardise the sense of community security and therefore, requires careful consideration. This is particularly critical for the most vulnerable communities in eastern Ukraine compared to other communities in Ukraine due to the conflict and all its complex implications. The specifics of the risk landscape of eastern Ukraine requires a rather distinct approach towards risk and threat management. This analytical report explores the current approaches towards risk and threat management and proposes how to improve those processes to address the needs of eastern Ukrainian communities for heightened community security.

It is important to note the **timeliness** of this work because the national public administration system is undergoing decentralisation reform. This means most of the functions related to the provision of security for communities are being transferred to the local civil protection authorities. The main goal of this ongoing process is that the local authorities are given the mandate to ensure the security of their local communities. Yet, there are also local representatives of the State Emergency Service (SES) who continue carrying out their mandate at the local level but as part of the central executive body rather than as part of the local administration. This creates a peculiar situation that requires careful division of roles and responsibilities and importantly, a strong mechanism of coordination for risk and threat management among all relevant actors at each level.

This report is geared to provide some answers on how to ensure viable coordination in eastern Ukraine that is context-appropriate given the risk landscape of the communities in eastern Ukraine.

Another important consideration regarding the timing of this report is related to the requirement put forward in the National Security Strategy. The strategy, titled “Human Security—the State’s Security” (Bezpeka Liudyny—Bezpeka Kraiiny) aims to develop the Public Security and Civil Protection Strategy by mid-March 2021. This is another window of opportunity to reflect on the findings of this analytical report and translate them into solutions for the Ukrainian civil protection system.

The Analytical Report on Risk and Threat Management Coordination is divided into the following sub-sections. The first sub-section, Conceptual Base: Terminology, explores the terminology in use. Conceptual Base: Risk and Threat Management Coordination explains the analytical framework of the report. The section Risk and Threat Management Coordination: Praxis section explores the assessment and treatment of risks and threats with a specific focus on eastern Ukraine. Last but not least, the Findings and Recommendations sections provide the way forward towards strengthening risk and threat management coordination in eastern Ukraine.



CONCEPTUAL BASE: TERMINOLOGY

The purpose of this section is to identify the concepts used in the Ukrainian civil protection system and the consistency of their use and to compare how those terms are used outside Ukraine. The focus is on the following key terms: **safety and security, hazard and threat, risk, resilience, emergency, crisis and disaster management.**

Safety and Security

In the **international context**, the terms 'safety and security' do not have a single uniform definition. Instead, 'safety' is largely used in relation to unintended accidents, predominantly in specific industries (i.e., industrial safety), while 'security' is predominantly used in the context of international events. Security is a more diverse concept with different interpretations related to state security, human security, and the whole variety of environmental, economic, military, political and social security.

Within the **framework of Ukrainian law and regulation**, the use of 'safety and security' is very diverse as well. Both security and safety are translated into Ukrainian as **безпека** (bezpeka). Similarly, in legal documents, the notions of 'safety' and 'security' are translated with the help of additional words, largely, adjectives. Hence, *The Law on National Security*¹, adopted in 2018² defines four types of security: national security, military security, state security and public security and order.

In the Ukrainian reality, there is a clear differentiation among the notions of 'security' into (1) **military security and state security** focused on the protection of national interests, explicitly listing state sovereignty, territorial integrity, and the democratic constitutional order that they safeguard, and (2) **public security and order**, aimed at the protection of individual or community interests. In each case, security is determined as a 'condition' in which a certain desired level of protection is achieved.

In the *Review of Regulation on the Public Security and Civil Protection*³, carried out regularly by the Ministry of Internal Affairs⁴, **public security** is defined as a *condition of the interests, rights and freedoms of the human and the citizen, vital for society and the person which are protected from unlawful encroachments and emergencies that pose a threat to the life, health and property of significant numbers of people*.

'Civil protection' falls under the 'public security and order' typology in the terminology of national security, yet it is not defined in the *Law on National Security*, but in Article 4 of the *Civil Protection Code of Ukraine*⁵.

The latest edition of the *National Security Strategy*⁶ adopted by Ukraine in September 2020 pays greater attention to matters of civil protection compared to its 2015 predecessor which focused predominantly on matters of defence, military and state security.

1 <https://zakon.rada.gov.ua/laws/show/2469-19#Text>

2 <https://zakon.rada.gov.ua/laws/show/2469-19#Text>. Last amended as of 17 September 2020.

3 «Огляд громадської безпеки та цивільного захисту» – «Обозрение общественной безопасности и гражданской защиты»

4 The procedure of carrying out Public Security and Civil Protection Review adopted by the Cabinet of Ministers on 22 May 2019

5 <https://zakon.rada.gov.ua/laws/show/5403-17#Text>

6 National Security Strategy of Ukraine 'Security of a Human—Security of the Land'. Adopted by Presidential Decree of 14 September 2020: <https://www.president.gov.ua/documents/3922020-35037>

The National Security Strategy has mandated the development, by mid-March 2021, of a number of derivative strategies, a few of which are directly related to civil protection. These include the *Public Security and Civil Protection Strategy* — to be developed by mid-March 2021 by the Ministry of Internal Affairs and submitted to the National Security and Defence Council of Ukraine by the Cabinet of Ministers of Ukraine. This is a **window of opportunity** to propose the recommendations developed under this consultancy for further consideration to strengthen public security in Ukraine.

Emergency vs. Disaster vs. Crisis Management

In the **international context**, there is no uniform understanding of or approach towards the concepts of emergency, disaster or crisis management. Instead, there is a huge variety of ways in which these concepts are used. For instance, in the USA the focus is predominantly on 'emergency' and 'emergency management'. In the UK, they operate with 'emergencies' and 'contingency management'. In Sweden – with 'emergencies', 'crisis', 'war' and 'contingencies management'. In Italy – with 'emergencies' and 'civil protection'. At the level of the EU, the focus is on 'crisis', 'emergencies', and 'civil protection', wherein the latter is seen as a framework and mechanism for dealing with the improvement of mutual aid between member states in the event of natural or technological disasters.

While the use of each term is conditional upon the context in which it is used, it is also important to understand the discrete meaning of each term. One very useful differentiation that can lead to a better understanding of the terms is the following⁷:

- **Emergency** — an out-of-the-ordinary situation that must be managed by employing urgent procedures in order to stop it escalating and thereby precipitating consequences that are more serious and damaging.
- **Disaster** — an event that has a substantial negative impact on human lives and activities and on the built or natural environment.
- **Crisis** — a sudden, intrusive interruption of normal conditions with potentially adverse consequences.

In the **Ukrainian context**, the word 'disaster' is interpreted in a rather narrow sense as 'natural disaster'. Instead, in practice, 'Emergency management' is mainly used, referring to response activities and can be phrased as 'management in emergencies'.

7 How to write an emergency plan, David Alexander, 2016, Dunedin

Emergency

*The Civil Protection Code*⁸ describes an **emergency** as a situation in a certain area or at a facility, which is characterised by the disruption of normal conditions and is caused by a catastrophe, accident, fire event, natural disaster, epidemic, epizootic, plant disease outbreak or the use of means of destruction or another dangerous event which has caused (or may cause) a threat to life or health of people, large numbers of deaths or injuries, significant material losses, as well as make it impossible for the people to remain in such an area or facility or maintain economic activity therein. The causes of the emergency may include the following: an accident, a catastrophe, a fire, the use of the means of destruction, natural disaster or the outbreak of a plant disease, natural disaster, epizootic or an epidemic.

Crisis situation

*The Law on National Security*⁹ defines a **crisis situation** as an 'extreme escalation of problems, an abrupt destabilization of the situation in any domain, region or country'¹⁰. The term is used throughout the document in conjunction with an explanatory remark describing crisis situations as 'posing a threat to the national security of Ukraine'¹¹ that begs the assumption that the scope pertains specifically to those situations that complicate matters of national security matters.

The National Security Strategy¹² includes a pledge to introduce 'effective strategic planning and crisis management' but this is not substantiated any further.

Disaster management

Given the approach of considering a natural disaster to be one of the causes of an emergency as set forth in the Civil Protection Code, **disaster management** is, in the context of Ukraine, treated as interchangeable with emergency management.

Disaster risk reduction

There is currently no immediately available local equivalent for **disaster risk reduction** unless used as a direct borrowing from English in the interaction or correspondence of Ukrainian institutions with international interlocutors. This term is also widely used throughout the various programmatic activities put forward and implemented by international and national development organisations.

Alongside emergency situations, Ukrainian national legislation recognises two other special legal regimes that may be invoked, namely: a state of emergency; and martial law.

8 Effective since 2013.

9 <https://zakon.rada.gov.ua/laws/show/2469-19#Text>

10 The Law on National Security and Defence Council, Article 4.

11 Ibid.

12 The latest edition adopted on 14 September 2020.

State of emergency

A **state of emergency**, as per the Law on the Legal Regime of a State of Emergency,¹³ is a special legal regime that can be introduced by the President of Ukraine subject to confirmation by the Verkhovna Rada of Ukraine (the parliament) for a specified period of time either nationwide or only in certain areas. The maximum period for a state of emergency is set at 30 days nation-wide or 60 days locally; however, it can be extended by the President of Ukraine, subject to another confirmation by the Verkhovna Rada, in both cases for no more than an additional 30 days. The Law on the Legal Regime of Martial Law¹⁴ declares an armed aggression or a threat thereof to be the trigger to introduce **martial law**. During martial law, military administrations are engaged in the provision of civil protection and public security within the areas entrusted to them. It is the National Security and Defense Council of Ukraine that has the mandate to propose the introduction of martial law to the President of Ukraine, who in turn has to secure immediate confirmation by Verkhovna Rada.

Risk vs. Threat vs. Hazard

In the international context, generally speaking, there are two conceptualisations of risks that both emanate from different practices. From industry, we get the conceptualisation of risk that laid the foundation for the ISO 31000:2018 standards on Risk Management. Risk here is defined as *'the effect of uncertainty on objectives'*, wherein 'effect' is seen as a deviation from expectations and can be both of a negative and a positive nature. Risk is explained to be expressed in terms of risk source, potential events, consequences and likelihood.

The second approach to **risk** emanates from disaster-related scientific research and conceptualisations. From this perspective, risk is understood as a complex interplay of exposure to hazard(s), vulnerability and coping capacities. **'Disaster risk'** is one of many different risks that any society, community, organisation or person might face. The definition of 'disaster risk' is proposed by UNDRR and includes *'the potential loss of life, injury, or the destruction or damage of assets which could occur to a system, society or a community in a specific period of time, determined probabilistically as a function of hazard, exposure, vulnerability and capacity'*¹⁵.

The UNDRR Terminology provides a definition of **'hazard'** but not of **'threat'**. It describes the former as *'[a] process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation'*¹⁶.

13 <https://zakon.rada.gov.ua/laws/show/1550-14#Text>

14 <https://zakon.rada.gov.ua/laws/show/389-19#Text>

15 <https://www.undrr.org/terminology/disaster-risk>

16 Ibid.

This definition of 'hazard' is based on the concept of human security and explores natural hazards, anthropogenic hazards and socio-natural (including environmental and climate change) hazards. In the literature, quite often, 'threat' is used as a generic term to describe danger, whether the danger has actualised or not. In contrast, hazard (as in danger of loss of life, injury, etc.) can happen when interacting with sources of hazard.

Sometimes 'hazard' and 'threat' can be used interchangeably, however, this is not advised by the authors of this paper. It is important to acknowledge that when interacting with various sources of hazard, each hazard can present different threat levels. A similar approach to 'threats' and 'hazards' is employed by the Federal Emergency Management Agency (FEMA)¹⁷.

In the **Ukrainian context**, all these terms are used, but there are no specific definitions in the Civil Protection Code. 'Threat' is more frequent where response is concerned; hazard is more frequent where preparedness is discussed. While 'risk' and 'threat' have immediate equivalents in the Ukrainian language, ризик (rizik) and зарпоза (zaporza) respectively, небезпека (nebezpeka, literally, a 'non-safety' or 'non-security') is used with the connotation of both 'hazard' and 'danger'.

(I) Understanding risk

Adopted in 2014, the *National Concept on Man-made and Natural Disaster Risk Management*¹⁸ employs the term 'risk', providing, however, no definition. Neither does the *Civil Protection Code of Ukraine*¹⁹.

Another important legal document, *the Law on Major Hazard Facilities*²⁰, defines '**risk**' as 'a degree of probability that a certain adverse event may occur at a certain time or in certain circumstances within the location of a facility presenting a major hazard and/or outside thereof'²¹. The same Law on Facilities Presenting a Major Hazard also contains a definition of 'risk management' as 'a process of decision-making and implementation of measures aimed at reducing the risk to the minimum possible degree'²². The Law on Facilities Presenting a Major Hazard operates with 'acceptable risk' as the one not exceeding an agreed threshold within the location of a facility presenting a major hazard or outside thereof.

There is **another definition of 'risk'** offered in the *Law on the Sanitary and Epidemiological Well-Being of the Population*²³ that stipulates a risk as a probability and the probable scale of the negative impact within a certain period of time.

17 https://www.fema.gov/pdf/plan/prevent/rms/155/e155_unit_iii.pdf

18 Concept of Man-Made and Natural Disaster Risk Management. Adopted by the Resolution of the Cabinet of Ministers of 22 January 2014: <https://zakon.rada.gov.ua/laws/show/37-2014-%D1%80#Text>

19 The Civil Protection Code of Ukraine. Adopted on 02 October 2012: <https://zakon.rada.gov.ua/laws/show/5403-17#Text>

20 Adopted in 2001; last amended in 2012.

21 Ibid.

22 Ibid.

23 Adopted in 1994; last amended in 2012. <https://zakon.rada.gov.ua/laws/show/4004-12#Text>

Similar definitions are also found in the *Law on Safety and Quality of Food Products*²⁴. Related pieces of legislation on biosafety and biosecurity such as²⁵ and²⁶ offer a broader reading of risk, as the probability and the scale of effects from an adverse event within a certain period of time. The term is defined similarly in the Law on²⁷. They define the focus of risk management as reducing risk.

An extensive glossary on risk is contained in the *Risk Analysis Manual*²⁸ introduced within the State Border Guard Service, which is part of the Ministry of Internal Affairs, including risk, risk analysis, risk indicator, risk foresight, risk profiling, common risk analysis²⁹ and common integrated risk analysis model. The Manual introduces **risk as the probability of a threat**. The *Border Guard Risk Analysis Manual*³⁰ provides a method for determining the risk level (i.e., Low, Moderate, Acceptable, High and Critical) using the formula:

$$R = f(T, V, I)$$

whereby *R* — risk level; *T* — threat level; *V* — vulnerability level; *I* — impact level.

(II) Understanding threat and hazard

The Law on National Security defines ‘**threats to national security**’ as events, trends and factors which make impossible or complicated, or may make impossible or complicated, the achievement of Ukraine’s national interests or the protection of Ukraine’s national values. The National Security Strategy determines existing and foreseen (or foreseeable) threats to Ukraine’s national security and national interests³¹.

However, the terms ‘threat’ and ‘hazard’ are often used interchangeably. Most noticeable is the Ukrainian official translation of ‘threat’ as ‘hazard’ in the EU Seveso III Directive³². The Civil Protection Code, in turn, uses the phrase ‘threat of emergency’.

24 Adopted in 1998; last amended in 2013. <https://zakon.rada.gov.ua/laws/show/771/97-%D0%B2%D1%80#Text>

25 Adopted in 1992; last amended in 2013. <https://zakon.rada.gov.ua/laws/show/2498-12#Text>

26 Adopted in 1993; last amended in 2018. <https://zakon.rada.gov.ua/laws/show/3348-12#Text>

27 Adopted in 2015. <https://zakon.rada.gov.ua/laws/show/124-19#Text>

28 Enacted by the Ministry of Internal Affairs on 11 December 2017.

29 Common refers here to risk analysis conducted engaging representatives of foreign states as well as of international organizations and institutions.

30 <https://zakon.rada.gov.ua/laws/show/z0091-18#Text>

31 The Law on National Security, Article 26.

32 Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC.

**ANALYTICAL
REMARKS:**

- A definition of 'risk' is absent from the key legal framework of civil protection, primarily the Civil Protection Code. There is, however, a definition of risk as applied to various sectors and sector-specific activities: regarding the operation of major facilities presenting a hazard, that is, any industrial complex; but also the s the public health situation, biosecurity and biosafety, and border security. Interestingly, risk is used for the design of regional development strategies. However, the way it is formulated and applied does not suggest that it is sufficient for informed strategy development.
- 'Threat' and 'hazard' also lack definitions in the field of civil protection. 'Threat' is used predominantly in contexts related to national security and defence, while in the civil protection discourse its use is rather fragmented.
- 'Emergency management' and 'disaster management' are used interchangeably in the Ukrainian civil protection domain, yet, natural disasters are among many other possible sources of an emergency situation according to Ukrainian legislation. In practice, 'disaster' is used mostly to refer to 'natural disaster'.
- 'Disaster management' is narrowed down mostly to response operations rather than to the entire cycle of mitigation, prevention, preparedness, response and recovery.
- In Donetsk and Luhansk Oblasts, the concept of risk is used in Oblast Development Strategies with regards to the impact of a threat to the identified weaknesses in each oblast but cannot be sufficient for informed strategy development.
- Recently, the notion of 'resilience' is gaining momentum internationally, quickly becoming the priority and main objective for any system (e.g., community, society, organisation, etc.) to achieve and maintain vis-à-vis any multitude of known and unknown risks. This is not sufficiently reflected in the Ukrainian legal and regulatory framework nor in practice in the ECA.

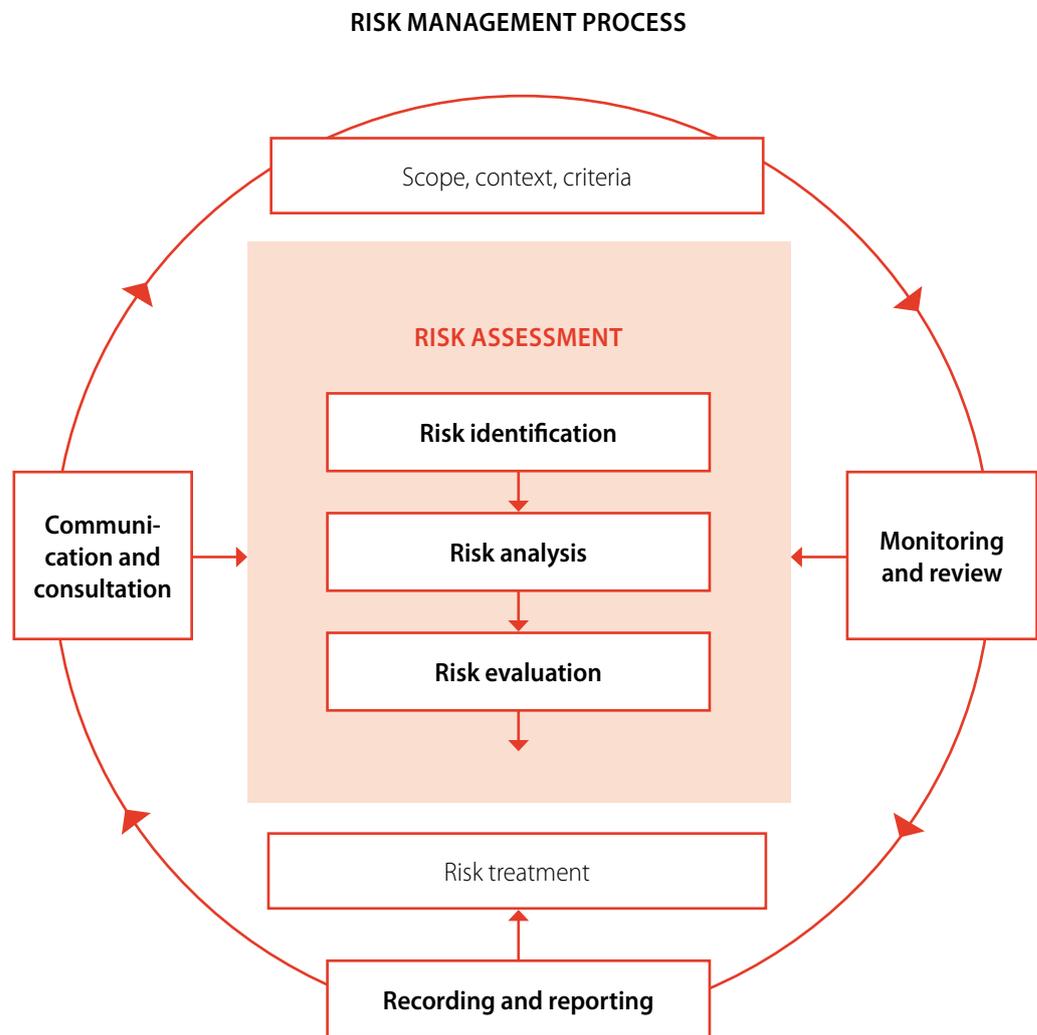
CONCEPTUAL BASE: RISK AND THREAT MANAGEMENT COORDINATION

This section explains the conceptual base for the analysis of risk and threat management coordination based on the ISO 31000:2018 Risk Management Guideline. The guideline explains the main risk management processes as presented in Exhibit 1 below.

Photo: The Main Department of The State Emergency Service of Ukraine in Donetsk Region



Exhibit 1:
**Risk management
 processes as per
 ISO 31000:2018³³**



The most important thing to take away from this exhibit is the clear differentiation between various risk management processes, specifically between risk assessment and risk treatment (or response) and the sequential connection between them. That is, risk assessment comes first, then risk treatment. This is to emphasise that these are distinct processes that need to be organised taking the following two important components into consideration: (1) the **notion of risk**; and (2) the mechanism of **stakeholder engagement and coordination** for risk assessment and processes for handling risk respectively.

33 <https://www.iso.org/standard/65694.html>

The notion of risk

The reasons for discussing the notion of risk ahead of risk assessment and the reasons why it is important for the purpose of this analytical report may be unclear, yet they are well justified. It is important to recognise that the notion of risk is not static, and it has evolved and been modified over time. **Today there is one word but multiple notions of risks.** Therefore, if it is important to be explicit about the notion of risk as approaches towards both risk assessment and risk treatment largely depend on which notion of risk they are based on. Over the years, there have been three main notions of risk.³⁴

- *Conventional risk*: risks that are quantifiable, objective and unrelated to value systems or their interpretations. Examples include those associated with industrial risks.
- *Emerging risks*: new known risks that develop in a new context/conditions and are unfamiliar. Examples include those associated with the risks arising from the use of autonomous vehicles (AV) or nanotechnologies.
- *Systemic risks*: refers to the probability of the breakdown of an entire system as opposed to breakdowns in its individual parts or components. Examples include those associated with the financial crisis, when the worst-case scenario risks materialised and caused not only the failure of the whole system but also spill-over into other systems.



UNDERSTANDING COMPLEXITY, AMBIGUITY AND UNCERTAINTY

Complexity refers to difficulties in identifying and quantifying the causes of specific adverse effects and in understanding a sociotechnical system.

Uncertainty refers to a lack of scientific or technical data or a lack of clarity or quality of the data. Uncertainty describes the level of confidence that analysts associate with a qualitative or quantitative assessment of a specific risk. The less that is known, the higher the level of uncertainty in risk assessment is.

Ambiguity results from divergent perspectives on a given risk, including the likelihood and severity of potential adverse outcomes. Risks that are subject to high levels of ambiguity include issues in which economic or ethical issues are inextricable and from which controversies and polemics can emerge.

³⁴ IRGC, <https://www.epfl.ch/research/domains/irgc/concepts-and-frameworks/page-139715-en-html/>

It is, therefore, important to be explicit about which typology of risk is being explored through risk assessment and ensure there is a sufficiently nuanced risk analysis tailored to the specifics of each. When assessing conventional risks, it is critical to ensure that technical expertise focuses only on the science behind the causes and consequences of the risk. The challenge is to ensure the necessary range of technical expertise. The situation is more complex and challenging when assessing emerging or systemic risks. Assessment of these types of risk requires not only technical experts but also people to contribute and bear the impact of the risks, that is, the risk stakeholders. This is to say that such **risk assessment will include two dimensions**: *technical assessment (as already discussed) and concern assessment*³⁵, which implies perceiving, interpreting and understanding a given risk, public concern about the risk, considering the ethical issues around the risk and much more. Therefore, deliberation about various emerging or systemic risks must include a wider range of stakeholders. The major challenge here is the complexity, uncertainty and ambiguity of the process.

Disaster risk encompasses all three notions of risks and it is absolutely critical first, to understand what the risk to be assessed and managed is and, second, to ensure that all actors engaged have the same understanding of the notion of risk.

Stakeholder engagement and Coordination Mechanisms

The engagement of different stakeholders is critical for risk assessment, from both the technical and public concern perspectives. This is important to bear in mind when shaping coordination mechanisms for effective risk assessment and risk treatment.

One critical consideration here is to emphasise that the risk assessment team and risk treatment (or response) team usually include a different range of stakeholders and serve different objectives. Risk assessment is an analytical exercise that includes the identification of hazards; a review of the technical characteristics of hazards such as their location, intensity, frequency and probability; the analysis of exposure and vulnerability, including in the physical, social, health, environmental and economic dimensions. It often requires several rounds of deliberation, additional data mining, analysis, etc.

Only when the risks are assessed and the risk landscape is defined can the team of decision-makers from various agencies responsible for planning for prevention, preparedness, response, and recovery meet to discuss risk prioritisation and risk treatment. The objectives of this team are to define the existing capabilities to respond to the risks, the capability gap, the strategies to mobilise the missing capacities, the division of roles and responsibilities in emergency planning and so on.

³⁵ Introduction to IRGC Risk Governance Framework, Revised Version, IRGC, 2017

This is a widely used practice in the international arena. For instance, the national risk assessment practises that are usually linked with national security strategies are further used to inform preparedness and capability planning. In the USA, the Strategic National Risk Assessment (SNRA) calls for the creation of a National Preparedness Goal, a National Preparedness System and a National Preparedness Report. National preparedness is based on the core capabilities that support 'strengthening the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, cyber-attacks, pandemics, and catastrophic natural disaster'³⁶.

Stakeholder involvement in risk and threat assessment and treatment processes is high and exhibits an ethos of openness when appropriate given considerations for national security. There is a balance to be struck in making the process as transparent as possible for those who need to know, such as planners and regional authorities, while protecting and ensuring security. Therefore, stakeholder engagement should be addressed through the prism of fit-for-purpose rather than a false sense of 'inclusiveness'.

Inclusiveness has become a new panacea for risk assessment; however, this can often be misleading. The challenge is not to include everyone and create a team with unclear roles, responsibilities, expectations and capabilities. The challenge is to create a team that is functional and can deliver the expected objectives. This implies a careful selection of those who have the mandate and expertise necessary for either risk assessment or risk treatment.

The guiding principle for the selection of stakeholders for the purpose of risk assessment is the principle of risk footprint³⁷. Divergence in understanding risk inhibits a shared understanding of safety and security and might lead to disarray in efforts towards safety and security. This is influenced by factors such as age, profession, past experience, educational level, socio-economic status, gender and many more. For example, a police officer might see safety and security risks in a fundamentally different way compared to a schoolteacher, farmer or musician. No better or worse, not more informed or less informed, but simply different. Similarly, given that risks are socially constructed, the differences in the interpretations and perceptions of risk held by various stakeholders are inevitable, which leads to a wide variety of opinions.

36 <https://www.dhs.gov/xlibrary/assets/rma-strategic-national-risk-assessment-ppd8.pdf>

37 International Security Management: New Solutions to Complexity. Springer. Editors: Jacobs, G., Suojanen, I., Horton, K., Bayerl, P.S. (Eds.)

ISO 3100:2018 defines 'risk stakeholder' as 'a person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity'³⁸. The risk footprint principle suggests the following consideration. Each risk has three components: a risk event, its causes and its consequences. When sketching the causes and consequences, we define the risk footprint. The risk footprint is the imprint of the causes and consequences of a risk event and the reflection of the level of analysis that went into understanding the risk. For instance, to say that there is a risk of flooding is to say nothing. Instead, to define, for instance, the main causes of a possible flood in a given area, with the range of consequences it can precipitate over a given period of time, is a sufficiently detailed understanding of a risk. This would trigger an adequate response from the management team. A risk might have a large cause imprint and a smaller consequence imprint or vice versa.

Each risk inevitably has its causes and its consequences, hence, those who directly contribute to the risk's causes or bear the consequences of the risk are the risk stakeholders. Understanding the risk footprint for each risk allows those stakeholders that either contribute to or bear the impact of that risk to be identified. The most viable risk governance mechanism is the one that leaves no risk stakeholder behind.

38 <https://www.iso.org/standard/65694.html>

RISK AND THREAT MANAGEMENT COORDINATION: PRAXIS

This section explores the specifics of risk assessment and risk treatment in Ukraine with a focus on the Eastern Conflict Area (ECA). This section explores not only how the theory is enacted but also the accepted practices and the customs emerging from local needs. This is the praxis of risk and threat management coordination. As emphasised in the previous section, risk management involves several processes including risk assessment and risk treatment. In both cases, the stakeholder engagement mechanism is of critical importance. Therefore, this section is arranged into three parts: (i) Understanding stakeholders in risk and threat management; (ii) Risk and threat assessment coordination, and (iii) The coordination of risk and threat treatment.



(i) UNDERSTANDING STAKEHOLDERS IN RISK AND THREAT MANAGEMENT

When exploring the Ukrainian risk and threat management landscape, it is important to bear in mind that (a) there is no universal definition of risk; (b) threats are largely understood in the context of national security; (c) emergency management is treated interchangeably with disaster management, whereby (d) emergency is defined in the Civil Protection Code³⁹ as *a situation in a certain area or at a facility, which is characterised by a disruption of normal conditions and is caused by a catastrophe, accident, fire event, natural disaster, epidemic, epizootic, plant disease outbreak, or the use of means of destruction or another dangerous event which caused (or may cause) a threat to life or health of people, large numbers of death or injury, significant material losses, as well as make it impossible for people to remain in such area or facility or maintain economic activity therein.*

With this conceptual diversity, the mandates of different actors for risk and threat management might not be clear-cut. There are several key players in the field of risk and threat management in Ukraine and in the ECA specifically. The main player is the Ministry of Internal Affairs and under it, the State Emergency Service of Ukraine.

(A) The Ministry of Internal Affairs

The Ministry of Internal Affairs of Ukraine, in the context of national security, is responsible for four areas of work⁴⁰:

- law enforcement, led by the National Police;
- border security, led by the State Border Guard Service;
- *civil protection*, led by the State Emergency Service (SES); and
- migration affairs, led by the State Migration Service.

The Minister of Internal Affairs represents the SES at the Cabinet of Ministers as the Head of the service does not hold a Cabinet seat. The Ministry of Internal Affairs is responsible for developing the most important long-term strategic planning document in the realm of civil protection — the national **Public Security and Civil Protection Strategy**, which, according to the September 2020 presidential decree⁴¹ is due mid-March 2021, as well as the **Public Security and Civil Protection Review**, which is compiled by the Ministry of Internal Affairs at the request of the National Security and Defense Council. The civil protection review is defined as a procedure for assessing the preparedness of the unified system of civil protection, its functional and regional sub-systems, and the civil protection forces that are to respond to potential emergencies and protect the population and national territory from such situations. A recent resolution by the National Security and Defence Council determined that the inaugural edition of the Review will be due⁴².

³⁹ Effective since 2013.

⁴⁰ Law on National Security, Article 18

⁴¹ <https://zakon.rada.gov.ua/laws/show/392/2020#Text>

⁴² <https://zakon.rada.gov.ua/laws/show/n0009525-20#Text>

(B)
The State
Emergency Service
of Ukraine (SES)

The State Emergency Service of Ukraine (SES) is a central executive body directed and coordinated by the Cabinet of Ministers through the Minister of Internal Affairs. The SES executes government policies on *'civil protection, the protection of the population and areas from emergency situations and their prevention, emergency response, rescue work, firefighting, fire and technological safety, search and rescue services as well hydrometeorological activity'*⁴³.

The Head of the Service is not a member of the Cabinet of Ministers — the SES is represented by the Minister of Internal Affairs at Cabinet meetings unless an extended meeting of the Cabinet of Ministers is summoned. The SES's areas of work, as specified in *the Civil Protection Code, the Law on National Security and Agency Regulation*⁴⁴, include:

- civil protection;
- the protection of the population and areas from emergencies and prevention thereof;
- emergency response;
- search and rescue;
- firefighting;
- fire and technological safety; and
- hydrometeorological services.

The SES is responsible for the direction of the Unified System of Civil Protection, as set out in the Civil Protection Code, and for the coordination of its functional (represented by sectoral agencies) and regional (represented by regional or local authorities) sub-systems.

The internal hierarchy within the SES is as follows: there are civil protection units at each level of public administration, i.e., national, regional and local. There are 25 territorial bodies,⁴⁵ 10 units under central subordination, 3 educational establishments, and a scientific and research organisation. The 25 service garrisons are further divided into 'special-purpose emergency rescue teams' (such as a mine rescue service, mountain search and rescue units, diving and rescue units, canine units, and a humanitarian demining unit) and 'fire and rescue units'.

The SES oversees regional departments created in each of Ukraine's administrative units which then work together with regional administrations and local governments to address risks and threats emerging within the respective geographies, deliver emergency response by deploying its dedicated units as well as providing assistance in relief, recovery and reconstruction within the specified legal scope and the available capabilities. The Ministry of Internal Affairs' sister agencies can provide assistance to the SES and local actors during emergencies, but their role is mostly auxiliary and defined by their specific mandates (e.g., crime and public order for the National Police; border security for the Border Guard Service).

43 The Law on National Security, Article 18.

44 Regulation on State Emergency Service of Ukraine. Initially approved by the Cabinet of Ministers of 16 December 2015 and last revised in 2018.

45 <https://www.dsns.gov.ua/en/>

The SES is responsible for the direction of the Unified System of Civil Protection, as set out in Civil Protection Code, and for coordination of its functional (represented by sectoral agencies) and regional (represented by regional or local authorities) sub-systems. This is to say that prevention and general sectoral preparedness is the responsibility of the so-called functional systems, i.e., the relevant sectoral ministries and agencies.

(C)
The Commission
on Technogenic
and Environmental
Safety and
Emergency
Situations

The Commission on Technogenic and Environmental Safety and Emergency Situations.⁴⁶ The Commission was established by the Cabinet of Ministers of Ukraine in 2015. It is *'a permanent authority called to ensure the coordination of activities of central and local executive bodies and its duties include providing technogenic and environmental safety, protection of the population and territories from emergencies, taking organisational measures to counter-terrorism and military threats, prevent emergencies and respond to them'*⁴⁷. It functions at all levels of the public administration from national to oblast (i.e., regional) and local levels.

The Constitution outlines most of the mandate and areas of responsibility in the context of 'national security' for various other branches of public administration in the country, most notably:

(D)
The President

The President of Ukraine⁴⁸, is *inter alia* responsible for 'national security', is 'the Supreme Commander-in-Chief of the Ukrainian Armed Forces' and 'presides over the National Security and Defense Council', 'makes the decision on the introduction of a state of emergency nationwide or locally, declares an area an environmental emergency zone, and 'the introduction of martial law nation-wide or locally' subject to parliamentary assent. In the event of the introduction of martial law, the military administrations are engaged in the provision of civil protection and public security within their entrusted areas.

(E)
The National
Security and
Defence Council

The National Security and Defence Council of Ukraine⁴⁹ is a permanent coordination body established in Article 107 of the Constitution of Ukraine. The Council provides coordination and oversight among the executive bodies as pertains to national security and defence. Ex officio membership includes the Prime Minister, the Minister of Defense, the head of the State Security Service (the SBU), the Minister of Internal Affairs and the Minister of Foreign Affairs, while the speaker of the Verkhovna Rada may also be invited to the Council's meetings. The personal composition of the Council is determined by the President. For example, the current composition includes, alongside the President, the speaker of the Verkhovna Rada, ex officio members and the secretary.

46 <https://zakon.rada.gov.ua/laws/show/18-2015-%D0%BF#Text>

47 Ibid.

48 As Ukraine utilizes a semi-presidential system, the head of state (President) and the head of government (Prime Minister) roles are separate.

49 https://www.kmu.gov.ua/storage/app/imported_content/document/110977042/Constitution_eng.doc; <https://zakon.rada.gov.ua/laws/show/183/98-%D0%B2%D1%80#Text>

It also includes another ten state officials, namely: three Deputy Prime Ministers (for European and Euro-Atlantic Integration, for the Reintegration of Donbas and Crimea and for Strategic Industries), the Minister of Finance, the Prosecutor General, the Head of the President's Office, the Commander-in-Chief of the Armed Forces, the Head of the State Financial Monitoring Service, the Governor of the National Bank and the director of the Foreign Intelligence Service. Coordination and oversight within the state executive are exercised in peacetime, under martial law or a state of emergency as well as when '*crisis situations posing threat to the national security of Ukraine arise*'⁵⁰.

(F) The Verkhovna Rada

The Verkhovna Rada of Ukraine, which, after the President of Ukraine decrees the introduction of a state of emergency, martial law or mobilization or declares an environmental disaster, is responsible for approving such actions of the President. The Constitution bears no clear reference with respect to the Verkhovna Rada in terms of the safety and security domains; however, it stipulates that the parliament exercise parliamentary oversight, including of the defence and security sector. The Verkhovna Rada includes 23 thematic committees⁵¹, including:

- the Committee on National Security, Defence and Intelligence;
- the Committee on Human Rights, De-occupation and Reintegration of the Temporarily Occupied Territories in Donetsk and Luhansk Oblasts, the Autonomous Republic of Crimea, and the city of Sevastopol, on national minorities and interethnic relations.

At the level of **the Donetsk and Luhansk Oblasts**, there are additional players, which is necessitated by the special status of these oblasts. The Donetsk and Luhansk Oblasts, or the Eastern Conflict Area (ERA), have been existing under specific, ad hoc legal regimes since the armed conflict broke out in 2014. The current regime of the Joint Force Operation (JFO) is characterized as '**martial law lite**' and has been enacted since the spring of 2018 by the *Law on the Specificities of Government Policy for the Securing of State Sovereignty of Ukraine in the Temporarily Occupied Areas of Donetsk and Luhansk Oblasts*⁵², also colloquially known as the 'JFO Law' or 'Reintegration Law' (2018). The JFO is considered to be the reformatting of the Anti-Terror Operation (ATO) that had been effective in the region since 2014.

The JFO Law comprises, together with the *Law on Civil-Military Administrations*⁵³, the **additional legal framework** that exists in the Eastern Conflict Area of Donetsk and Luhansk Oblasts. More specifically, the law establishes a framework for the mixed form of regional and local administration employed in Donetsk and Luhansk Oblasts. Both oblast administrations currently retain the status of civil-military administrations as do the administrations in multiple villages, towns and cities, specifically in those areas closely situated to the 'contact line'.

50 The Law on National Security and Defence Council, Article 4.

51 Verkhovna Rada Committees: http://w1.c1.rada.gov.ua/pls/site2/p_komitis

52 <https://zakon.rada.gov.ua/laws/show/2268-VIII#Text>

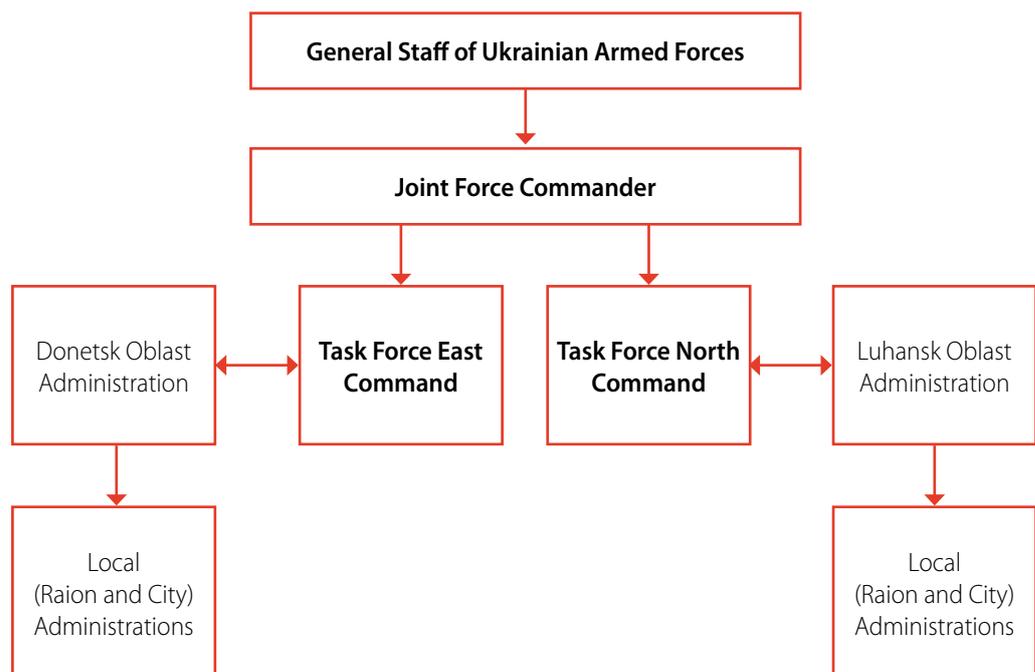
53 <https://zakon.rada.gov.ua/laws/show/141-19#Text>

This framework defines how the two administrative regions differ in aspects of safety and security compared to the rest of the country.

The JFO regime provides for an extended role for agencies in the security and defence sector to play in the provision of security in Donetsk Oblast and Luhansk Oblast alongside the conduct of the defence operation. Notably, when referring to national security, the Law on the Joint Force Operation⁵⁴ includes 'humanitarian, and environmental' security among other forms, demonstrating a comprehensive approach and an increased role for the military and other defence and security sector actors to play in the daily lives of the conflict-affected populations. Alongside running municipal economies and supporting the defence effort, they participate in civil protection measures. These include responding to natural disasters and biological hazards, providing for the evacuation of the population from the area entrusted to them in the event of an emergency and creating municipal emergency response and rescue teams with local budget allocations⁵⁵.

Alongside the normal chain of command, the SES and Police units deployed in Donetsk Oblast and Luhansk Oblast, similarly to other uniformed and law enforcement agencies, are subordinate to the military-run Joint Force Command in matters related to national security. The Joint Force Commander on site, and the General Staff of the Ukrainian Armed Forces at the strategic level, are to decide which matters pertain to national security in the region and, therefore, have to be referred to and approached through the JFO structure. The JFO structure and its interlinkages with the regional/local administrations are outlined in Exhibit 2 below.

Exhibit 2:
**Structure
of the Joint
Force Operation
in the Eastern
Conflict Area**



⁵⁴ <https://zakon.rada.gov.ua/laws/show/2268-VIII#Text>

⁵⁵ The Law on Civil-Military Administrations, Article 40.

It is important to clearly differentiate two different concepts:

(a) CIMIC (civil-military coordination) is coordination and cooperation *in support of the military mission* between the forces and civil actors. The CIMIC concept is defined, for instance, in the updated version of NATO's doctrine for the planning, execution and assessment of civil-military cooperation in the context of Allied joint operations, i.e., AJP-3.19 from 2018⁵⁶, which followed AJP-9 from 2003⁵⁷. A draft Strategy for the Protection of Civilians in Armed Conflict, being, as of late 2020, considered by the Office of the President of Ukraine, is intended to include such CIMIC aspects in national Ukraine's domestic practice⁵⁸.

(b) Humanitarian Civil-Military Coordination, a term to describe the *civil-military-police relationship in natural disasters and complex emergencies*. OCHA was mandated by the Inter-Agency Standing Committee (IASC) to be the focal point within the UN System to ensure effective Humanitarian Civil-Military Coordination (UN-CMCoord) in humanitarian emergencies back in 1995–1996, as part of the broader coordination mandate of OCHA under GA resolution 46/182⁵⁹.

Later, after the earthquake in Nepal in 2015, another concept evolved and took shape within OCHA, i.e., Humanitarian Civil-Military Coordination (HuMOCC)⁶⁰ which is meant to be activated in response to disasters. The HuMOCC is supposed to be led by the National Disaster Management Organisation and is supported by UN-CM Officers. However, in both cases, the focus is on supporting disaster response operations wherein the national disaster management agencies are in the lead role.

There are also numerous international non-state actors as well as local civil society organisations involved in various aspects related to maintaining community or public security in the region such as: ACTED, the Danish Refugee Council/Danish Demining Group, The HALO Trust, the Danish Red Cross, the ICRC, the Norwegian Refugee Council, the Ukrainian Red Cross Society, Right to Protect and others.

56 <https://www.handbook.cimic-coe.org/8.-annex/reference-docs/ajp-3.19-eda-v1-e.pdf>

57 <https://www.nato.int/ims/docu/ajp-9.pdf>

58 <https://www.mil.gov.ua/ministry/normativno-pravova-baza/gromadske-obgovorennya/57744/proekt-ukazu-prezidenta-ukraini-pro-rishennya-radi-nacjonalnoi-bezpeki-i-oboroni-ukraini/>

59 <https://www.unocha.org/sites/dms/Documents/02.%20Civil%20Military%20Guidelines%20and%20Reference%20for%20Complex%20Emergencies.pdf>

60 https://www.unocha.org/sites/dms/ROAP/Civil%20Military%20Coordination/images/RCG_05042017_Final_electronic.pdf

**ANALYTICAL
REMARKS:**

- The Ukrainian civil protection system is a centralised system with a hierarchy of structural units both territorial and functional. However, as a body within the system of the Ministry of the Interior, the actual power of the SES might be somewhat limited.
- The only inter-agency coordination mechanism related to emergency management or disaster management is the Commission on Technogenic and Environmental Safety and Emergency Situations, a permanent commission under the Cabinet of Ministers. The functions of the commission include but are not limited to *providing technogenic and environmental safety, protection of the population and territories from emergencies, taking organisational measures to counter terrorism and military threats and preventing emergencies and responding to them*. Such functions are, however, rather generic; the focus is only on response and not preparedness, prevention or even recovery.
- The context of the ECA is very specific as the whole system of public administration operates within the context of martial law lite', wherein military activity dominates the civilian functions of both Luhansk and Donetsk oblasts. In this context, the need for a coordinating mechanism for both safety and security with clearly defined roles and responsibilities is of great importance. It is needed to address the challenges within the ECA region but also those that might require an escalation from the purview of the authorities of the ECA region to that of higher-level authorities.

(II) RISK AND THREAT ASSESSMENT COORDINATION

This section explains the practices of risk and threat assessment and inclusiveness and links with emergency planning. Emergency planning should be seen as a 'general term', referring to planning for preparedness, prevention and response.

Background

With a certain degree of generalisation, it is possible to conclude that there are two main risk and threat coordination models that are currently in use in Ukraine. **Model 1** is applied specifically to national security and defence risks and threats — the other, to geopolitical risks and threats, and is run under the National Security and Defence Council mandated and chaired by the President. The National Security and Defence Council, supported by, among others, the National Institute for Strategic Studies⁶¹, determines '*potential and tangible threats to the national interests of Ukraine*'⁶², addressing issues across the political, economic, social, military, science and technology, environmental, information and other realms.

In contrast, model 2 deals with all the risks and threats that do not fall under the national security and defence ambit. Its implementation is overseen by the Ministry of Internal Affairs. The SES oversees regional departments created in each of Ukraine's administrative units who then work together with regional administrations and local governments to address risks and threats emerging within their respective geographies, delivers emergency response by deploying its dedicated units as well as providing assistance in relief, recovery and reconstruction within the specified legal scope and the available capabilities. The Ministry of Internal Affairs' sister agencies can provide assistance to SES and local actors during emergencies, but their role is mostly auxiliary and defined by their specific mandates (e.g., crime and public order for the National Police; border security for the Border Guard Service).

Following the requirements set forth in the Civil Protection Code⁶³, **emergencies** are classified into four types by scope: national, regional, local, and site emergencies. Each scope has a numerical threshold to be classified as such, as provided in Annex 1: Criteria for emergency classification. **Types of emergencies** include technological, natural, social and military.

61 <https://niss.gov.ua/>

62 <https://zakon.rada.gov.ua/laws/show/183/98-%D0%B2%D1%80#Text>: Article 4

63 Civil Protection Code, Article 5.

The only 'risk assessment' document prepared by the SES that covers a certain territorial unit is the so-called '**risk passport**' developed at the regional (oblast) level. It is a document that outlines the major hazards in the region but does not involve a unified and rigorous approach towards impact and capability assessment, without which emergency planning cannot be sufficiently informed. The regional risk passport includes the data presented in Table 1 below.

Table 1:
**Data covered
in risk passports**

Geography	Energy infrastructure	Karst
Political representation	Chemical hazards	Flooding
Demographics	Radiation and nuclear hazards	Abrasion
Relief	Fire hazards	Erosion
Vegetation	Hydrodynamic hazards (water reservoirs and dams)	Swamps
Climate data	Mining dumps	Hydrological hazards
Water bodies	Hazardous waste	Fire in ecosystems
Economy	Municipal waste	Infectious disease clusters
Transportation	Meteorological hazards	Morbidity rate
Pipelines	Geological hazards	Accidental mortality
Agriculture	Earthquakes	Livestock diseases
Utilities and municipal infrastructure	Landslides	Crop diseases
Emergency response personnel available in the region		

Focus on Donetsk and Luhansk Oblasts

It is worth reiterating that Donetsk and Luhansk Oblasts operate under the conditions of 'martial law lite', underscoring that the situation in the ECA is defined as a state of emergency posing threat to the national security of Ukraine. In the Eastern Conflict area, the practical embodiment of the 'national security and defence' coordination model is the military-led Joint Force Operation. An assessment and prioritisation of risks and threats takes place within the Joint Force Operation area of Donetsk and Luhansk Oblasts. Those identified as related to national security and defence are referred primarily to the JFO. The JFO, in its turn, coordinates the security sector agencies, regional and local civil-military administrations and local governments on the issues pertinent to this ambit. For other issues, the 'peacetime' structures of regional and local commissions on technological and environmental safety and emergencies take precedence in line with the patterns applicable in other regions of the country. Hence, the SES is responsible for the cases that do not pertain to national security interests in both Donetsk and Luhansk Oblasts.

Both Donetsk and Luhansk Oblasts have their own 'risk passports', developed by the SES. Meanwhile, the Donetsk and Luhansk Oblasts also carry out a SWOT (strengths, weaknesses, opportunities, and threats) analysis to define their regional development strategy.

- The Donetsk Oblast Development Strategy 2021–2027⁶⁴ recognises risk as a calculation of the most probable external threats which impact the region’s weaknesses. The Luhansk Oblast Development Strategy 2021– 2027⁶⁵ does not offer a specific definition of risk. However, in the SWOT section of the Strategy, risks are presented as a set of relations of how threats impact the region’s identified weaknesses. From such a conceptualisation, it can be concluded that risk is defined as the impact of a threat.
- The table below from the Donetsk Oblast Development Strategy 2021–2027 provides a list of 14 threats exemplifying the types of threats the Oblast is dealing with.

SWOT analysis is one technique for risk assessment, however, the question remains of whether SWOT analysis alone is sufficient to inform either emergency planning or development strategies at the Oblast level. The quick glance at the SWOT analysis provided in Table 1 allows us to conclude that this exercise could be useful as a ‘risk identification’ step only, that is, the step of defining the uncertainties that might help or prevent an organisation from achieving its objectives. However, SWOT analysis does not allow for a sufficiently detailed risk assessment to guide management decisions.

Table 2:
**List of threats
from the Donetsk
Oblast Development
Strategy 2021–2027**

1.	Escalation of armed hostilities/‘freezing’ of the conflict/protraction of the status quo
2.	Spillover of adverse trends from the occupied areas
3.	Further decline in investment attractiveness
4.	Losses in competitiveness in the economy’s key sectors
5.	Volatility of the national currency and of international markets
6.	Reduction in foreign financial aid for recovery
7.	Underfunding of investment and regional development projects through public budgets
8.	Further decline in the prestige of vocational education
9.	Lack of effective oversight by the government and the public of the enforcement of environmental legislation
10.	Unfair distribution of revenue from the environmental tax among the central and local levels
11.	Further demographic decline
12.	The region’s location falls within the area susceptible to risks for agriculture
13.	Growing numbers of accidents in various forms of the infrastructure caused by its ageing and by the armed hostilities
14.	Increase in social tensions, growing lack of trust in authorities among the public.

64 Adopted by Donetsk Oblast Administration on 17 February 2020.

65 Adopted by Luhansk Oblast Administration on 26 March 2020.

THE LIST IS SUPPLEMENTED WITH THE 12 ENVIRONMENTAL THREATS:	
1.	Climate change
2.	Escalation of armed hostilities/'freezing' of the conflict/protraction of the status quo
3.	Demographic decline
4.	Spillover of adverse trends from the occupied areas
5.	Environmental degradation if the unbalanced environmental stewardship persists
6.	Deterioration of health due to environmental pollution
7.	Dangers of flooding
8.	Lack of effective oversight by the government and the public of the enforcement of environmental legislation
9.	Lack of responsibility for environmental crimes and offences
10.	Unfair distribution of revenue from the environmental tax among the central and local levels
11.	Lack of environmentally safe practices in industry
12.	Lack of popular support for the extraction of unexploited natural reserves.

The situation is becoming even more complex with the presence of various international NGOs involved in different initiatives for disaster risk reduction in the ECA. They bring their own methodologies and approaches towards disaster risk assessment, largely informed by international practices. To illustrate the point, one of the recent examples of such work includes the project Reducing Disaster Risk Vulnerability in Eastern Ukraine⁶⁶ implemented by the 3P Consortium (or Prevent, Prepare, Protect Consortium) led by ACTED.⁶⁷ It is an 18-month-long project funded by the European Union through its Directorate-General for Civil Protection and Humanitarian Aid Operations. Together with another Geneva-based think tank, IMPACT,⁶⁸ which is also part of the ACTED group, the 3P Consortium has mapped the natural, multi-hazard, ecological and industrial risks in the conflict-affected areas of Eastern Ukraine.

⁶⁶ <https://redcross.eu/latest-news/reducing-disaster-risk-vulnerability-in-eastern-ukraine>

⁶⁷ <https://www.acted.org/en/the-3p-consortium-prepare-prevent-and-protect-civilian-populations-from-disaster-risks-in-conflict-affected-areas-2/>

⁶⁸ <https://www.impact-initiatives.org>

**ANALYTICAL
REMARKS:**

1. Clearly, the public security landscape in the ECA is densely populated by diverse organisations and includes the ‘normal chain of command’, as in all other similar public divisions of administration in Ukraine, but also the ‘civil-military administration’. The latter has extended responsibilities and is under the direct command of the representatives of the armed forces, that is, the Joint Force Commander. This is a typical civil-military coordination mechanism; supporting the military mission in the ECA by giving the JFO dominance over the local authorities in the oblast. It is important to note that the engagement of uniformed forces has its own specificities. For instance, the members of the armed forces cannot take orders from civilian personnel. The internal lines of communication and information sharing, as well as the internal culture of decision-making, vary significantly between the civilian and military organisations. This is critical when discussing inter-agency risk and threat management coordination mechanisms.
2. The risk and threat assessment domain is divided between two functional areas and two focus areas, meaning, (1) the functional area of the JFO with a focus on threats to national security related to the conflict itself, and (2) the functional area of the SES with its focus on hazards related to all other cases. However, that ‘other’ is not clearly defined since, for instance, the SWOT analyses of both oblasts refer to the threats that can pertain issue of national security like te point 1 in the list of threats from the Donetsk Oblast Development Strategy 2021–2027. The ‘risk passports’ do not contain any reference to armed conflict as it was not envisaged when the passports were initially designed.
3. Even though the definition of ‘risk’ is absent from the Civil Protection Code, the Law on Major Hazard Facilities provides a definition that is largely in line with the international approach to ‘disaster risk’ definition. Yet, the actual assessment of the risks, meaning understanding the causes and consequences of different events, and their probability, is not actually taking place and the two oblasts do not share an approach towards risk prioritisation.
4. Another important aspect of ‘risk assessment’ is to recognise the wider range of interdependencies between various risks beyond any typology proposed or used on the ground. This highlights that the threats related to conflict and the threats related to natural or manmade/technological disasters could be tightly linked. Yet, in practice, risk assessment is largely happening separately and in parallel.
5. The Law on Major Hazard Facilities suggests that ‘risk management’ is ‘a process of decision-making and the implementation of measures aimed at reducing the risk to a minimum possible degree.’⁶⁹ However, there is no clear guidance on what defines the ‘minimum’ or ‘acceptable’ level of risk. While setting that level can be a context-specific exercise, neither in ‘risk passport’ nor in SWOT is that level defined. This suggests that the efforts required towards actual risk reduction cannot be calculated either.

⁶⁹ Ibid.

6. International NGOs actively involved in the region, while working closely with the local authorities, bring their own methodologies for disaster risk assessment and largely rely on international guidelines and approaches. This complicates the sharing of good practice or knowledge transfer, as for their methodologies, guidelines and approaches must be adopted by the authorised decision-makers to be legally domesticated in Ukraine. Working at the local or regional level only, this is challenging to achieve as the standards related to civil protection are normally set at the central level and then apply to the entire nation, not only individual regions or communities.
7. There are few stakeholders that are engaged in any sort of risk assessment in the ECA. It's the SES's regional representatives who have the mandate for risk assessment but their practice of 'assessment' is extremely limited. The JFO, which has the mandate for the assessment of risk pertaining to national security, meaning risks related to the armed conflict in the ECA. There are also NGOs who engage in various sorts of 'disaster risk assessment' exercises.
8. The link with the scientific community is not strong when it pertains to risk assessment in either the safety or security domains in Ukraine.

(III) RISK AND THREAT TREATMENT COORDINATION

This section is focused on risk-informed planning for the purposes of prevention preparedness, response and recovery. In the ECA there are two avenues where risk and threat treatment actually take place according to the same two models described above: under the JFO when pertaining issues of national security and under the Government Commission on Technological and Environmental Safety and Emergencies when pertaining to all other issues.

The Government Commission on Technological and Environmental Safety and Emergencies performs the role of an inter-agency coordination mechanism. At each level, it is chaired by the head of the public administration system of that level, hence, at the national level, it is chaired by the Prime Minister of Ukraine. The commissions coordinate the functional sub-systems (as they include members from all the relevant ministries involved as per the Civil Protection Code and the Unified System of Civil Protection) and territorial sub-systems (as they operate at the level of the country's administrative divisions). This commission coordinates the work of the SES, which is responsible for the design of the operational and capability deployment plans for crisis situations as concerns public security and civil protection⁷⁰. The civil protection coordination structure is outlined in Exhibit 3 below:

Exhibit 3:
**Structure
of the civil
protection
coordination
mechanism**



Security and defence sector actors that are coordinated by the Joint Force Operation Command in the armed conflict area include the:

- State Security Service of Ukraine;
- State Service for Special Communications and Information Protection;
- National Guard;
- State Border Guard Service;
- State Guard Administration;
- State Special Transport Service;
- National Police;
- Intelligence bodies; and
- SES.

⁷⁰ The Law on National Security, Article 29.

The JFO Commander can introduce or alter certain security-related restrictions of movement within the region or mobilise civilian assets in support of the defence operation. This system, however, is de facto implemented primarily within the areas adjacent to the line of contact and constituting the so-called ‘combat operation zones’ or zones immediately at the frontline (the ‘grey zone’). Although the exact zoning is subject to constant review, the JFO legislative framework has designated the then seven administrative districts in Donetsk Oblast (Avdiivka, Bakhmut, Mariupol, Maryinka, Toretsk, Volnovakha and Yasynuvata) and the four in Luhansk Oblast (Novoaidar, Popasna, Severodonetsk and Stanytsa Luhanska) as laying entirely, partially or adjacently to the contact line and combat operation zones. The rest of the area of the two oblasts received the status of ‘security zones’, including the city of Sloviansk in Donetsk Oblast and the city of Sievierodonetsk in Luhansk Oblast. In these areas, more remote from the line of contact—lying at a distance of at least ca. 40 km—the JFO framework is implemented flexibly. However, the existing safety and civil protection platforms or coordination mechanisms, such as the regional and local commissions on technological and environmental safety and emergencies, are also coordinated with the Operation.

At the local level in Sloviansk Raion, the ongoing district delineation reform has created uncertainty as regards the future of the current arrangements as the raion shall be eventually transferred to the newly created Kramatorsk Raion. Moreover, the creation, under the decentralisation reform, of amalgamated territorial communities will also have to be addressed through a risk assessment lens to determine how civil protection structures will be organised at this level, newly added to Ukraine’s administrative divisions.

Based on the national classification of emergencies⁷¹, each region identifies the most relevant types of emergencies and includes them in the regional emergency plan. The classification is subdivided into four groups—technological, natural, social and military emergencies/disasters. For each of the emergency types, a capability allocation and response plan is designed by the regional commission’s secretariat in cooperation with the SES and the institution responsible for the respective functional sub-system under the Unified System of Civil Protection. That is, for floods—the State Agency for Water Resources and for wildfires — the State Agency for Forest Resources.

Hence, in Luhansk Oblast there are 14 hazards included in the regional plan, namely:

Table 3:
**Hazards included
in the regional plan**

Technological	Natural
Public transportation accident/catastrophe	Wildfire
Fire	Meteorological hazard
Explosion	Hydrological hazard (flooding)
Chemical spill	Geological hazard
Destruction of buildings or structures	Social
Power grid incident	Capture of public buildings
Utility incident	Hostage taking

71 <https://zakon.rada.gov.ua/rada/show/va457609-10#Text>

The plans are approved by the Head of Oblast Administration and agreed with all stakeholders involved, or those who potentially may be involved in emergency response, including the SES, the National Police, and the Joint Force Operation (specific to Donetsk and Luhansk Oblasts). At the local level, emergency plans also exist for district (Raion) administrations and for local governments in the cities. They are developed jointly by the respective local commissions and any commission stakeholders present.

There is no differentiation between prevention, preparedness, response or recovery plans. The so-called emergency plans are response plans with some elements of preparedness and prevention. For instance, for flood response, some prevention measures are defined before the flood season. The emergency plans are designed for each administrative division, hence, each raion has its own emergency response plan. When the response plan is designed and activated, the SES units from other regions of Ukraine can be deployed in addition to the locally existing capabilities once the emergency is classified as one of a national level. Meanwhile, the Joint Force Operation, which participates in the regional commission, deploys military firefighters to put out any fire at ammunition storage or other military installations in the area.

Besides the SES, the local authorities are also mandated with the provision of public security, but their capacities are extremely limited. Besides, under the 'security and safety decentralisation reform', the purpose of which is to minimise the response time to any emergency situation, Centres for Safety and Security (CSS) (Центр безпеки громадян, Tsentr bezpeki gromadyan) are being established in the remote areas of the ECA. The establishment of the CSSs is a joint initiative of the police and SES to provide a broader range of safety and security functions in remote areas (predominantly, rural areas) where the SES has no presence. The CSSs were also deemed as reference and coordination platforms for the voluntary firefighting teams. Initially, it was planned that the CSSs would engage local health services but no agreement was reached.

Currently, the legal status of the CSSs is that of public utility companies that are fully subsidised by the local authorities, which causes significant concerns about their sustainability over time due to the limited resources available in the local budgets. Various international and non-governmental organisations support the functioning of the CSSs, however, this does not solve the issue of long-term sustainability.

The launch of the first two CSSs in Luhansk Oblast is planned for 2021. In Donetsk Oblast, there are already 13 functioning CSSs. The initiative is, however, part of a nation-wide decentralisation agenda and, by initial design, not limited to the ECA only but rather to be rolled out in the country's other regions. The legal basis for the work of the CSSs is yet to be sufficiently determined in terms of national legislation and statutory acts.

Exhibit 4:
The institutional landscape regarding safety and security in the ECA



**ANALYTICAL
 REMARKS:**

- The response plans are not directly informed by risk assessment. There are also no capability assessments preceding response planning. Therefore, the regional response plan might not necessarily reflect the most probable and/or the worst-case scenarios in the region. This is a major limitation.
- The risk and threat response plans are developed by the SES and contain some overlap in their coverage with those developed by the JFO. However, the division of operational responsibilities between agencies is not fully clarified, especially when there are different assessments of the same risk.
- There are several international and non-governmental organisations actively involved in disaster risk reduction. This is actually a risk response process. The role of non-state actors (e.g., NGOs) in risk response is not guided or coordinated by the ECA authorities. Rather, it is the other way around, The NGOs propose a project and, in the best case, implement it in some form of coordination with the national authorities in the ECA.
- The CSSs have the potential to become instrumental for local authorities in the provision of safety and security, especially in remote areas. However, the lack of funding and expertise is a major impediment to their effective functioning. The most critical gap, however, is to define the legal and operational function of the CSSs. In practice, the engagement of different service functions (e.g., policing, rescue, fire-fighting and health services) suggests that the CSSs are deemed to operate as coordination centres between those functions, each of which has its own line of command beyond that of the local authorities. The CSSs also have the role of training centres for teaching and improving the professional capacities of the local response forces, such as local voluntary fire-fighters. And last but not least, the CSSs have the function to provide safety & security at the local level. Hence, they also serve as response units on the ground.
- In the ECA, the institutional landscape in terms of safety and security includes quite a few structural units (as provided in Exhibit 4) at different levels of sophistication and development. Their interconnections and functional/operational linkages would benefit from greater clarity.

FINDINGS

Risk assessment and risk treatment are fragmented functions in Ukraine and in the ECA respectively. However, the risk assessment mandate is split between only two domains:

- When the risk pertains to matters of national security, then the National Security and Defence Council and its analytics, with support from external analytical centres such as the National Institute for Strategic Studies, is mandated with the responsibility for threat assessment;
- Pertaining to all other risks, including risks to public security and civil protection, the SES is mandated with the responsibility for risk assessment.

In the ECA, operating under 'martial law lite', meaning the operation of the civil-military administrations, risk and threat assessment generally happens separately and in parallel. However, there is some inevitable overlap in the focus on risk and threat assessment. Nevertheless, there is no coordinating mechanism to explore cascading risks or to carry out risk prioritisation from a perspective that encompasses all risks. The engagement of the scientific community in risk assessment is minimal and not formalised.

The international practice of risk and threat coordination suggests a very inclusive process whereby various state agencies are involved, bringing in their expertise. There are, usually, inter-agency mechanisms for coordination designed for the purpose of multi-risk assessment. Such mechanisms for coordination are mandated to the convening power. The engagement of non-state actors varies widely and is usually limited by the national or local Red Cross and other international and non-governmental organisations. In many countries, they are strong players in the processes of prevention, preparedness, response and recovery. In countries where volunteerism is well-developed (e.g., Germany, Italy, Switzerland), the voluntary response forces (usually fire-fighters) are also actively engaged in response planning and the actual response.

The treatment of risks and threats in Ukraine, and in the ECA specifically, are two separate, parallel processes, where the division of roles and responsibilities is not entirely clear cut. Hence, the JFO commander is responsible for the management of all threats to national security within the area of operations, that is, all threats related to the armed conflict in the ECA.

The decision-making on the response to non-military risks falls under the mandate of the Commission on Technogenic and Environmental Safety and Emergency Situations. The actual response operations are coordinated by the regional representatives of the SES, while the mandate on public security and civil protection at the regional level is shared equally by the SES and the local public administration unit.

Yet both Donetsk Oblast and Luhansk Oblast experience specific challenges, and risks, caused by armed conflict. For instance, as the 2020 events in Luhansk Oblast showcased, wildfires breaking out in areas adjacent or close to the 'contact line' are sometimes impossible to send firefighter crews to due to the widespread presence of explosive hazards and mine contamination. Moreover, such an approach to risk assessment left the issue of cascading risks untouched.

In practical situations, this is coordinated between agencies largely based on their willingness to address the situation, rather than there being clear lines of decision-making. The JFO commander cannot take orders from the Commission, while the JFO commander is responsible neither *de jure* nor *de facto* for any risks that do not pertain to national security. This creates a decision-making and implementation gap in the ECA.

Various international inter-agency organisations, like the UN, and international and national NGOs are also involved in both risk assessment and treatment (through disaster risk reduction) in the ECA. These processes are happening largely separately and in parallel to the risk and threat assessment and coordination taking place under the JFO or the SES.

International practices in risk treatment suggest various approaches with a more or less centralised approach. In some cases, as in the UK or the USA, it's an exceptionally centralised process; in others, as in Sweden or Italy, it's very much a matter of coordination and collaboration. However, in all cases, there are inter-agency coordination platforms created to allow different agencies to contribute their expertise and capabilities for the most effective response.

RECOMMENDATIONS

Successful risk and threat management coordination is critical and depends on the availability of the following factors:

- A shared conceptual foundation
- A mandate
- Capabilities
- A coordination mechanism

Therefore, the proposed recommendations are geared towards creating all those four elements in the ECA region, given its specific context of 'martial law lite' or the civil-military regime:

1. Design a glossary of key terms for safety and security domains with three distinct purposes (i) to inform the development of the Public Security and Civil Protection Strategy planned for mid-March 2021; (ii) to synchronise the terms in the Ukrainian legal and regulatory framework at a later stage; (iii) to create a shared terminological foundation for all partners operating in the safety and security domain in the ECA.
2. Define the term 'risk' and methodology for multi-risk assessment across multiple domains including both safety and security. While each practice area (e.g., flood management) has its own preferred methodologies for risk assessment, the crucial point remains how to compare various risks across different practice areas (e.g., flood management, health, maritime or national security-related risks) to identify interdependencies, correlations and cascading effects. Importantly, there is a need for a clear approach towards risk prioritisation while keeping a comprehensive hazard in perspective, meaning, taking all possible risks into consideration for risk prioritisation. The best international practice here could be the methodology developed as 'national risk assessment', which could be applied in the ECA.
3. Define the principles and mechanisms of data disclosure with regards to risk and threat assessment.
4. Develop a training programme with a focus on threat and risk assessment to build the capacities of the national and local authorities in the ECA.

5. Develop an interagency coordination mechanism for multi-risk assessment in the ECA. It should be designed to assure a comprehensive perspective of the potential hazards and be based on the principle of risk footprint.
6. Develop an assessment tool for conducting capability assessment following upon multi-risk assessment and for informing preparedness and response planning.
7. Assess the functionality of the early warning system (EWS) for the ECA and define standard operational procedures (SOPs) to ensure the EWS is actually linked with response planning.
8. Complement the 'risk passports' with new standards on how to factor risk-related information in the 'risk passport'.
9. Pilot all above-mentioned recommendations in selected territorial communities.
10. Define the specific conditions and criteria for an 'emergency situation' cycle management in the two Oblasts of the Eastern Conflict Area given its distinctiveness from the presence of the Joint Force Operation and the 'martial law lite' arrangements
11. Reassess the legal and operational status of the CSSs and their effectiveness in the ECA. Explore the potential of re-shaping the CSSs into Safety & Security operational centres with a training function. Also, assess the need to reinforce their legal foundations.
12. Establish a platform for the active engagement of the scientific community in risk assessment. This can include: The National Academy of Sciences and its affiliate institutes; the SESUC⁷² education and research institutions such as the Ukrainian Research Institute of Civil Protection and the National University of Civil Protection; and the Ministry of Internal Affairs' State Centre for Science and Research of Expertise and Forensics⁷³.

72 <http://edu-mns.org.ua/ukr/>

73 <https://dndekc.mvs.gov.ua/%d0%b2%d0%b8%d0%b4%d0%b8-%d0%b4%d0%be%d1%81%d0%b-b%d1%96%d0%b4%d0%b6%d0%b5%d0%bd%d1%8c/>

ANNEX 1: CRITERIA FOR EMERGENCY CLASSIFICATION

Level	Area affected / Resources required	No. of people affected	Material loss
		<ul style="list-style-type: none"> Over 10 dead Over 300 casualties Over 50,000 normal living conditions disrupted 	Over 150,000 minimum wage
		<ul style="list-style-type: none"> Over 5 dead Over 100 casualties Over 10,000 normal living conditions disrupted for longer than 3 days Over 25,000 minimum wage 	
Regional	<ul style="list-style-type: none"> Two or more districts Resources required exceed the capacity of the affected districts by $\geq 1\%$ of local budget expenditures 	<ul style="list-style-type: none"> 3–5 dead 50–100 casualties 1,000–10,000 normal living conditions disrupted for longer than 3 days in combination with Over 5,000 minimum wage 	Over 15,000 minimum wage
Local	<ul style="list-style-type: none"> Beyond a single site Endangering the environment, nearby populated area, structures and buildings Resources required exceed those available at a single site 	<ul style="list-style-type: none"> 1–2 dead 20–50 casualties 1,000–10,000 normal living conditions disrupted for longer than 3 days in combination with Over 500 minimum wage 	Over 2,000 minimum wage
Object		Any other	

