

**FORMATION OF THE NAVAL FORCES OF UKRAINE UNDER THE  
CONDITIONS OF LEGAL CONCILIATION OF THE STATUS OF CRIMEA  
AS A PART OF UKRAINE IN THE 90s OF THE XX CENTURY**

The article deals with the legislative, socio-political, diplomatic processes and bilateral interstate agreements concerning the conditions of presence, status and powers of the Black Sea Fleet on the territory of Ukraine in the context of Russian-Ukrainian military and political relations and geopolitical influences in the Crimean-Black Sea region. An analytical study of the consequences of the erroneous legislative and political steps of the Ukrainian government in Crimea and the imperfection of guarantees provided by the Ministry of Defense of Ukraine on protection of the Black Sea Fleet personnel who chose the Ukrainian citizenship and Ukrainian oath in the transition period of formation of the Ukrainian Armed Forces Navy in 1991-1995 was conducted.

*Key words:* The Crimean Autonomous Soviet Socialist Republic, the Crimean Republic, the Autonomous Republic of Crimea, the Navy of the Armed Forces of Ukraine, the Black Sea Fleet of the Navy of the Russian Federation.

*Formulation of the problem.* To investigate the circumstances of changing the legal status of Crimea under the conditions of the geopolitical process of the USSR collapse, desire of the Ukrainian leadership to preserve Crimea within the borders of Ukraine, to create the Navy of Ukraine, and the overwhelming desire of the Russian Federation authorities to preserve Crimea as the base for the Russian Federation Navy Black Sea Fleet.

*Analysis of the research and publications on the problem.* The authors of the article analyzed the Laws and By-Laws of Ukraine and the Russian Federation regarding the status change of Crimea and the Black Sea Fleet in the 90s of the XX century, international agreements at the beginning of the gas and economic wars between Ukraine and the Russian Federation, historical materials, participants in the events concerning the modern Ukrainian Navy rebuilding during formation

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**Lukyanchenko Svitlana**, PhD (history), docent, Hetman Petro Sahaydachnyi National Army Academy, Lviv

**Stukalina Nadiya**, PhD (law), docent, Hetman Petro Sahaydachnyi National Army Academy, Lviv

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of its independence: Bezkorovayniy V., Moroz.K, Mamchak M., Losev I., as well as articles and publications examining the process of development of the Navy in Ukraine at the end of the XX century: Savchenko M., Putilov Y., Guy-Nyzhnyk P., Mezentsev Y., Gorobets I. and others.

*The purpose of the article.* To make a complete analysis of the historical, political and international circumstances of the Russian Federation interference in the legislative communication processes between the Ukrainian government and the Crimean self-government bodies. To distinguish erroneous diplomatic decisions of Ukraine in the regulation of the status of Crimea as part of Ukraine and the fate of the Black Sea Fleet in the period of rebuilding of the Ukrainian Naval Forces.

*Summary of the main research results.* In the course of the USSR collapse, the mood to break free from the USSR intensified in Ukraine. Obtaining independence was slowed down by the regions with a greater number of Russians. Crimea was in the first place in this issue. The pro-Russian party elite began to seek the special status of Crimea. On February 12, 1991 according to the results of the local referendum of January 20, 1991. - the first in the USSR – the autonomy within Soviet Ukraine was restored (*Putilov, 2008: 65*). More than 93% of the referendum voted in favor of the Autonomous Republic. As a result of these events, the Supreme Soviet of the USSR adopts the Law of the USSR "On the Restoration of the Crimean Autonomous Soviet Socialist Republic" No. 713-XII (713-12) of 12, Feb., 91. The move was motivated by desire to keep Crimea within the borders of a future independent Ukraine. The Act of Declaration of Independence of Ukraine was adopted by the extraordinary session of the Supreme Soviet of the USSR on August 24, 1991, which proclaimed the independence of Ukraine and creation of the independent state of Ukraine. Together with the Act, the Resolution of the Supreme Soviet of the USSR "On the Declaration of Independence of Ukraine" and the Resolution of the Verkhovna Rada of Ukraine "On Military Formations in Ukraine" were adopted. The Verkhovna Rada of Ukraine undertook to hold a national referendum on December 1, 1991 to confirm the Declaration of Independence and to subordinate all military formations stationed on the territory of the republic to the Verkhovna Rada of Ukraine, to establish the Ministry of Defense of Ukraine, for the Government of Ukraine to start establishing the

Armed Forces, republican guard and a guard unit of the Verkhovna Rada, the Cabinet of Ministers and the National Bank of Ukraine. To subordinate military formations by taking the oath of allegiance to the Ukrainian people under the conditions of absence of the Constitution of Ukraine, the legislative framework for the functioning of the Ministry of Defense of Ukraine and the Black Sea Fleet of the Ukraine headquarters in Crimea turned out to be problematic. The process of creation of the Ukrainian Naval Forces was placed in a disadvantageous situation due to different positions of Ukraine and Russia concerning the status of Crimea and subordination of the Black Sea Fleet. This process was also slowed down by the complexity of legalizing Ukraine's independence on the part of Russia and other former Soviet republics (*Guy-Nyzhnyk, 1997: 77*). Since 1991, Ukraine had had to go the hard way of recognizing by international organizations and establishing diplomatic relations. In the period between December 21, 1991 and May 23, 1992, the world community agreed with Russia's perception of being the successor state of the USSR according to four formal legal positions: nuclear potential, membership in the UN Security Council, foreign ownership, and USSR foreign debt. Subsequently, in its relations with Ukraine, the Russian Federation used world security commitments to obstruct Ukraine's intentions to create the Navy of the Armed Forces of Ukraine and re-subordinate the Black Sea Fleet. The Russian Federation did not want to lose its positions in Crimea and tried to keep the Black Sea Fleet under its command.

The problems were aggravated by pro-Russian political parties and public organizations that tried to initiate an independent legislative process to determine the status of Crimea without agreeing with the Ukrainian leadership.

On April 29, 1992 the Verkhovna Rada of Ukraine adopted the Law on the Status of the Autonomous Republic of Crimea, which defined the Crimean Region as an autonomous component of Ukraine. The Republic was empowered to adopt and interpret the Constitution, participate in the formation and implementation of Ukraine's domestic and foreign policies, resolve issues of the administrative-territorial structure of the republic, appoint elections of deputies to councils and determine the order of organization and activity of republican and local authorities within the limits of its competence, participate in relations with other states, etc. The first constitutional act of the

Verkhovna Rada of the ARC was approved on May 6, 1992. According to that act, Crimea was proclaimed a sovereign state within Ukraine, while emphasizing that the relations of Crimea with Ukraine should be based on a contractual basis between two subjects of law (*Constitution of the Republic of Crimea, 1992*).

In 1992 the Crimean leadership uses the absence of the Constitution of Ukraine (adopted by the Verkhovna Rada on June 28, 1996), errors of law, and weakness of the Ukrainian state government in order to build its own model of the governing mechanism. The Verkhovna Rada of Crimea adopted the Declaration "On State Independence of the Republic of Crimea" and on May 6, 1992, the Constitution of the Republic of Crimea. The Law of Ukraine "On Amendments to the Law of Ukraine" On the Status of the Autonomous Republic of Crimea" made the following changes and amendments to the "Law of Ukraine of April 29, 1992" on the Status of the Autonomous Republic of Crimea: The Republic of Crimea is an autonomous component of Ukraine. The Republic of Crimea independently resolves the issues assigned to its jurisdiction by the Constitution of Ukraine, the Constitution of the Republic of Crimea and this Law.

The Constitution of the Republic of Crimea cannot contradict the Constitution of Ukraine, its basic principles of democratic, legal, political system, ensuring of human rights and freedoms. Every citizen of the Republic of Crimea is a citizen of Ukraine;

the territory of the Republic of Crimea may not be changed or transferred to another state without the consent of the Verkhovna Rada of Ukraine and the Verkhovna Rada of Crimea;

within the limits of its powers the Republic of Crimea independently enters into relations with other states and international organizations in the fields of economy, environmental protection, socio-cultural sphere; location of military bases and other military objects, formation of new military units, units of the National Guard of Ukraine on the territory of Crimea shall be coordinated with the Verkhovna Rada of the Republic of Crimea;

deployment and re-deployment of military formations of the National Guard of Ukraine and their units, conducting military exercises in Crimea are agreed with the Chairman of the Verkhovna Rada of the Republic of Crimea;

the units and subunits of the National Guard of Ukraine stationed on the territory of Crimea are formed mainly from citizens living in Crimea;

The Chairman of the Security Service in Crimea is appointed by the Chairman of the Security Service of Ukraine in agreement with the Verkhovna Rada of the Republic of Crimea, and is dismissed in agreement with the Chairman of the Verkhovna Rada of the Republic of Crimea. The Republic of Crimea exercises parliamentary control over the activities of the Security Service in Crimea (signed by the President of Ukraine L. Kravchuk on June 30, 1992, No. 2523-XII). The law became invalid on the basis of the Verkhovna Rada Resolution (No. 96/95-BP) of March 17, 1995 (*The Law of Ukraine "On the Abrogation of the Constitution and Some Laws of the Autonomous Republic of Crimea", 1995*).

Tension on the peninsula was intensified by the resolution of the closed session of the Russian Parliament, adopted on May 21, 1992, in which the decision of 1954 was declared "unenforceable since the moment of its adoption". Ukraine and Russia were in a state of open confrontation. Although those documents contradicted the legislation of Ukraine at that time, they were abolished by the Verkhovna Rada of Ukraine only on March 17, 1995 - after protracted conflicts on the peninsula. This status of Crimea was established at a later time after Ukraine gained independence. On February 24, 1992 Crimea was given its modern name – the Autonomous Republic of Crimea (ARC).

Local legislation evolved within the boundaries of Ukrainian legislation. However, because of the long-standing constitutional process the status of Crimea was not clearly defined. Since the federal government of the new state was envisaged in the early drafts of the constitution of Ukraine, the presidency institute was introduced on the peninsula. In 1993, the center of Russia's political confrontation with Ukraine shifted to the spotlight of the Black Sea Fleet problem. Russia, declaring itself the owner of all the fleets of the former USSR, sought to maintain under its jurisdiction a fleet on the Black Sea with its entire system of communications.

Interests of Ukraine were virtually ignored in this matter. During the interstate negotiations regarding the fleet Russia tried to impose a comprehensive consideration of the Crimea issue. In addition, on July 9, 1993 the Verkhovna Rada of the Russian Federation adopted a decree declaring the city of Sevastopol to be of "Russian (federal) status" and being the "main base of a unified Black Sea Fleet." On July 10 of the same year the Verkhovna Rada of Ukraine sent a

statement to Russia, which considered those political decisions as "unprecedented", and emphasized that the resolution of the Verkhovna Rada of the Russian Federation is a severe violation of the generally recognized norms of international law, encroachment on the territorial integrity of Ukraine, distortion of historical justice.

In 1994, the election of the President of the ARC was held. Y. Meshkov, co-chair of the Crimean Branch of the Memorial Historical and Educational Society (pro-Russian public organization) was elected the President of the ARC. Y. Meshkov intended to introduce a ruble zone on the peninsula, concluded a military and political agreement with Russia, granted Russian citizenship to the residents of Crimea, switched over to Moscow time. However, because of the fierce opposition of the Ukrainian authorities and the Crimean opposition, the only thing that could be done was the decree # 1 on switching over to Moscow time.

In March 1995, the post of President of the ARC was abolished. The official reason for this was the need to "bring the Constitution and laws of the Autonomous Republic of Crimea into conformity with the Constitution and laws of Ukraine in order to ensure the supremacy of the Constitution and laws of Ukraine throughout Ukraine." (*Mezentsev, 2014: 458*)

Thus, the first manifestations of Russian separatism in Crimea were overcome politically. The political crisis of 1992-1994 exposed the direct involvement of the Russian Federation with the intention of establishing direct protectorate in the Autonomous Republic of Crimea. On September 21, 1994 (No. 171/94-VR) the President of Ukraine introduced the following amendments to the Constitution of Ukraine:

"In the text of the Constitution, replace the words "Crimean Autonomous Soviet Socialist Republic", "Crimean ASSR", "Republic of Crimea" respectively with the words "Autonomous Republic of Crimea". Paragraphs 21-1 and 31 of Part Three Article 97 of the Constitution of Ukraine state in the following wording: "early termination of powers of the Verkhovna Rada of the Autonomous Republic of Crimea, local Soviets of People's Deputies in case they violate the Constitution and laws of Ukraine, and appointment of new elections of deputies of these Soviets; suspension of the Verkhovna Rada of the Autonomous Republic of Crimea legal acts validity in case of inconsistency of their Constitution and laws of Ukraine;

abolition of the Verkhovna Rada of the Autonomous Republic of Crimea legal acts in case the Verkhovna Rada of the Autonomous Republic of Crimea did not bring them into conformity with the Constitution and laws of Ukraine; cancellation of decisions of regional, district, city, district in the cities Soviets of People's Deputies, if they are adopted in violation of the Constitution and laws of Ukraine."

On March 17, 1995 the President of Ukraine L. Kuchma signed the Law of Ukraine "On Amendments to the Law of Ukraine "On the Status of the Autonomous Republic of Crimea", where significant changes to the status of Crimea were made. The powers of the Verkhovna Rada of the Autonomous Republic of Crimea may be terminated prematurely if it:

1) violated the Constitution and laws of Ukraine and did not bring its decisions into conformity with them;

2) made a decision aimed at violating the territorial integrity of Ukraine, arbitrarily changing its state-territorial structure (*Bulletin of the Verkhovna Rada of Ukraine, 1995: 67*).

Ukraine is the guarantor of the legal status of the Autonomous Republic of Crimea provided by the Constitution of Ukraine and this Law. But there were local referendum provisions that were not perfectly spelled out from a legal point of view.

The Constitution of Crimea of April 4, 1996 proclaimed the Verkhovna Rada of the ARC a legislative body again and determined the procedure for elections of deputies to it. As these norms contradicted the new Constitution of Ukraine in 1996, a need to determine the status of the ARC arose again. After the Constitution of Ukraine was adopted in 1996 and the Agreement on Friendship, Cooperation and Partnership between Ukraine and the Russian Federation was signed in May 1997 the confrontation between the leadership of Ukraine and the Autonomous Republic of Crimea become weaker. That made it possible to approve the Constitution of the ARC in 1998.

On February 10, 1998 the Verkhovna Rada of Ukraine issued the Law "On the Verkhovna Rada of the Autonomous Republic of Crimea", that laid foundations and mechanisms for the work of the Peninsula Parliament - an elected, collegial and representative body of the republic. That body shall consider and adopt decisions and resolutions in force on the territory of the Republic. The status of the Autonomous Republic of Crimea does not allow the parliament to

consider laws that do not comply with the provisions of the Constitution of Ukraine. All resolutions of the local parliament shall comply with the Constitution of Ukraine.

The ARC constitution contains a preamble, 5 sections, 9 chapters, 48 articles. The preamble states that the Basic Law of the ARC was adopted in accordance with the Constitution of Ukraine of 1996 and the Law of Ukraine "On the Verkhovna Rada of the Autonomous Republic of Crimea" of 1998. Section 1 outlines the constitutional framework for the status and powers of the ARC, as well as the principles and guarantees of the autonomy. It is indicated, in particular, that the Autonomous Republic of Crimea is an integral part of Ukraine and, within the limits of the powers defined by the Constitution of Ukraine, resolves the issues under its jurisdiction. The representative body of the ARC is its Verkhovna Rada, and the executive - the Council of Ministers of the ARC. Legislative acts of the Verkhovna Rada and the Council of Ministers of the ARC or their provisions that contradict the Constitution of the Republic are not legally valid. Such acts may be challenged in court by persons whose rights and interests have been infringed. Issues of conformity of legislative acts of the Constitution of the Autonomous Republic of Crimea are resolved in accordance with the Constitution of Ukraine of 1996, the Constitutional Court of Ukraine. The Constitution can only be amended by the ARC Parliament. The Constitution declares that the state language of the Autonomous Republic of Crimea is the Ukrainian language, and all legal acts in the autonomy are printed, apart from Ukrainian, also in Russian and Crimean Tatar. The Constitution does not envisage the institution of the President of the Autonomous Republic of Crimea. In fact, the Russian language remained the language of business documentation. Simferopol became the capital of the republic, the city of Sevastopol acquired a separate status. The status of Crimea as a territorial autonomy has proved to be a delayed-action mine for the future stable development of the peninsula (*Constitution of Ukraine, 1996*).

Fight for the future of the Black Sea Fleet began on April 5, 1992 when the decree of the then-President of Ukraine, Leonid Kravchuk, "On Urgent Measures to Develop the Armed Forces of Ukraine" was signed. According to it, the former Soviet Black Sea Fleet was transferred to the jurisdiction of Kiev, and on the basis of its forces stationed on the Ukrainian territory (which meant practically on the



basis of the whole Black Sea Fleet), the Ukrainian Naval Forces should have been established immediately. A conflict of laws arose because Ukraine signed the agreement on associate membership in the CIS and agreed to support a joint military doctrine, and the fleet was a part of the Commonwealth of Independent States (CIS) Joint Armed Forces and was a part of the Navy, commanded by Admiral V. Chernavin.

Moscow responded to that move: On April 7, B. Yeltsin, the President of the Russian Federation, issued a counter-decree according to which the Black Sea Fleet, on the contrary, was placed under the jurisdiction of Russia. The Kremlin proposed to solve the crisis that emerged through negotiations during which the two decrees were terminated. A long diplomatic struggle, which was complicated by the situation “on the spot” commenced.

The Government of Ukraine and the Ministry of Defense encouraged the Black Sea Fleet sailors to take the oath of allegiance to Ukraine, trying to "Ukrainize" the fleet and confront the Black Sea Fleet Command and the Derzhavna дума of the Russian Federation with accomplished facts. A long-lasting diplomatic trade started, which did not discourage Ukraine from getting its own fleet. There was something to partition. In the early 90s the Black Sea Fleet of the USSR numbered about 100,000 military personnel and 60,000 workers and employees, included 835 ships of virtually all of existing classes. There were 28 submarines, 2 anti-submarine cruisers, 6 missile cruisers and large anti-submarine ships of I rank, 20 large anti-submarine ships of II rank, destroyers and patrol ships of II rank, about 40 patrol boats, 30 small missile carrier ships and motor boats, about 70 minesweepers, 50 amphibious ships and boats, more than 400 items of naval aviation. The fleet consisted of 2 divisions of ships: anti-submarine and

amphibious, 1 division of submarines, 2 aviation divisions, 1 coast guard division, dozens of separate brigades, regiments, battalions, groups, companies and batteries. (*Bezkorovayniy, 2011: 245*)

Colonel-General K. Morozov, Ukrainian Minister of Defense held radical views: the whole Black Sea Fleet had to fully belong to Ukraine. In 1991 L. Kravchuk tried to fully subordinate the Black Sea Fleet to the Ukrainian command. But at the same time, B. Yeltsin signs a decree on subordination of the Fleet without approval with the President of Ukraine and appoints Admiral I. Kasatonov as Commander

of the Black Sea Fleet. (*Morozov, 2014: 145*)/ The first large-scale actions against Ukraine date from 1992. (*Losev, 2008: 437*)

The announcement that 880th Detached Marine Corps Battalion was the best in the formation, according to the results of 1991, which on February 22, 1992 took the oath of allegiance to Ukraine, caused resentment among the Russian command. The Navy Headquarters in Moscow immediately issued a directive to disband the battalion. After the incident the main combat formations of the Black Sea Fleet were brought up to strength only by Russians, and a month later, I. Kasatonov, the Black Sea Fleet commander took decisive actions. For example, in April 1992 a vehicle equipped with a radio-electronic suppression complex kept the watch near the School of Ensigns, where an organizational initiatives task force on developing the Ukrainian Naval Forces was located. Russian radio operators interfered with communication and carried out electronic interception. The headquarters of the Black Sea Fleet Air Force and the headquarters of the Crimean base in the village of Novoozerne were taken under protection of the Russian Marines, and the platoon there was disbanded due to the taking of the Ukrainian oath.

On July 9, 1992 the personnel of the military commandant of the Sevastopol garrison, the headquarters of the Main Base, took the oath of allegiance to Ukraine. It inflicted a major setback on pro-Russian forces. On July 10 at 12:25 810th Marine Corps was put on combat alert, which turned into full combat readiness. Personnel were given body armor and bullets. A Russian airborne assault group of 25 people entered the commandant's office.

On July 21, 1992 the SKR-112 patrol ship, raising the Ukrainian flag, made a passage from the Crimean base (from the Donuzlav mentioned above) to Odessa. During the 8-hour passage the ship was pursued by ships sent from the BSF command post, using warning artillery fire and attempting to land an assault team on a rebel vessel. Ukrainian fighter jets and coast guard motor boats were sent to support SKR-112. Because of the threat of combat clash Russian sailors did not follow the order of the BSF headquarters to stop the ship "in any way." (*Losev, 2008: 434*)

In order to deter aggression by Russia, Ukraine, in the status of an associate member of the CIS, participates in the activity of the Commonwealth of Independent States Joint Armed Forces Chief Command for a transitional period. On 6 July 1992 the permanent

residence of the Commonwealth Joint Armed Forces Chief Command was established in Moscow at 41, Leningradsky Prospekt. On April 30, 1992 during a meeting in Odessa, the presidents signed an agreement that established a moratorium on unilateral actions and made provision for the creation of working groups to draw up a Russian-Ukrainian treaty with regards to the fleet. But it was impossible to implement this agreement. On June 23, 1992 the Presidents met again in Dagomys to consider unresolved problems. In Dagomys, agreements to create two Fleets (Russian and Ukrainian) on the basis of the Black Sea Fleet were reached, but for a transitional period they had to remain under unified command, and conscripts were allowed to take the oath according to acquired citizenship. The signed agreement did not define the term "temporary period" and did not explain the contiguity of military personnel with different citizenship in one military unit.

Despite the agreement being signed, the presidents had no idea how to get out of the deadlock and come to a solution of the Fleet problem. The delay in the decision provoked intransigent opposition in both countries, including opposition in the military environment.

The Yalta Agreement of August 3, 1992 confirmed that the Black Sea Fleet was subject to partition between the Parties with the purpose of establishing the Ukrainian Navy and the Russian Navy on its basis. According to the Moscow Agreement, dated June 17, 1993, the Parties agreed to divide the fleet on a 50/50 basis.

On February 20, 1993 gas wars between the Russian Federation and Ukraine broke out, that were caused by Ukraine's \$ 300 million debt. The shutdown did not happen then, because Ukraine made the first payment. That year we paid for gas with weapons for the first time, that year we gave a part of the Black Sea Fleet for gas. (*Bezkorovayniy, 2011: 245*).

In 1993 anti-Ukrainian sentiments were fuelled by Russian politicians and the Russian Black Sea Fleet Command in Sevastopol. Ukrainian servicemen lost the feeling of security while moving around the city. Russian sailors called their fellow border guards from Balaklava traitors, made them get off urban transport.

At the end of 1993 the first joint military exercise with participation of the Ukrainian Navy and Air Force was held. The flagship of the Ukrainian Navy frigate "Hetman Sahaidachny" which returned from that exercise found out that it was not allowed to approach the base. The Ukrainian crew prepared to fight their way out. A team of ten

was selected on Sagaidachny, weapons were issued to get ready to land on longboats in order to grab a tugboat and open the bridge defense if necessary. (*Mamchak, 2013: 465*)

In response, Ukraine did not sign the Decision about the Headquarters on Coordination of CIS Military Cooperation. Work on the preparation of the seizure of Ukrainian Air Defense Forces key objects in Sevastopol was initiated. The situation on the peninsula was stabilized by deploying to Crimea of nearly 60,000 border guard troops and the National Guard.

Since the beginning of January 1994 the Russian Black Sea Fleet HQs ordered to start switching off navigation lights and light signs in the northeastern part of the Black Sea. Navigation to Ukrainian ports became impossible. At the same time they removed hydrographic equipment. But during few weeks Ukrainian flags were raised on Feets objects across the Northern Black Sea region. Russians temporarily released pressure on Crimea and the Black Sea Fleet. (*Mamchak, 2013: 460*)

The situation escalated again in 1994. The first limitation of gas supplies to Ukraine in early March 1994 was caused by a debt of \$ 600 million. Full deliveries were resumed on April 10. On April 15, 1994 a Russian-Ukrainian agreement on phased settlement of the Black Sea Fleet-Related problems was signed, which established the proportion of distribution according to which Russia was meant to receive 80-85% of ships of the fleet. At the same time Russian diplomats insisted on a need to link the agreement as for the fleet with a political treaty between Russia and Ukraine. Negotiations began anew. As a result, on June 9, 1995 an agreement was signed in Sochi, according to which the Black Sea Fleet of Russia and the Navy of Ukraine were based separately. Sevastopol was assigned the status of the main base of the Russian Black Sea Fleet. Property issues were subject to settlement, taking into account the previously reached agreement on the division of property by halves. Ships were divided in a proportion of 81.7% for Russia and 18.3% for Ukraine (on June 10, 1994 the Parties reached an acceptable for everyone fleet partition agreement).

On May 28, 1997 the final intergovernmental agreements on the status and conditions of presence of the Black Sea Fleet of Russia on the territory of Ukraine, and partition of the Black Sea Fleet were signed in Kyiv. According to the Agreement between Ukraine and the Russian Federation on the parameters of the Black Sea Fleet partition,

the main base of the Black Sea Fleet of the Russian Federation is located in Sevastopol.

The headquarters of the Black Sea Fleet and their other governing bodies, military formations, enterprises, organizations and institutions are located in Sevastopol. The Black Sea Fleet of the Russian Federation uses the following stationing sites and home bases: 31st Test Center with appropriate support facilities; airfield Gvardijske with support facilities; Yalta military sanatorium in Yalta; 830th communication and relaying post in Yalta, and 1001th post of high-frequency communications in the settlement of Pryberezhne, Sudak district; 2436th rocket fuel storage at Mamut station.

Conventional weapons and equipment limited by the Treaty on Conventional Armed Forces in Europe of November 19, 1990 are stored in the marine infantry units of the Black Sea Fleet of the Russian Federation. These weapons and equipment are hosted by Ukraine on a temporary basis and do not exceed 132 armored combat vehicles and 24 artillery units of 100 millimeter caliber and above.

Combat aircraft of land-based naval aviation of the Russian Federation Black Sea Fleet that is temporarily located on the territory of Ukraine do not exceed 22 items.

Under the Agreement between the Government of Ukraine and the Government of the Russian Federation on reciprocity accounts associated with the division of the Black Sea Fleet and presence of the Black Sea Fleet of the Russian Federation on the territory of Ukraine the Russian Party shall compensate the Ukrainian Party for the value of the ships and vessels received in accordance with Annex No. 4 to the Agreement between Ukraine and the Russian Federation on the parameters of the partition of the Black Sea Fleet of May 28, 1997 with the amount of 521.06 million US dollars and 50 percent of the cost of ships and vessels excluded from storage of the Black Sea Fleet since 3 August 1992 in accordance with the above mentioned Annex of 5,449 million US dollars by offsetting during 1998 in the total amount of 526,509 million US dollars in repayment of the debt of Ukraine under the statecredits granted to it by the Russian Federation in accordance with the intergovernmental agreements of May 26, 1993 and of March 20, 1995. The debt became a subject of repayment by the end of 2007 and was recognized by the Parties as at date of May 28, 1997 in the total amount of 3074.0 million US dollars, including credit interests. The Ukrainian Party leases out plots of land

and the objects of coastal infrastructure, as well as the water area of the bays in Sevastopol and in Feodosia port to the Russian Party.

The Russian Party uses the leased land plots, the objects of coastal infrastructure located on them and the bays water areas in accordance with the current legislation of Ukraine. Payments for the use of the Black Sea Fleet of the Russian Federation aforementioned land plots and located there objects of coastal infrastructure, the bays water areas, the radio frequency assets, compensation for environmental damage related to the Black Sea Fleet of the Russian Federation on the territory of Ukraine shall be calculated from the date of signing the Agreement, and the calculations are made by the Russian Party since 1998 by reducing annually by equal parts of the national debt of Ukraine to the Russian Federation that remains after deducting the compensation cost of ships, other vessels and boats in the total amount of 526, 509 million US dollars and compensation for fissionable material in the total amount of 200 million US dollars, according to a particular agreement.

The annual repayment of part of the national debt is 97.75 million US dollars. In 1998, in addition to the calculations for current payments, the calculations for payments for 1997 are carried out. After the repayment of the national debt to the Russian Federation by Ukraine, the rent is paid by the Russian Party through direct payments. Under the Agreement between Ukraine and the Russian Federation on the status and conditions of presence of the Black Sea Fleet of the Russian Federation on the territory of Ukraine the Russian Party is obliged not to have nuclear weapons within the Black Sea Fleet of the Russian Federation, which is located on the territory of Ukraine.

The Ukrainian Party allows personnel of Russian military units and members of their families to retain title to real property, such as residential houses, country houses, plaisances, garages, etc. This enabled Russia to increase the number of Russian citizens in Crimea. Funds allocated from the budget of the Russian Federation for financing the military units of the Black Sea Fleet of the Russian Federation and the personnel will not be subject to income tax in Ukraine. The agreement was concluded for 20 years with the right of extension. The fleet includes 15 large vessels, to be exact 1 cruiser, 2 large anti-submarine ships, 3 patrol frigates, 2 air cushioned missile carrier ships, 7 large amphibious vessels, 2 diesel submarines, as well as 23 small ships and boats, such as 7 anti-submarine ships, 2 missile ships, 6 missile motorboats, and 8 minesweepers.

On June 1, 1997 the third stage of the Black Sea Fleet partition of objects began. A total of 43 ships, 132 vessels and motorboats, 12 aircraft, 30 helicopters, 227 coastal objects, a large number of technical property, equipment, weapons and ammunition, which were in most cases unsuitable for use, were inherited by the Ukrainian Navy. Warships were particularly neglected. They were completely decommissioned, none of them had the ability to put out to sea independently.

The Black Sea Fleet did not transfer any object in the city center and any military cultural establishment in Sevastopol to the Ukrainian Navy. Under the Ukrainian-Russian Agreement of 1997, the Sevastopol base was to be abandoned by the Russian fleet in 2017. According to the Kharkiv Agreement of 2010, the Russian lease on the Fleet presence in Sevastopol was extended to 2042. On March 31, 2014 following the annexation of Crimea, the State Duma denounced a number of Russian-Ukrainian agreements on the status and partition of the Black Sea Fleet in Crimea.

On February 7, 2019 the Verkhovna Rada of Ukraine excluded from the transitional provisions of the Constitution of Ukraine the norm that allowed the foreign military bases to be stationed on the territory of Ukraine.

*Conclusions.* Thus, during the 1990s Ukraine was fighting for the Crimea, using all leverages: holding referendums, granting special status in the format of autonomy, signing a number of Russian-Ukrainian agreements on the status of the Russian Black Sea Fleet in Crimea in order to quickly create their own Navy. Verkhovna Rada, the Ukrainian Government and the Presidents of Ukraine were not always quick and correct in assessing the situation.

The protracted process of adopting the Constitution of Ukraine made the processes of separatism possible to flourish in Crimea. The fulfillment of the decree of the Minister of Defense of Ukraine in 1992 on oath in Crimea and the proposal to all foreign formations to leave Crimea, and the attempt to subordinate the Black Sea Fleet to the Ukrainian Navy provoked unconcealed aggression on the part of the leadership and politicum of the Black Sea Fleet. The Russian Federation, as the inheritor of the USSR, urging Ukraine upon making concessions to its national interests used its international status of the US partner as well as the status of international security guarantor and means of direct blackmail in the field of gas contracts, energy and economic security of Ukraine.

The Friendship Treaty, signed in 1997, retained the status of the Black Sea Fleet in Sevastopol, which was to be based in three of the five bays in Sevastopol: Pivnichna, Pivdena, and Quarantynna. Attempts of the Ukrainian Party to prescribe the legal procedure form of withdrawal of foreign formations with the Russian Party of the treaty were rejected by the Government of the Russian Federation. The victory of Ukraine came down to a compromise agreement by the Russian Party to recognize the "city of Russian glory" under Ukrainian jurisdiction, but the occupation of Crimea in 2014 undermined credibility of the Russian Federation as a subject of international law.

The Naval Forces of Ukraine were developed under extremely difficult conditions. The imperfection of the Ukrainian legal base and the lack of experience in military law led to the persecution by the Black Sea Fleet Command of the enlisted men and officers who took the Ukrainian oath. The faith of military personnel who took the oath of allegiance to Ukraine in an initiative of the state as for creation of the Ukrainian fleet ensured success in creation of the Naval Forces of the Ukrainian Armed Forces. However, the agreements of 1997 on the partition of the Black Sea Fleet were evaluated negatively by Ukrainian sailors. No direct presidential or governmental compliance monitoring by the Ukrainian Party of the Black Sea Fleet's distribution of ships was established and the prestige of the Ukrainian Navy was crushed.

Disregard for the principles of national security protection in the 2000s, explicit collapse of the Armed Forces of Ukraine and lack of reaction of the Ukrainian government and diplomatic services of Ukraine to changes in 2001 in the federal constitutional legislation of the Russian Federation of December 17, 2001 when Vladimir Putin signed the Law of the Russian Federation "On the Procedure for Admission to the Russian Federation and Establishment of a new entity within the Russian Federation", article 7, that is governed by international law, eventually made the occupation of Crimea possible.

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**Лук'яненко С.В., Стукаліна Н.Т.**

## **ФОРМУВАННЯ ВІЙСЬКОВО-МОРСЬКИХ СИЛ УКРАЇНИ В УМОВАХ ПРАВОВОГО ВРЕГУЛЮВАННЯ СТАТУСУ КРИМУ У СКЛАДІ УКРАЇНИ В 90-Х РОКАХ ХХ СТ.**

У статті проведено дослідження історичних, соціально-політичних та правових умов формування Чорноморського флоту України в 90-х роках ХХ століття. В результаті опрацювання законодавчої та міжнародно-правової документальної бази автори дослідили ризики політики національної безпеки, що проводилася урядами та президентами України наприкінці ХХ століття. З проблемами національної безпеки держави українське керівництво почало знайомитися з моменту проголошення незалежності України. На першому етапі становлення України як держави міжнародні гарантії цілісності та недоторканності кордонів України

(Росія, США, Великобританія, Франція) вимагали від Президента та Верховної Ради України позбутися статусу ядерної держави. Росія наполягала на нейтральному статусі України в міжнародній політиці та примусила до участі України в переговорних процесах щодо створення СНД та обов'язкового її членства. Членство в СНД передбачало підписання Статуту СНД, де прописувалося створення Об'єднаних збройних сил, Ради командувачів Прикордонними військами, що надавало б Російській Федерації вирішувати свої проблеми національної безпеки за рахунок нівелювання національних інтересів України. Статут СНД Україна не підписала. Негативний досвід відстоювання прав України та участь в розподілі майна та кораблів Чорноморського Флоту накладався на стратегічне рішення Уряду України про створення власних Військово-Морських Сил, не бажаючи поступатися місцем дислокації українських військових кораблів в Севастополі, який росіяни розглядали на початку 90-х років військово-морською базою лише Чорноморського флоту РФ, намагаючись приховати цей факт під гучною назвою “стратегічні війська (Чорноморський флот) Об'єднаних військових сил СРСР-СНД”. Напруга зросла в українсько-російських стосунках у січні 1992 року. У лютому 1992 року цей процес почався в збройних формуваннях, що дислокувалися в Республіці Крим. Цей процес мав завершити процеси формування особового складу для ЗСУ та ЧФ України. Переговорний процес відновився у червні 1992 року на зустрічі Б.М. Єльцина та Л. М. Кравчука у Дагомисі. Сторони домовились про створення двох окремих флотів, але встановлювався “перехідний період” під об'єднаним командуванням. Україна почала новий переговорний процес в серпні 1992 року в Ялті. Перемовини 1993 року стосувалися питань розподілу берегової інфраструктури та фінансування флоту. Українська сторона стояла на позиції неподільності інфраструктури та обслуговування об'єктів інфраструктури ЧФ тільки українськими призовниками. Російська сторона почала використовувала «газову карту», підштовхуючи Україну до дипломатичних поступок шляхом шантажу. У вересні 1993 року в Масандрі Україною та РФ був підписаний “Протокол про врегулювання проблем Чорноморського флоту”. Україна була готова поступитися частиною інфраструктури та кораблів в рахунок газових боргів. 1994 рік пройшов в обговоренні ймовірних місць базування ЧФ України та РФ. Україна пропонувала для російського флоту – Донузлав, Росія не збиралася поступатися Севастополем. Все вирішив 1995 рік. Чеченська війна спровокувала політичну та економічну кризу в Росії. Росія під міжнародними санкціями змушена була підписати компромісну угоду, яка задовольнила українську сторону перемовин. В угоді від 9 червня 1995 року знову обговорювалося питання остаточного розподілу ЧФ, де додавалося положення про можливість викуплення росіянами тієї долі кораблів, яка перебільшує встановлену Україною норму, – 50% на кожен флот. Севастополь стає сумісним місцем дислокації військових флотів обох держав. У 2014 році Севастополь став центром концентрації прихильників “руського мира” на тлі роздмуханої політичної кризи в Києві, а відсутність стабільної політики з національної безпеки України призвела до можливості реалізації амбіційних планів Росії щодо анексії Криму.

*Ключові слова:* Кримська Автономна Радянська Соціалістична Республіка, Республіка Крим, Автономна Республіка Крим, Військово-Морські Сили Збройних Сил України, Чорноморський флот Військово-морського флоту Російської Федерації.