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STATE ACTS OF UKRAINE AND THE BALTIC COUNTRIES: CHRONOLOGICAL COMPARISON (1990–2004)

Summary: The article examines the main state-building acts adopted by the highest authorities of Ukraine and the Baltic states starting from 1990 (as a result of the first free election of deputies of these republics in the post-war period) and until 2004 (when significant changes took place in the internal political and geopolitical context, in particular – the accession of the Baltic states to NATO and the EU, as well as changes in the form of government in Ukraine in amendments to the Constitution as a result of the so-called «Orange Revolution»). The article reflects not only the legal part of the specified period, but also the institutional part, in particular, in the part of the formation of both legislative and executive power in the specified countries. The interaction of political, regulatory and historical components in this article forms a holistic vision of state-building processes in their synergistic unity. The purpose of the study is to conduct a chronological comparison of the main state-building acts of Ukraine and the Baltic countries in the period from 1990 to 2004. The methodological basis is a chronological comparison of the normative framework of countries in the context of the processes of state formation. It was determined that the parliaments of these countries, which were elected in the spring of 1990, immediately began to fight for their sovereignty and set a course for separation from the union center. The August 1991 putsch in Moscow became the «trigger mechanism» in the declaration of independence of the Baltic states and Ukraine. From that time, these countries began to build their states independently, in particular in the political and legal sphere. First, there is a change in the name of the state itself and its parliament (getting rid of the Soviet one) at the legislative level, as well as the complete subordination of power structures and other authorities exclusively to republican structures. Subsequently, the main state symbols (flag, coat of arms and anthem), constitutions are adopted, the course of states towards a market economy through the denationalization of property and privatization is introduced, each has its own currency, property is divided with other republics, international treaties and agreements are adopted, and countries The Baltics (but not Ukraine) manage to completely get rid of Russian troops from their territory through complex diplomatic efforts. The latter also contributed to the fact that the Baltic countries, having immediately taken a course towards the West, later became full members of NATO and the EU. During this period, Ukraine only decided on its geopolitical vector, that it intends to join these international associations in the future.

Keywords: law, constitution, parliament, president, independence

1. Introduction

The declaration of independence by Ukraine and the Baltic states (Lithuania, Latvia and Estonia) in 1991 opened the way to the development of these states in various forms and dimensions. One of the fundamental manifestations of state formation is its reflection in the regulatory and legal plane. Since the political component was reflected by the parties that came to the parliament during the elections in March 1990, it was they who declared independence and started the state-building process in their countries, in particular in its regulatory sphere. Subsequently, each new government continued the tradition of state-building by creating and implementing new legislative acts and other legal norms throughout its activity.

The purpose of the article is to carry out a chronological comparison and analysis of the main state-building acts of Ukraine and the Baltic countries in the period from 1990 to 2004. **The methodological basis** is a chronological comparison of the regulatory framework of the specified countries in the context of state formation processes during 1990–2004.

2. Ukrainian state formation in the legislative aspect

The first (twelfth in the Ukrainian SSR) convocation of the Verkhovna Rada was elected in March 1990 under a majoritarian system in which the majority were communists (the so-called «group 239» in terms of the number of deputies) and their opponents from the right spectrum (the so-called «People's Council» – 125 deputies) (Ukraine, 2007, p. 929).

On July 16, 1990, this convocation adopted the Declaration on State Sovereignty of Ukraine (Declaration, 1990), which will become a political and legal act of independent Ukraine. On August 3, 1990, the Verkhovna Rada of the Ukrainian SSR adopted the Law of Ukraine On Economic Independence of the Ukrainian SSR (Zakon, 1990), which promotes such independence. On April 18, 1991, the Ukrainian Parliament created the Cabinet of Ministers (instead of the Council of Ministers) and established the position of Prime Minister of the Ukrainian SSR (Zakon, 1991). On July 5, 1991, the Verkhovna Rada of the Ukrainian SSR adopted a decision to create the post of President of the Ukrainian SSR and made the necessary changes to the Constitution (Zakon, 1991).

As a result of the failure of the coup d'état by the «putschists» in Moscow (August 24, 1991), the Verkhovna Rada adopts the Act of Proclamation of the Independence of Ukraine (Postanova, 1991) according to which Ukraine becomes an independent democratic state on the territory of which only its laws and the Constitution are valid. According to this Resolution, Ukraine becomes an independent democratic state on the territory of which only its laws and the Constitution are valid. Since the text of the adopted Resolution of the Parliament stated that this Act must be approved by a national referendum on December 1, 1991, it was passed. According to its results, the Act of Proclamation of Independence of Ukraine was supported by 90.32% of citizens who took part in voting (Visnyk, 2012). Simultaneously with the referendum, the first President of Ukraine was elected, who became the Chairman of the Verkhovna Rada – L. Kravchuk (61.59% of voters supported him) (Visnyk, 2012).

On August 24, 1991, the parliament also adopted a resolution «On military formations in Ukraine» (Postanova, 1991), according to which all military formations stationed on the territory of Ukraine were subordinated to the Verkhovna Rada of Ukraine and the Ministry of Defense of Ukraine was formed. As early as August 30, 1991, the Presidium of the Verkhovna Rada of Ukraine issued a Decree on the subordination of border troops stationed on its territory to Ukraine (Ukaz, 1991).

On September 12, 1991, the parliament adopts the Law of Ukraine On Legal Succession of Ukraine (Zakon, 1991) which defines the main political and legal principles of the transition from the Ukrainian SSR to independent Ukraine.

On December 5, the Verkhovna Rada of Ukraine adopts an Address to the Parliaments and Peoples of the World (regarding the development of its independent, democratic, legal, European, nuclear-free state with corresponding freedoms for man and citizen) (Zvernennia, 1991). This Address contains a thesis about the revival of the previously destroyed Ukraine: «The age-old dreams and aspirations of one of the most numerous peoples of Europe to revive its repeatedly destroyed statehood have come true» (Zvernennia, 1991). Thus, Ukraine continued the tho-

usand-year tradition of state-building (Postanova, 1991) and revived its statehood (Zvernennia, 1991).

On December 6, 1991, the parliament adopted the laws «On the Armed Forces of Ukraine» and «On the Defense of Ukraine» (Voienna, 2013) in which the status and features are institutionally fixed functioning of the defense forces of Ukraine.

On January 15, 1992, the Verkhovna Rada approves the melody of the national anthem of Ukraine (music by M. Verbytskyi) (Ukaz, 1992), and only on March 6, 2003 approves the text of the national anthem of Ukraine (on the words of P. Chubynskyi) (Zakon, 2003). On January 28, 1992, the parliament approved the state flag of Ukraine with blue and yellow colors placed horizontally (above – blue, below – yellow) (Postanova, 1992). On February 19, 1992, the Verkhovna Rada adopted the Resolution on the State Emblem of Ukraine (trident) (Postanova, 1992).

On March 4, 1992, the Verkhovna Rada adopted the Law on Privatization of State Property (Zakon, 1992) in new post-Soviet conditions of denationalization of property and transition to the market. The second convocation of the Verkhovna Rada of Ukraine, as well as the new president L. Kuchma (former Prime Minister of Ukraine), were elected during early elections in 1994.

The most significant act of the new government, which was considered during the two years of its term of office, was the Basic Law of the State – the Constitution of Ukraine (Konstytutsiia, 1996). It was after the end of the one-year validity of the Constitutional Treaty between the President and the Parliament, on June 28, 1996, that the Verkhovna Rada approved the text of the Constitution in Article 1 of which it is stated: «Ukraine is a sovereign and independent, democratic, social, legal state» (Konstytutsiia, 1996).

As early as September 1, 1996, its own national currency, the hryvnia, was put into circulation (Istoriia, 2011), which replaced the coupon-rubber notes, which were significantly devalued. The hryvnia of that period had a ratio of 1.76:1 to the US dollar (Hryvnia, 2017).

On May 28, 1997, Ukraine and the Russian Federation concluded an agreement on the status of the Black Sea Fleet (Uhoda, 1997). This fleet would eventually be officially split between the two sides, a process that began back in 1992.

The third term of the parliament (1998–2002), which was elected under the new (majority-proportional system of elections) and adopted the Family Code of Ukraine on January 10, 2002 (Simeinyi, 2002), which defined the principles of marriage, the obligations of spouses, as well as their non-property and property rights.

The fourth term of the Verkhovna Rada was elected in 2002 under the same electoral system (as the third). This convocation adopted the Customs Code of Ukraine on July 10, 2002 (Mytnyi, 2002), as well as during the «Orange Revolution» (December 8, 2004) adopted the Constitutional Reform, which changed the form of government in Ukraine from presidential-parliamentary to parliamentary-presidential (entered into force on January 1, 2006) (Zakon, 2004).

Thus, during the first decade of independence, the main legislative acts related to the approval and strengthening of the state of Ukraine were adopted. These include decisions of the parliament on the independence of Ukraine, on the creation of the armed forces, on state symbols (anthem, flag and coat of arms), on the privatization of state property, the Constitution of Ukraine, the introduction of the hryvnia into circulation, changes to the Basic Law on the form of government, etc.

3. Lithuanian practice of rule-making activity

As a result of the first free elections to the Lithuanian parliament during the Soviet period (March 1990), patriotic figures who supported the socio-political movement for reconstruction and an independent state – Saiudis, headed by V. Landsbergis, who was elected speaker, became its members. In the Lithuanian parliament, there were 96 out of 133 deputies of Sayudis (Istoriia, 2018, p. 370).

On March 11, 1990, the Lithuanian parliament promulgated the Act on the Restoration of the Independent State of Lithuania (124 votes in favor). On the same day, the Law «On the Restoration of the Constitution of Lithuania of May 12, 1938» was adopted, which was immediately replaced by the Temporary Basic Law (Istoriia, 2018, p. 372), which already met the conditions of that time. In this way, the new Lithuanian government legally separated its citi-

zens from the jurisdiction of the USSR. Also, on this day the name «Republic of Lithuania» was restored and the state coat of arms «The Pursuit» was adopted (Istoriia, 2018, p. 372).

As a result of the bloody events in Vilnius on January 13, 1991, in which 13 protesters were killed and hundreds injured by the actions of the USSR security forces, the Lithuanian leadership held a national plebiscite on the issue of independence on February 9 and received the support of 90.24% of the participants (The Central, 1991).

After the recognition of Lithuania as an independent state by Western countries, as a result of the failed coup d'état attempt in Moscow in August 1991, the Lithuanian leadership began to build its restored state with renewed vigor. Thus, at the national referendum on October 25, 1992, the Constitution of Lithuania was supported, Article 1 of which states: «The State of Lithuania is an independent democratic republic» (Konstytutsiia, 1992). The position of the President of the Republic of Lithuania, who is the head of state and is elected by the citizens of the country for five years, was also reflected there. The Parliament was renamed from the Verkhovna Rada to the Seim, which consists of 141 members who are elected by the people for four years (Konstytutsiia, 1992).

On June 8, 1992, the parliament of Lithuania (as well as Latvia and Estonia) adopted a constitutional act of geopolitical significance – On non-adherence of the Republic of Lithuania to the post-Soviet Eastern Union (Istoriia, 2018, p. 388).

In 1992, Lithuania and the EU signed the Agreement on Trade and Commercial and Economic Cooperation and adopted a declaration on political dialogue (Istoriia, 2018, p. 392). This gave impetus to greater integration of Lithuania towards the EU.

As a result of the elections to the Lithuanian Parliament on November 15, 1992, the current majority of the center-right Sajudis loses them and the left-centers from the Democratic Labor Party of Lithuania, led by the leader A. Brazauskas, come to power. On February 14, 1993, this politician was elected by the people as the president of Lithuania (Rudych, 2006, p. 14). During his rule, on August 31, 1993, all Russian troops that remained there after the collapse of the USSR were withdrawn from the territory of Lithuania (Istoriia, 2018, p. 390).

Due to the activities of the left-center government, in 1993, its own monetary unit, the lit, was introduced, which, from March 1, 1994, was converted to the American dollar at a ratio of 4:1. According to Lithuanian experts, such a decision was one of the wisest in economic terms during the entire period of Lithuania-'s restored independence (Istoriia, 2018, p. 382).

Also, during this period, a number of international treaties important for the security of the state were adopted. Thus, on April 26, 1994, the Treaty on Friendly Relations and Good Neighborly Cooperation was adopted between Poland and Lithuania. Poland was forced to officially renounce its claims to the Vilnius region (Istoriia, 2018, p. 387).

An international agreement was signed between the Russian Federation and Lithuania on July 29, 1991 (after the bloody events in Vilnius in the period even before the collapse of the USSR). Already in 1997, Lithuania and the Russian Federation signed an agreement on the state border and on the delimitation of the exclusive economic zone and the continental shelf in the Baltic Sea. A similar document was signed between Lithuania and Belarus in October 1991 – a declaration on the principles of good neighborliness between the Republic of Lithuania and the Republic of Belarus (Istoriia, 2018, p. 387). In 1995, an agreement on good neighborliness and cooperation in the protection of the state border was also signed with Belarus (Istoriia, 2018, p. 388). In 1996, the presidents of the Baltic states signed a joint declaration on partnership on the way to European structures and began to agree together on joint integration towards NATO (Istoriia, 2018, p. 389). On July 10, 1999, an agreement on the maritime border, economic zone and continental shelf was finally signed between Lithuania and Latvia (Istoriia, 2018, p. 390). On September 17, 1991, Lithuania was admitted to membership in the UN; in December it joined the North Atlantic Cooperation Council; 1993 to the Council of Europe; in April 1999, the NATO Membership Action Plan was confirmed; in 2004, Lithuania joined NATO (March 29) and the EU (May 1).

So, during the first decade of regained independence, Lithuania emerged as a sovereign, democratic legal state with a market economy, which consists of its own symbols, the army, the Constitution, a national unit, which in 2004 became a full member of NATO and the EU.

4. Latvian experience of legislative activity

After the parliamentary elections on March 18, 1990, the right-wing People's Front of Latvia won (131 mandates out of 201) (Istoriia, 2005, p. 403). This convocation of the parliament on May 4, 1990 adopted a fateful decision – the Declaration on the restoration of the independence of the Republic of Latvia (Istoriia, 2005, p. 404).

On March 3, 1991, a national referendum on independence was held in Latvia (at the same time as Estonia), during which 73.68% of the votes were in favor of such a course (Restoration, 1991).

During the putsch, a state of emergency was introduced in Moscow, including and in Latvia. During the storming of the parliament by Soviet units, on August 21, 1991, the Supreme Council of Latvia adopted the Constitutional Law on the State Status of the Republic of Latvia (Istoriia, 2005, p. 412). From that time, the international recognition of the Republic of Latvia by other countries of the world (first of all by its neighbors – Lithuania and Estonia) began.

On October 15, 1991, the Resolution «On the restoration of the rights of citizens of the Republic of Latvia and the main conditions of naturalization» (Istoriia, 2005, p. 417) was adopted, according to which only those who had citizenship as of June 17, 1940, and also those who at that time lived in Latvia and were registered before July 1, 1992 (Istoriia, 2005, p. 417).

On March 5, 1993, Latvia introduced its own currency, the lat, which replaced the ruble (Istoriia, 2005, p. 451). It was attached to the currency basket of the IMF.

In total, the Parliament of Latvia adopted 404 laws, in particular «On the Rights and Duties of Man and Citizen» and restored the Civil Code of 1937 and formed a block of legislative acts for the implementation of the privatization process in the country (Latvijas, 1993).

The next convocation of the Parliament of Latvia (Seima) was elected on June 6, 1993. Victory over them was won by the center-right party «Latvian Way», which in the conditions of the parliamentary republic formed a government headed by V. Birkavs (Latvijas, 1993).

On July 6, 1993, during its first meeting of the new convocation, the Diet of Latvia completely restored the Constitution of the interwar period (Istoriia, 2005, p. 420). The next day (July 7), the parliament elected H. Ulmanis as the President of Latvia, who held this position for two consecutive terms (until 1999).

During this tenure of the Seimas and the presidency of G. Ulmanis, an agreement was reached on the complete withdrawal of Russian troops from the territory of Latvia, which took place by August 31, 1994 (Istoriia, 2005, p. 440). Also during this period, the Free Trade Agreement was signed between Latvia and the EU, which contributed to the entry of Latvian goods into European markets (Istoriia, 2005, p. 441). As early as February 14, 1994, Latvia joined the NATO program «Partnership for the sake of peace» (Istoriia, 2005, p. 443). In 2004, Latvia joined NATO (March 29) and the EU (May 1).

The Seimas of the Republic of Latvia, elected during early elections in 1995, formed a broad coalition, including parties of the center-right spectrum, which created its own government headed by A. Shkele (Republic, 1995). After reformatting the coalition in the parliament in 1997, the government was changed under the leadership of G. Krasts (Republic, 1997).

The Seimas of this convocation considered 1,335 draft laws. One of them was the amendments to the Constitution, which set the term of power for convening the parliament for four years and elections to it only on one day (starting with the next convocation). The Diet also made changes to the Constitution of Latvia regarding basic human and citizen rights, as well as adopted the Civil Procedure Code.

As a result of parliamentary elections on October 3, 1998, a government headed by V. Krystopans was formed (Republic, 1998), and a year later, due to reformatting of the government, A. Shkele returned to the position of Prime Minister. In 2000, the parliamentary coalition also underwent changes and the government was headed by A. Berzynsh (Republic, 2000).

The Parliament of this convocation adopted 917 laws. The most significant among them were: the Law on Amendments to the Constitution, the Law on Electronic Documents, the Law on the Public Administration System, the Economic Law, amendments to the Law on Administrative Procedure, as well as to the Criminal Procedure Code, etc.

The parliamentary elections of 2002 formed a new architecture of the Parliament of Latvia, because the new party «New Times» won the largest number of votes and was able to form a coalition and a govern-

ment led by E. Repshe (Republic, 2002). The Diet of this convocation adopted 1,272 laws. The most significant among them were: the Law on Termination of Privatization of State and Municipal Property and the Expiration of Privatization Vouchers, the Law on Societies and Funds, as well as the Criminal Procedure Law (8th Seimas, 2002).

Also during this convocation, a number of regulatory and legal acts of Latvia were harmonized with the EU legislation and on May 1, 2004 the accession to this Union took place, and on March 29 Latvia joined NATO (Istoriia, 2005, p. 439).

Thus, Latvia, having restored its independence, continued the traditions of statehood. A number of international treaties were signed with those countries that recognized Latvia's independence; Russian troops were withdrawn from the country; established its currency (lat); restored its own Constitution and state symbols; Lithuania became a full member of NATO and the EU.

5. The Estonian model of lawmaking

As a result of parliamentary elections to the Verkhovna Rada of the Estonian SSR on March 18, 1990, the right-wing People's Front received the most seats (43 out of 105) (Nohlen, D. & Stöver, P., 2010). On March 29, 1990, this parliament adopted the Decree on the State Status of Estonia (Eesti, 1990).

On May 8, it changed its name from the Estonian SSR to the Republic of Estonia, as well as its coat of arms, anthem and flag. On May 16, 1990, the Soviet Constitution of Estonia was repealed by a decision of the parliament and the Law On the Basics of the Provisional Administration of the Republic of Estonia was adopted (Zakon, 1990).

On March 3, 1991, a national referendum on independence was held in Estonia, during which 77.83% of the votes cast support for such a course (Restoration, 1991).

During the coup attempt in Moscow by the so-called State Security Council, on August 20, the Supreme Council of Estonia adopted the Decision on the State Independence of Estonia, which restored the sovereign state (Chorhohor, 2017).

On June 28, 1992, a new Constitution was adopted at a national referendum (The Constitution, 1992), according to which Estonia is declared an independent and independent democratic republic, parliamentary type.

After parliamentary elections held on September 20, 1992 on a proportional basis, a center-right coalition was formed in the legislative body (Riijikogu), which formed a government led by M. Laar (Mart, 2017).

On October 7, 1992, the Parliament adopts the Declaration on Legal Succession of the Republic of Estonia, according to which the modern Republic of Estonia as a subject of international law is identical to the Republic of Estonia proclaimed on February 24, 1918 (Povorotnie, 2007, p. 383).

On September 19, 1995, the Estonian Parliament praised the Law on Piety, which made it easier to understand Estonian language, and also passed an exam for knowledge of the Constitution of Estonia and the law on Plurality (Citizenship, 1995).

On December 13, 1995, the Riigikogu commends the Law on the Ordinance of the Republic (Vabariigi, 1995), who was assigned the status of the restoration of the victorious power in the country. The parliament of this call was praised by 522 legislative acts of 169 laws and 79 international treaties (VII convocation, 1995).

The eighth convocation of the Riigikogu from 1995 to 1999 adopted 746 legislative acts, including 345 amendments to previous laws, 155 new laws, 119 concerning international treaties and 110 resolutions (VIII convocation, 1999). The most significant of them were: the Law on the Ratification of the Agreement between the Republic of Estonia and the Russian Federation on the Withdrawal of Russian Federation Troops from the territory of Estonia (until August 31, 1994) and on the conditions of their temporary stay on its territory; Law on the chancellor of justice, who became the ombudsman at the same time; Law on Ratification of the Association Agreement between the European Community and its member states, on the one hand, and with the Republic of Estonia, on the other hand (European Treaty) (VIII convocation, 1999).

The Riigikogu of the ninth convocation (1999––2003) adopted 880 normative legal acts, of which 150 were legal texts and 490 amendments to existing laws and 118 regarding international treaties (9 convocation, 2003). The most important among them were:

Law on popular vote; Law on Courts; Law on State Control; Law on State Defense in Peacetime; Law on judicial proceedings in the order of constitutional supervision; The Law on Accumulated Pensions (Ibid.), as well as the Law on the Regulations and Procedures of the Riigikogu (9 sklykannia Riihikohu, 2003). Estonia joined the EU on March 29, and NATO on May 1.

Consequently, the Republic of Estonia regained its independence and formed its regulatory legal field, which includes the main state-building acts: the Constitution, On the Formation of the Government, On State Symbols, On Citizenship, the Agreement on the Withdrawal of Russian Troops, the Agreement on Membership in the EU and NATO.

6. Conclusions

Thus, after the 1990 parliamentary elections, Ukraine and the Baltic states declared their own sovereignty, and in August 1991 they restored their independent states and began to develop them by creating a regulatory and legal framework. Common for these countries was that they immediately changed their names and restored state symbols (flags, coats of arms and anthems), as well as formed Constitutions. If Lithuania adopted its Constitution back in 1993, then Latvia and Estonia in 1994, and Ukraine in 1996 (through a compromise between the president and the parliament). What Ukraine and Lithuania have in common is that these two countries first declared independence in their parliaments, and then held referendums on the legitimacy of such a decision from the citizens and received an indicator of more than 90% support. Latvia and Estonia initially held referendums at the same time, in which they received support for independence in more than 70%, and during the stormy events of August 1991, they declared independence in the form of their own independent states. The introduction of their own currency by all countries symbolized the independence of these states in finance, and the privatization process in the economy.

The Baltic countries managed to withdraw Russian troops from their territory through complex diplomatic efforts (Lithuania by August 31, 1992, and Latvia and Estonia by August 31, 1994). Russian troops completely refused to withdraw from the territory of Ukraine, because there remained a naval base in Crimea, which the parties divided and consolidated in the so-called "Great Agreement" of 1997. In the future, this will lead to the annexation of Ukrainian Crimea by the Russian Federation, and the Baltic countries simultaneously became full members of NATO and the EU in 2004.

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