

УДК 340

DOI: 10.31359/1993-0909-2019-26-1-166

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НА ШЛЯХУ ДО СОБОРНОСТІ УКРАЇНИ (ДО 100-РІЧЧЯ АКТА ЗЛУКИ УНР ІЗ ЗУНР)

Анотація. *В історії держави і права України є пам'ятні події, правові пам'ятки, значення яких повністю усвідомлюється лише з часом, особливо в нинішню добу активного державотворення. Тому у статті зроблена спроба короткого історико-правового аналізу державотворчих процесів на шляху до об'єднання українського народу та його земель з початком Української революції. Встановлено, що Українська Центральна Рада (далі – УЦР) була створена як організація парламентського типу. А для надання їй «характеру справжнього представництва всього організованого українського народу» було скликано багатолюдний Національний конгрес. Виявлено, що на даному конгресі і було визначено форму державного устрою України як національна-територіальна автономія. Конгрес, як повноважний представницький орган, «передпарламент», уособлював вже соборну Україну. Так була юридично вирішена історична проблема злуки обох частин України. Трудовий конгрес висловлював рішучий протест проти замахів на цілісність, самостійність і незалежність Української Народної Республіки. Він проголошував: «Український народ хоче бути нейтральним і в дружніх відносинах з усіма іншими народами», вказував на загрозу для республіки з боку «імперіалістів і советської Росії». Діяльність Центральної Ради визначали політичні партії соціалістичного спрямування: з 19 партій (українських, російських і польських), 17 називали себе соціалістичними. Акт злуки наочно показав безсилість спроб роз'єднати український народ, протиставити його різні частини в Першій світовій війні, примусити служити чужим для них цілям. Проте подальший, трагічний для України, перебіг подій і наслідки світової війни, затверджені Версальським договором 1919 р., надовго затримали фактичний процес об'єднання всіх українських земель. Історичний досвід застерігає: національні інтереси набагато вищі і важливіші за партійні чи корпоративні, розбудова в Україні правової, соціальної, демократичної держави вимагає політичної й духовної єдності всіх громадян.*

Ключові слова: Українська Народна Республіка, Українська Центральна Рада, Акт злуки.

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TOWARDS THE COURSE OF UKRAINE (TO THE 100TH ANNIVERSARY OF THE ACT OF UNIFICATION OF THE UPR WITH ZUNR)

Abstract. *In the history of the state and law of Ukraine there are immemorial events, legal monuments, the significance of which is fully realized only with time, especially in modern times. Such an event and attraction is the Act of reunification of the Ukrainian People's Republic and the West Ukrainian People's Republic on January 22, 1919. This article attempts to make a short historical and legal analysis of the processes of state-building on the way to the unification of the Ukrainian people and their lands with the beginning of the Ukrainian revolution. It began after the February bourgeois-democratic revolution of 1917 in Petrograd to create in Kiev in early March, public organizations and political parties, emerged from the underground, the Ukrainian Central Rada (hereinafter – UCR). The latter was created as a “parliamentary organization”. In order to provide her with the “nature of the present representation of the entire organized Ukrainian people,” in April 1917 a crowded National Congress was convened. He determined the form of the state structure of Ukraine – national-territorial autonomy as part of federal democratic Russia, with the main principles of autonomy. The Congress replenished the composition of the UCR, elected its Chairman – Grushevsky. Subsequently, at its V and VI sessions, as a result of the new reorganization and replenishment of membership in territorial and party representation, as well as at the expense of elected members from military, public, trade union organizations, national minorities, the UCR already had 643 deputies. The activity of the Central Rada was determined by political parties of the socialist direction: from 19 parties (Ukrainian, Russian and Polish), 17 called themselves socialist. This led to the direction and content of the state implemented by the Ukrainian Central Rada and its government – the General Secretariat.*

Keywords: Ukrainian People's Republic, Ukrainian Central Rada, Act of Reunification.

INTRODUCTION

In the history of state and law of Ukraine there are memorable events, legal monuments, the meaning of which is comprehensible only in course of time, especially in the current period of active state formation. Such event and monument is Act Zluky of the Ukrainian People's Republic with West Ukrainian People's Republic on January 22, 1919. The Presidential Decree “On Measures to Celebrate the 100th Anniversary of the Events of the Ukrainian Revolution of 1917–1921” contemplates “To

determine the commemoration of events and prominent participants of the Ukrainian Revolution of 1917–1921 as one of the priorities of the state authorities in 2017–2021” [1]. The Decree mentions, in particular, the necessity to prepare and publicize scientific works, to contribute comprehensively to scientific, ethnographic researches on history of Ukrainian state formation and liberation movement.

The article attempts brief historical and legal analysis of processes of state formation on the way to uniting Ukrainian people and lands with the beginning of the Ukrainian revolution.

It began after February revolution of 1917 in Petrograd with public organizations and political parties emerged from underground, Ukrainian Central Rada (hereafter referred to as UCR), started formatting at the beginning of March. UCR was created as “parliamentary-type organization” [2]. To make it “the true representation of all organized Ukrainian people”, in April, 1917 the National Congress was convened [3]. The Congress defined the structure of state in Ukraine as national-territorial autonomy in the federal democratic Russia, with the main principles of autonomy. The Congress joined the composition of the UCR, chose its head – M. Hrushevsky. Subsequently, at V and VI sessions, as a result of a new reorganization and replenishment of the composition of the territorial and party representation, as well as at the expense of elected members from military, public, trade union organizations, national minorities, the UCR already had 643 deputies [3]. In reality, significantly fewer deputies were involved in its work. Political parties of social nature determined the activities of Central Rada: among 19 parties (Ukrainian, Russian and Polish) 17 considered themselves socialist. This shaped the direction and content of state formation was being made by the UCR and its government. V. Vinnichenko recalled: "This was the center to which all the springs of the awakened national energy flooded; all the pities, all injustices, all hopes, expectations, plans, calculations, and arguments flooded here." [4].

Despite counteractions and neutral policies of Russian Provisional Government, the UCR gradually was taking over the management of all affairs in Ukraine. Rada’s activists tried to defend interests of Western Ukrainians. Reporting at the meeting of its Committee in April and July D. Doroshenko, appointed by the Territorial Commissioner of the Parts of Galicia and Bukovina occupied by Russian troops, spoke about the frightening situation of “humanity deprived of rights”, his unproductive attempts to restore economic and cultural life in the country. Rada outlined the priority measures in helping Galician emigrants and prisoners in Siberia [3].

However, the desire of Central Rada to legitimately gain Ukrainian autonomy in the federal democratic Russia reflected in I and II Universals of Rada faced a decisive opposition from Provisional Government. The principle of state formation declared by activists in I Universal “without separating from whole Russia, without breaking up with the Russian state” [3] negatively affected its pace, hampered solu-

tions of very important social and economic issues. It may seem strange for today, but the matter of future prosperity of the Russian state in plans and events of Rada's activists overpowered a search for solutions. In September 8, 1917 in Kyiv, there was the congress of representatives of peoples and regions of Russia, convened by the Central Rada. Its delegates strived for "federate reorganization of Russian republic", planned to end "excessive centralization of legislative and executive power" [5]. For further work, even the Council of People was elected. However, Russian Provisional Government in Petrograd did not respond to this event, and hopes about democratic reorganization of Russia and democratic solution to the Ukrainian issue remained an illusion.

1. FEATURES OF FORMATION OF UPR OWN LEGAL SYSTEM

October Rebellion under the leadership of Bolsheviks and overthrow of Russian Provisional Government accelerated processes of state formation in Ukraine. The adopted Third Universal of UCR proclaimed the Ukrainian People's Republic, the total authority of Central Rada and its General Secretariat [3]. In such way, the Ukrainian statehood was restored.

The formation of UPR own legal system started. Rada issued laws in the name of UPR; the government had the right to "issue orders in the scope of government on the basis of laws". The final delimitation of UPR, the accession of "adjacent provinces and regions, where the majority of population is Ukrainian-speaking" should be "established in agreement with the organized will of people" [3; 5]. The leaders of Ukrainian revolution did not see close prospects for the collapse of the Austro-Hungarian Empire and the unification of the Ukrainian people in one state. In addition, political events at Naddnipranschina became more complicated.

At the Congress of Workers 'and Peasants' Deputies of Donbass and Kryvorizhya in Kharkiv in December 12, 1917, delegates proclaimed the authority of Soviet in Ukraine. The Central Executive Committee of the Soviets was elected, and the Soviet government was formed. In resolutions "On the organization of power in Ukraine", "On self-determination of Ukraine", the Congress of Soviets instructed the Provisional Central Executive Committee "to extend to the territory of the Ukrainian republic all decrees and orders of the workers and peasants government of the Russian Federation." USSR was recognized as the part of Russian Republic [6].

The last Ninth session of the UPR was on January 15–25, 1918 in the conditions of Bolshevik troops attack on Kyiv and the Arsenal factory workers' uprising organized by the Bolsheviks. Under the influence of these events, the leadership of the Central Council finally lost the illusion of the possibility of establishing a Russian democratic federal republic and UPR joining it. Peace negotiations in Brest and Ukrainian delegation desire to sign a peace treaty with the countries of the Quadruple Alliance made necessary constitution of the Ukrainian People's Republic as a subject of international

law. That is why the session adopted the last Fourth Universal, stating in it "From now Ukrainian People's Republic is independent, free, sovereign state of Ukrainian People". M. Hrushevsky hoped that proclaimed independence "would become the solid basis of our statehood and social building" [3; 5]. It was indeed crucial state step on the way to the unity of Ukraine.

The ninth session of the UPR empowered the Ukrainian delegation to sign in Brest the peace treaty with Germany, Austro-Hungary, Turkey and Bulgaria. It was signed on January 27, 1918. It was the first peace treaty in the First World War. It consolidated (art.1) the desire of the parties "to live in peace and friendship" [3]. Agreements on the exchange of prisoners, the establishment of diplomatic relations, the exchange of "remnants" of products, etc. were reached. The additional terms of the Brest Treaty were armed assistance to the UPR to fight the Bolsheviks and loan in the amount of 1 billion rubles in exchange for 1 million tons of food, coal and other supplies from Ukraine. [3]. This was the price Central Rada paid for peace and return to power.

For the UPR delegation in Brest it was important question concerning perspectives of joining all lands inhabited by ethnic Ukrainians in the West. However, the delegation had to agree on a secret agreement with Austria-Hungary "on the case of Eastern Galicia and Bukovina," according to which the Austrian side promised to ensure the cultural development of Western Ukrainians, and by July 31, 1918, to unite the West Ukrainian lands "in one single crown edge "[3].

As we see, the UCR activists for a unjustifiably long time were trying to gain the legal status of Ukrainian autonomy within the Russian Federation, which delayed and slowed down the democratic state formation in Ukraine, the solution of urgent social and economic issues. Attracting German and Austrian military aid led to the actual occupation of Ukraine, its robbery and, as a consequence, to the final loss of public confidence in the Central Rada. The promise of the Austro-Hungarian government on the unification of Western Ukrainian lands remained weak consolation.

Under the foreign and Soviet domination, when Central Rada was in Volyn', predominant amount of adopted acts did not come into force. Its last legal act, adopted on April 29, 1918 after Rada returning return to Kyiv, was the Constitution of the UPR – "The Statute on the State System, the Rights and Freedoms of the UPR". The Constitution proclaimed the UPR State as a sovereign, independent, whose territory is indivisible [3]. The Basic Law generalized the annual state formation experience, took into account its achievements and disadvantages.

The existence of the Ukrainian state in the conditions of the hetman regime and the German occupation, and then the appearance of "Federal Diploma" by P. Skoropadsky on November 14, 1918 in a certain way compromised the idea of Ukrainian unity. But she revived and gained strength among the opposition political parties, Western Ukrainians.

2. WEST UKRAINIAN PEOPLE'S REPUBLIC UNDER THE AUTHORITY OF STATE SECRETARIAT

In the middle of October 1918, the association of political parties Ukrainian National Union unveiled "Statement on the Internal and External Situation of Ukraine", in which it called it quite natural and necessary to "unite in the one state Ukrainian organism all the inhabited by Ukrainians lands that, by this time and international circumstances, did not form part of the Ukrainian state, that are Eastern Galicia, Bukovina, part of Hungarian Ukraine, Kholmshchyna, Pidlyassya, parts of Bessarabia with the Ukrainian population, part of the ethnographic Ukrainian Donschyna, Montenegro and Kuban "[7]. Believing in a close perspective on the implementation of the communist idea, they gave a sense of the immortal unity of Ukrainians among intellectuals, the democratic wing of political parties, and the rapid development of dramatic political events in Western Ukraine.

On October 18, 1918, Ukrainian deputies of both chambers of the Austrian Parliament, regional districts, representatives of Ukrainian political parties, clergy and students came to Lviv. At the meeting, the Ukrainian National Rada was established, its Charter was approved, its membership was determined, its head was declared – E. Petrushevich [8]. The next day, the "Proclamation of the Ukrainian People's Republic" (Manifesto) was published, which established the territory of the republic, constituting the Ukrainian state [8].

With the collapse of Austria-Hungary on November 1, 1918 Sich Riflemen led by D. Vitovsky handed over power in Lviv, while the deputy governor of Galicia and the delegation of Rada signed an act on the transfer to her full authority in the country. This decision of November 1918 was also supported in Chernivtsi, but by the end of November, Romanian troops occupied the territory of Bukovina [8]. In November 9, Rada formed State Secretariat (government), and also defined the official name of the state – the West Ukrainian People's Republic. The next day, Rada adopted a resolution mandating the State Secretariat to take measures to begin negotiations on "the unification of all Ukrainian lands into a single state" [9]. Three days later, she adopted the First Provisional Basic Law, initiating state formation on a constitutional basis. The main task of state formation was the leaders of WUPR considered an association with Naddni-pranschyna, the unity of the Ukrainian lands.

In November 24, 1918 State Secretariat of WUPR decided to start negotiations about uniting with the Directorate of the UPR, which headed the uprising against the Hetman's regime. On December 1, 1918 delegation of the Ukrainian National Rada of WUPR and Directorat, whose troops were attacking Kyiv, conducted in Fastov the Pre-accession agreement on the unification of 2 parts of Ukraine "into one indivisible state unit" [8]. It was assumed that the WUPR would receive territorial autonomy, and the "joint commission" will determine the boundaries of this autonomy and the detailed

conditions of the unions of the two republics. Thus, the real prospect of the reunification of most of the Ukrainian lands, mutual support and assistance has become real.

In the unifying movement, the Ukrainians of Transcarpathia took an active part. On the basis of the initiative of the public association "Ruska Narodna Rada", a congress of delegates of its branches (about 500) was convened in Budapest on December 10, most of whom were in favor of joining the region to Ukraine [10]. The same decision was adopted by the Nationwide meeting in Khust on January 21, 1919. [8] The Hutsul republic was even proclaimed in Hutsulschina, and a parliament of 42 deputies was elected. However, the proclamation of the Hungarian Soviet Republic in March of the same year put an end to democratic processes in Ukraine [11].

In January 3, 1919 in Stanislav at the meeting of Ukrainian People's Council, the Decree on the unification of the WUPR and the UPC was unanimously approved. By declaring their unification unanimously "in one uniform, sovereign People's Republic" the Council made a final decision on this matter at the forthcoming All-Ukrainian Constituent Assembly [8]. Before their convocation in the WUPR, UP Council had the legislative power, the State Secretariat had the executive power, an independent command of the Army was kept. The decision of the UP Council was supported by thousands of manifestations in many cities of the region – in Drohobych, Ternopil, Stryi, Zolochiv, Zhovkva, Kolomyia, Kalush and others. Even the elections to the Central People's Rada (Parliament) of 100 deputies were held [8]

Act Zluky had to be proclaimed in Kyiv. In order to do this, to the capital, where the Directorate of the UPR already had control, a delegation was sent from representatives of Galicia, Bukovina and Transcarpathia.

On January 22, 1919 on the decorated Sofia square of Kiev, in the presence of tens of thousands of people member of the UN Council on behalf of the western Ukrainians L. Bachinsky congratulated people of Kyiv. State Secretary of the WUPR L. Tsegelsky solemnly unveiled the Council's decision on the unification, powers of the Western Ukrainian delegation and handed over the documents to the Head of the Directorate, V. Vinichenko who welcomed the delegation of the brothers and accepted the statement-decision of the Council. The Universal of the Directory was read, in which it was proclaimed: "From now two parts of Ukraine, which for centuries were separated, are joined – the Western-Ukrainian Republic (Galicia, Bukovina, Hungarian Rus) and the Great Naddniprovska Ukraine" [8; 12; 13; 14].

Eternal dreams, for which the best sons of Ukraine lived and died, came true. "...From now there is the only independent Ukrainian People's Republic. From now Ukrainian people, liberated by the powerful impulse of their own forces, have the opportunity by united, friendly efforts of all sons to build an inseparable, independent Ukrainian state for the good and happiness of all of their labor people "[8]. This "holiday of unification", according to V. Vinichenko, became a significant event in the history of the native state formation [4]. It was truly a majestic national holiday of reunion, the unity of the Ukrainian lands, which were for the long centuries uncovered by neighboring states.

The next day, a session of the Congress of Labor People of Ukraine, elected in January, was opened, and the Western Ukrainian delegation as a representative from Western Ukraine participated in the work [15]. The first question heard by the Congress was the question of unity. It approved the whole package of the unity documents by adopting the Act of Association and the Universal "To the Ukrainian People". WUPR, in accordance with the Law "On the Form of Government in Ukraine", became known as the Western Region of the UPR. The Congress instructed the government to prepare a draft electoral law for the future national parliament of the independent Ukrainian republic [8].

CONCLUSIONS

Therefore, the Congress as authorized representative body, "pre-parliament" embodies sovereign Ukraine. In this legal way, the historical problem of uniting both parts of Ukraine was solved. The Labor Congress expressed protest on attempts against integrity, sovereignty and independence of Ukrainian People's Republic. It proclaimed: "Ukrainian people want to be neutral and in friendly relations with all other nations." and pointed out the threat from the side of "imperialists and Soviet Russia". Historical Act Zluky was devoted to the anniversary of the proclamation of the UPR Unity by the Fourth Universal. That is why in January 24, 1919 the Council of People's Directors of Directorate decided to set in January 22 annual celebration of the Day of Unification of Ukraine. In such way, the unity of Ukrainian people and its lands since Kievan Rus' was proclaimed and consolidated.

Act Zluky clearly demonstrated the impotence of attempts to separate Ukrainian nation, to turn parts of Ukraine against each other in the First World War, to force to serve alien purposes [16]. However, further, tragic for Ukraine, events and consequences of Second World War consolidated by the Treaty of Versailles of 1919 for a long time delayed actual process of uniting all Ukrainian lands. Another separating factor, which should be remembered, is functioning of two systems of power in UPR and WUPR. That is why in the most difficult moments of struggle against the invaders, representatives of both powers often could not understand each other, give up own regional interests for the benefit of all Ukraine. In such way, the history of Ukraine is instructive: it is the constitutional duty of every citizen to strive for unity, unanimity in relation to the Motherland, to protect it, especially, in the context of the war with foreign aggression. Historical experience warns that national interests are much more important than interests of party or corporation, the development of a legal, social, democratic state in Ukraine requires the political and spiritual unity of all citizens.

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Suggested Citation: Butler, W. E., & Yermolaiev, V. M. (2019). Towards the course of Ukraine (to the 100th anniversary of the act of unification of the UPR with ZUNR). *Journal of the National Academy of Legal Sciences of Ukraine*, 26 (1), 166–174.

Submitted: 04/01/2019

Revised: 18/02/2019

Accepted: 16/03/2019