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UKRAINIAN CIVIL-MILITARY RELATIONS COME UNDER STRAIN

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Like the political crisis in the spring of 2007, the crisis unfolding since September has placed great strains on law enforcement agencies (see EDM, June 1, 2007). On April 2, 2007, and now again on October 8, the president disbanded parliament.

In the spring of 2007 the Interior Ministry was controlled by the Viktor Yanukovych government and Anti-Crisis coalition. Interior Minister (MVS) and Socialist Vasyl Tsushko authorized the intervention of the MVS special forces (the Berkut) to defend the prosecutor removed by the president, and they clashed physically with the presidential guard (Directorate on State Protection [UDO]).

Under the Yulia Tymoshenko government, the MVS is controlled by Yuriy Lutsenko who, although he headed the pro-presidential Our Ukraine-Peoples Self Defense (OU-PSD) bloc in the September 2007 pre-term elections, has broken ranks with President Viktor Yushchenko and aligned himself with Tymoshenko. Lutsenko has called on “democratic forces” to rally round Tymoshenko in the December 7 pre-term elections.

Conflict between the MVS and the president in the current crisis pits one wing of the disintegrated orange coalition against the other. MVS special forces (Berkut, Tytan, and Grifon) have been dispatched to guard state institutions.

In 2007 and today the president has drawn on two law enforcement units he directly controls: the Security Service (SBU) and UDO, which guards senior officials and is analogous to the U.S. Secret Service. UDO was part of the KGB in the USSR but was separated in 1992 when the SBU was established.

The SBU's anti-terrorist unit Alpha and UDO were ordered by Yushchenko to guard the Constitutional Court, other courts, and Central Election Commission (CVK). The courts and CVK are at the center of a battle of will between Tymoshenko and Yushchenko on the legitimacy of pre-term elections. Yulia Tymoshenko bloc (BYuT) deputies have condemned Alpha and UDO for blocking their entrance into the CVK.

MVS Minister Lutsenko protested that Ukrainian legislation only permitted the MVS to guard courts, not the UDO. The UDO's stationing at the administrative court is an infringement of the law and "in actual fact a provocation," Lutsenko stated (www.pravda.com.ua, October 15).

"The MVS, responsible for security and order on territories belonging to courts, today finds itself in a difficult situation, when the head of state using other force structures attempts to apply pressure on courts reviewing the legality of presidential decrees on the dissolution of parliament," Lutsenko publicly complained. The situation is "unprecedented and shameful for Ukraine," he added (www.pravda.com.ua, October 14). Alpha and UDO units were stationed at the courts and the CVK illegally and without any coordination with the MVS, Lutsenko said.

Other security forces could be dragged in, as they were in the spring of 2007, when the president unilaterally issued a decree placing MVS Internal Troops under his command and bringing its commander into the National Security and Defense Council.

The president's misuse of law enforcement agencies, especially the MVS Internal Troops, has turned a majority of parliamentarians away from his proposals for security reform. His proposed Draft law 1317 outlining a reestablishment of a National Guard based on MVS Internal Troops was overwhelmingly rejected by parliament (www.rada.gov.ua, January 11).

Anatoliy Hrytsenko, head of the parliamentary committee on national security and defense, led the way in opposing the creation of a National Guard. Hrytsenko had been a loyal pro-Yushchenko Defense Minister and committed to military reforms and cleaning out the armed forces until his replacement in December 2007.

Hrytsenko, a member of the pro-presidential OU-PSD, was backed by the BYuT and the opposition in his opposition to the creation of a National Guard under the sole control of the president. Ukraine had a National Guard from 1991 to 1999 that was established on the basis of Soviet Internal Troops, and during its nine year history it was under dual presidential-parliamentary control.

President Leonid Kuchma abolished the National Guard because he did not fully control it, as Yushchenko hoped to do in bill 1317. Abolishing the National Guard in 1999 meant that its units returned to the MVS.

Under the 1996 presidential constitution the MVS came under the control of the president who controlled the government. Under the 2006 parliamentary constitution the MVS comes under the control of parliament through its control of the government.

Yushchenko argued logically that all militarized groups (as opposed to police units) should be under the Commander-in-Chief, but it is ironic that not even orange political forces trusted Yushchenko enough to support the draft National Guard bill that would have put MVS Internal Troops in a National Guard under the presidents control.

MVS Internal Troops have twice moved on Kyiv but were turned back on both occasions. On November 28, 2004, they were sent to suppress the Orange Revolution; and in June 2007 MVS Internal Troop units moved to support the president. MVS Internal Troops have been brought into Kyiv during the current crisis to support UDO units, MVS Minister Lutsenko complained.

Discontent with Yushchenko's misuse of law enforcement agencies also explains support within parliament for the transfer of the SBU from presidential (as in the 1996 and 2006 constitutions) to joint parliamentary-government control. This was the substance of bill 3086 on the SBU adopted on September 2 with the support of all factions of parliament except the pro-presidential wing of the OU-PSD.

The SBU has been described by the Tymoshenko bloc as an instrument used for political purposes by the president to deal with his opponents (www.byut.com.ua, October 15). This view gained ground in August when the SBU requested the prosecutor's office to open a criminal investigation into Tymoshenko's alleged

“treason,” which it refused to do, arguing that there was insufficient evidence in the 350-page document compiled by the presidential secretariat. The SBU was also tasked with investigating her involvement in a bizarre assassination plot against presidential secretariat head Viktor Baloga. The SBU opened an investigation into corruption among BYuT deputies in late 2007 and this month accused them of laundering money through, and conspiring to bring down, Prominvestbank.

Dragging law enforcement forces into political battles, be it by Yanukovych in 2007 or Tymoshenko today, does not bode well for improved civil-military relations in Ukraine.