

National Referenda in Ukraine: Main Results and Consequences

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Abstract: The article contains scientific interpretation of the outcomes and identification of the defining characteristics of translation into practice of the main results of the referenda, which were held in Ukraine over the period from 1991 to 2000. During the period at hand, the total of three national referenda took place in Ukraine: on 17 March, 1 December, 1991, and 16 April, 2000. The author considers the key points regarding organizing and holding of such referenda as aforesaid based on the official data and those obtained by the author. The author specifically focuses on the fact that out of the seven questions put up for the referenda only one was carried into effect - the confirmation of the Declaration of Independence Act of Ukraine (12.01.1991). The rest of the results were ignored by the authorities. Based on the example of Ukraine, the nature of the influence of both external and internal factors on general poll organization is identified for the first time in a consolidated manner. The author also presents scientific data in order to prove the idea that in the contemporary environment it is essential to adhere to democratic principles in the course of public life management and especially when addressing fundamental issues of the government administration system. In this regard, the referendum (general poll), as a most important institution of democracy, is extremely important. The article also accentuates the imperative that "human rights" must be respected, including, inter alia, both the right to participate in referenda (general polls) and the right to demand translation of their outcomes into practice. Furthermore, the author for the first time systemically examines organization and procedure of referenda (general polls) in Ukraine and translation of their results into practice, using forms and methods of research object scientific analysis which are traditional for political sociology. In the present paper, the author primarily uses and refers to official documents and fundamental assessments by political leaders who were involved in the process of organizing and holding referenda in Ukraine.

Keywords: Referendum, Public Opinion Poll, Ukraine, Independence, Democracy, State Sovereignty, Referendum Results

1. Introduction

The issues pertaining to the improvement of the institutions of a democratic society are widely discussed in domestic and foreign literature. A special attention is paid to the analysis of the effectiveness of the use of one of the main tools of direct democracy – the referendum.

The scientific community displays great interest in the referendums that were held in the Soviet Union and in the post-Soviet space. The studies to that effect are primarily conducted by lawyers, covered by journalists and reviewed by politicians and public figures [1-3]. However, generally speaking, no systemic analysis has been made yet with

respect to the management, procedure and translation into practice of the results of referendums held in the post-Soviet space. This is especially true for such state as Ukraine, where discussion of the genesis and the development of its modern statehood from the standpoint of the expression of the local population's will is very uncommon at present.

This article makes an attempt at a general comprehensive assessment of the Ukrainian national referenda held since 1991. Such level of generalization is demonstrated for the first time and gives grounds for deeper insights into the specific features of socio-political processes that have been taking place in recent history.

2. The First All-Ukrainian Referendum

As you know, March 17, 1991, saw an All-Union referendum on the preservation of the USSR. The question put to the popular vote was worded as follows: "Do you consider it necessary to preserve the Union of Soviet Socialist Republics as a renewed federation of equal sovereign republics where the rights and freedoms of a person regardless of nationality would be fully guaranteed? "Yes" / "No"". From 80.03% of the electorate that took part in the referendum, 76.4% voted for the preservation of the Soviet Union, selecting the "yes" answer [4]. Thus, during the most turbulent period of the country's history, the citizens of the Soviet Union overwhelmingly voted for the preservation of their common Fatherland.

In Ukraine, the Presidium of the Supreme Soviet of the Ukrainian SSR had supported the idea of an All-Union referendum in the Republic. The ballot paper, along with the all-Union one, also included the question: "Do you agree that Ukraine should be the part of the Union of Soviet Sovereign States based on the Declaration of State Sovereignty of Ukraine? "Yes"/"No"?". Historically, it was the first referendum in Ukraine.

This referendum was arranged and conducted in complicated conditions. Nationalist organizations and, above all, RUKH (RUKH is a center-right political organization that preached nationalist ideology) launched an active propaganda campaign for the exit of Ukraine from the USSR with subsequent promotion of an independent Ukrainian state. However, the results of the referendum showed that the majority of the population of Ukraine supported the preservation of the Soviet Union. Thus, on the first question in the ballot: "Do you consider it necessary to preserve the Union of Soviet Socialist Republics as a renewed federation of equal sovereign republics where the rights and freedoms of a person regardless of nationality would be fully guaranteed? "Yes" / "No", in Ukraine the "Yes" answer was selected by 70.2% of the voters who voted for the preservation of the Soviet Union. 28.0% voted against, selecting the "No" answer [5]. Only three Ukrainian regions (Lviv, Ternopil and Ivano-Frankivsk) and half of Kiev's residents voted "against" in the referendum.

The second question concerning inclusion of Ukraine into the Union of Soviet Sovereign States on the basis of the "Declaration on State Sovereignty of Ukraine" was answered affirmatively by 80.2%.

It should be noted that the "Declaration on State Sovereignty of Ukraine" did not mention Ukraine's exit from the USSR. The document contained provisions expanding the rights and freedoms of the Ukrainian SSR. Moreover, "every citizen of the Republic was guaranteed the right to retain USSR citizenship" [6].

Thus, at the first All-Ukrainian referendum of March 17, 1991, the population of the Republic had unequivocally voted "for" the preservation of the Soviet Union and "for" the expansion of the rights of Ukraine as part of the reformed Union.

Notably, after the All-Union referendum on March 17, 1991, propaganda aimed at discrediting the Soviet Union became especially intensive in Ukraine. Not only the mass media, but also the official circles tended to present anything to deal with the USSR to the public opinion in an extremely negative light.

In such circumstances, as early as within five months after the all-Ukrainian referendum on the preservation of the USSR and contrary to its results, on August 24, 1991, the Verkhovna Rada of Ukraine passed the "Act on the Declaration of Independence of Ukraine", which proclaimed the creation of an independent Ukrainian state - Ukraine. This was explained by the "existential threat" posed to Ukraine by the escalating political crisis in the Soviet Union [7].

3. The Second All-Ukrainian Referendum

After the adoption of the "Act on the Declaration of Independence of Ukraine" on October 11, 1991, the Verkhovna Rada of Ukraine passed a resolution to hold a second All-Ukrainian referendum on December 1 of the same year. The question put to the vote was: "Do you confirm the Act of Proclamation of Independence of Ukraine? "Yes, I do" / "No, I do not".

So, preparations for the new referendum commenced. The public opinion faced an even more aggressive imposition of the Ukrainian nationalist organizations' separatist views. Special attention was drawn to the statement that allegedly the entire Soviet Union lived and developed at the expense of Ukraine, that Ukraine was a wealthy, self-sufficient state and that it was capable of applying its potential to improvement of the living standard of its own people, acting independently. This was intended to necessitate the conclusion that the country needed complete sovereignty.

Just before the referendum, the Presidium of the Supreme Council of Ukraine had issued an address (which was broadcast by the state media almost around the clock) stating that "there is no alternative to independence," "only an independent Ukraine as an equal partner will be able to join any community with neighbors, first of all with Russia which is a closest state to us.... When we talk about the interests of our own people, we mean not only Ukrainians, but also Russians, who have over a hundred people's deputies in the Parliament of Ukraine, and representatives of all other nationalities of Ukraine" [8].

It was also "explained" to the population of Ukraine that the proclamation of the Act did not mean a complete exit of the country from the USSR. Apparently, the authorities were compelled to adopt such stand, given the result of the vote in the referendum on March 17, 1991, and the actual mood in the society where the majority of people did not share nationalist views. Moreover, an exit from the USSR was clearly defined by the Law of the USSR "On the procedure for resolving issues related to the exit of a Union Republic

from the USSR", adopted on April 3, 1990, No. 1409-1. The position of certain heads of Western countries in this regard was also clear. The US President Bush Sr. made a point by flying to Kiev in order to warn the leadership of Ukraine about the danger of leaving the USSR in an unsubstantiated manner. All these facts taken together could not but affect the representativeness of the results of the general poll (referendum) to be held.

The second all-Ukrainian referendum putting up the question about the support of the "Act of State Independence" was held under the barrage of rallying cries about the need for Ukraine to gain state independence on December 1, 1991. The results of the second all-Ukrainian referendum were as follows: 84.18% of the population of Ukraine entitled to vote took part in the referendum. Among those, 93.32% supported the "Act of Proclamation of Independence of Ukraine". The greatest support was observed in the Western Ukrainian regions, the least - in the Crimea, in Lugansk, Donetsk, Kharkiv, Mykolaiv, Odessa regions [9].

Modern scientific literature offers varied opinions on the results of the referendums in Ukraine in 1991, considering that in March the majority of the population had voted for the preservation of the Soviet Union, while in December of the same year they inconsistently voted for the "Act of Declaration of Independence".

Many experts focus on the disregard by the Ukrainian authorities of the Union legislation, which prescribed a clear procedure for the exit of a Union Republic from the Union state. The leadership and nationalist circles of Ukraine resorted to various kinds of pressure on the voters, such as nationalist rallies, organization of such campaigns as "hungry students", disinformation in the mass media, etc. All this to a great extent predetermined the nationalist course in the further development of the Ukrainian state. The results of the referendum had given a free hand to the leadership of Ukraine to make radical decisions aimed at the exit of the Republic from the USSR.

A few days after the second All-Ukrainian referendum on December 8, 1991, the Presidents of the RSFSR, Belarus and Ukraine, without considering the position of the other Union republics, the results of the All-Union Referendum of March 17, 1991, and the USSR Law "On the procedure for resolving issues related to the exit of a Union Republic from the USSR" signed the "Belovezhskoye Agreement" on the liquidation of the USSR.

On June 19, 1992, the President of the independent Ukraine L. Kravchuk signed the law to strike off any references to the USSR from the Constitution of Ukraine of 1978.

Notably, the first President of Ukraine, L. Kravchuk, said the following in this regard: "it was the Ukrainian people who became the main destroyer of the USSR by voting in the referendum on December 1, 1991 for the independence of Ukraine" [10]. Moreover, in his interview to Radio Liberty on December 8, 2011, L. Kravchuk admitted that he, Boris Yeltsin and Stanislav Shushkevich had committed a peaceful *coup d'etat* in Belovezhskaya Pushcha: "It was the first time

we were able to make a *coup d'etat* of such scale peacefully. This is a unique phenomenon in the world history. With time, people will realize that it was a difficult, but a very important decision that had historic implications for Russia, Ukraine and for the entire world" [11].

Another person involved in the Belovezhskoye Agreement, ex-President of Belarus S. Shushkevich, in his interview to "Nezavisimaya Gazeta" said the following: "In 1996, Yeltsin, to my bitter regret, said that he regretted signing the Belovezhskoye Agreement. This happened when he realized that the Russian empire with him as the leader had lost something of value. But I am more scared by the story when on June 5, 2005, speaking in the Ukrainian Rada, Leonid Kravchuk said that if he had known what was going to happen in Ukraine, he would have rather cut off his hand than sign the Belovezhskoye Agreement. It was a shock to me." [12] Leonid Kravchuk and many of his modern followers still believe that the referendum in Ukraine on December 1, 1991, had played a decisive role in the formation of the independent Ukraine and its exit from the USSR.

4. The Third All-Ukrainian Referendum

The third all-Ukrainian referendum was held in 2000. On January 15 of the same year, the second President of Ukraine Leonid Kuchma issued Decree No. 65/2000 on holding an all-Ukrainian referendum on April 16, 2000, "at the people's initiative" on amendments to the Constitution of Ukraine. The referendum was organized by the Central Election Commission of Ukraine. The voter turnout was high – 81.15%. Four questions were put to the referendum and the following answers were received:

Question number one: "Do you support the proposals to supplement Article 90 of the Constitution of Ukraine with a new third part as follows: "The President of Ukraine may also terminate the powers of the Verkhovna Rada of Ukraine on an early basis, if the Verkhovna Rada of Ukraine fails to form a permanent parliamentary majority within one month or if it does not approve the state budget of Ukraine prepared and submitted in accordance with the stipulated procedure by the Cabinet of Ministers of Ukraine within three months", which would establish additional grounds for the dissolution of the Verkhovna Rada of Ukraine by the President of Ukraine, and the corresponding addition of paragraph 8 in part one of Article 106 of the Constitution of Ukraine with the words: "And in other cases stipulated by the Constitution of Ukraine? "For" / "Against"?"

This question was supported (voted "for") by 84.69% of the referendum participants. 13.88% voted "against". The number of invalid ballots was 1.32%. At that time the author of this article was conducting sociological studies about this referendum, the results of which showed that, in particular, in the Crimea, a week after the vote absolutely none of the numerous respondents could answer what they had voted for.

Question number two: "Do you agree with the need to limit the parliamentary immunity of People's Deputies of Ukraine and in this connection to remove part three of Article

80 of the Constitution of Ukraine: "People's Deputies of Ukraine cannot be prosecuted, detained or arrested without the consent of the Verkhovna Rada of Ukraine?" "For" / "Against". 89.0% of the participants of the referendum answered to this question in the affirmative, "for". "Against" – 9.62%. The number of invalid ballots was 1.24%.

Question number three: "Do you agree with the reduction of the total number of People's Deputies of Ukraine from 450 to 300 and the corresponding replacement of the words "four hundred and fifty" by the words "three hundred" in the first part of Article 76 of the Constitution of Ukraine, as well as with the introduction of the relevant amendments to the electoral legislation?" "For" / "Against". 89.91% of the referendum participants voted "for", 8.73% voted "against". The number of invalid ballots was 1.23%.

Question number four: "Do you support the need to form a parliament in Ukraine of two chambers, whereby one of the chambers would represent the interests of Ukraine and contribute to their protection, and the introduction of appropriate amendments to the Constitution of Ukraine and electoral legislation?" "For" / "Against". 81.68% had voted "for", 16.79% had voted "against". The number of invalid ballots was 1.4%.

Thus, the referendum "on the people's initiative" on April 16, 2000, showed that Ukrainian voters gave an affirmative answer to all four questions that were put before them [13]. However, the results of the referendum, as we know, had not been implemented.

5. Conclusion

By way of summarizing the management, procedure and translation into practice of the results of all-Ukrainian referendums, it is necessary to draw the following conclusions.

Since 1991, three all-Ukrainian official referendums were held in Ukraine subject to the decision of the Parliament and "at the popular initiative", where seven questions were put to the vote. However, only the results of one of them, which was held on December 1, 1991, and concerned confirmation of the "Act of Proclamation of Independence of Ukraine" were translated into practice. At the same time, it is the results, management, procedure and wording of the issue put to the vote that are currently being discussed within the expert community due to their legal and moral uncertainty, which significantly affects the level of its legitimacy.

The results of the six other issues that were put to the vote at the All-Ukrainian referendums have not been carried into effect. This is despite the fact that, in particular, the Constitutional Court of Ukraine in its decision No. 6-rp/2008 of April 16, 2008, pointed out that the results of the referendum, in this case, the one held in 2000, were mandatory. The results of the referendum of March 17, 1991, when the majority of the Ukrainian people voted for the preservation of the Soviet Union, are completely ignored.

The systemic changes in Ukraine that occurred after the adoption of the "Act on the Declaration of Independence of

Ukraine" where it was clearly indicated that this "Act" was adopted in pursuance of the "Declaration on State Sovereignty of Ukraine" have actually led to the results opposite to those that were contained in this Declaration.

The implementation of the provision on economic independence, in particular, had led to almost complete destruction of the national economic complex and, in fact, to economic dependency of the country. In 1991, Ukraine held the ninth place in terms of production and the sixth place in the scientific intensity of industrial production in the world, being one of the world leaders in shipbuilding, aircraft construction, mechanical engineering, radio electronics, light industry, produced the world's best space technology, etc. The country was actually developing as a metropolitan state. According to our calculations, about ten thousand institutions and enterprises of the USSR and from member-countries of the Council of Mutual Economic Assistance were "working" for Ukraine. Figuratively speaking, during the Soviet times, the "assembly shop" of the whole of Eastern Europe was concentrated in Ukraine. With the destruction of the Soviet Union (taking into account the conclusion of L. Kravchuk that Ukraine played a major role in its destruction), it was Ukraine that suffered the greatest losses, as the whole system of the division of labor and cooperation collapsed. It is obvious that in the coming decades it will be impossible to restore the economic potential of the powerful Ukraine that was part of the Soviet Union.

The "Declaration of State Sovereignty" specifically referred to "the independence of solving issues of science, education, cultural and spiritual development of the Ukrainian nation." It was assumed that this would be the most important factor in improving the humanitarian level of the development of country. The upshot of the "independent development of Ukraine" was the opposite of what had been declared. According to all ratings, the country has spiraled down to the lowest level in this sphere of public relations.

The "Declaration on the State Sovereignty of Ukraine" solemnly proclaimed 'the intention to become a permanently neutral state in the future which does not take part in military blocs...'. However, quite the contrary is true: at the beginning of 2019, Ukraine's strategic course for joining NATO was even enshrined in the Constitution, which is unprecedented in the history of constitutional theory and practice [14].

The "achievements" in the demographic sphere are particularly impressive. Here is just one example. In 1991, 52 million people lived in Ukraine. According to the official data of the State Statistics Service of Ukraine, as of January 1, 2019, the number of the country's population amounted to 42153201 people (existing) and 41983564 people (permanent). According to the same State Statistics Service of Ukraine, the fact of a chronic natural decline of the population numbers was also recorded. So, in 2017 the population number in Ukraine decreased by 198.1 thousand people, and in 2018, it decreased by 223 thousand (due to natural reduction). In 2018, the ratio of 57 newborns per 100 dead was recorded. At the same time, the average age of the

population was 41.3 years [15]. There was no the period in the history of Ukraine when the death rate exceeded the birth rate in such unprecedented proportions, and millions of able-bodied Ukrainians were forced to leave the country in search of work or normal living conditions. The human losses of the country during the years of independence are comparable to human losses in the Great Patriotic War.

It is possible to list many other things that led Ukraine to a terrible degradation during the period of its "independent" development, which was legally launched by a referendum on December 1, 1991 with the question: "Do you support the Declaration of Independence of Ukraine?" and the implementation of its results in practice.

As you know, referendums are the most important institution of a democratic society. They are a direct appeal to the citizens of a country or region on particularly important fateful issues of public life. The referendum results have the highest moral and legally binding power. The rigorous practical implementation of their results is one of the main criteria of the rule of law, democracy as a whole. However, the referendums held in Ukraine show that in reality none of the issues put to the vote except one have been implemented. Only one issue has been implemented, namely the one that led to the above-mentioned destructive consequences for the country.

6. Main Conclusions

In this article we have considered the main results and consequences of the all-Ukrainian referendums since 1991 in a consolidated manner. The analysis of the formation and development of the modern Ukrainian state in terms of factoring in the popular opinion requires a more extensive and meaningful study. But obviously, the above facts and relevant generalizations give grounds to conclude that in a country where the fundamental principles of law and morality are violated, where no other democratic norms are translated into practice (in this case, the will of the people), destabilization and a systemic crisis are inevitable. All this, as a consequence, leads to the economic, political, social and cultural degradation of not only the state, but also of the society as a whole, creating new legal offenses and metamorphoses of social life.

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