

## Happy birthday: Crimean constitution as " A due stage in forming the autonomy "

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October 21, 2000 is the second anniversary of the Constitution of the Autonomous Republic of the Crimea, the "basement of the new Crimean home", according to its leading author, speaker of the Crimean parliament Leonid Grach. Although this Crimean constitution is the fifth version of the Fundamental Law since the foundation of the autonomy, it differs critically from its predecessors for it is the only one to have been officially recognized and approved.

Earlier versions of Crimean constitutions could serve not only as texts on the history of the development of the autonomy and dynamics of relations between the official Simferopol and the official Kyiv, but also as illustrations to the ups and downs of the Crimean separatism. The long-standing constitutional debate on the troubled center-region relationship reflected, among other things, the whole complexity of personal perspectives and interests of the Crimean elected representatives involved in the creation of the fundamental documents. The Crimean parliament, elected in 1994, consisted mainly of representatives of the "Russia" block that had succeeded in gaining 67 percent of the votes in the first round on March 27. The election brought pro-Russian forces to power in the peninsula, and Yuri Meshkov was elected the President of the Crimea. There was hardly much diversity in the 1994 Crimean parliament: for some time, the unchallenged majority belonged to the "Russia" block. There were five factions in the 100-seat parliament: constituents of the "Russia" block, the 44-strong "Russia" and the 11-strong "Respublika"; the 10-strong Agrarian faction, the 9-strong "Reforma" faction, close to the Party of Economic Renaissance of the Crimea. The Crimean Tatar faction of the Kurultai that had been successfully in playing a stabilizing role during the escalation of the Crimean separatism included 14 members. Noteworthy, the major battles over the Crimean constitution were fought before the adoption of the Ukrainian Constitution on June 28, 1996. Turning back to history, one may remember that the first version of the constitution approved by members of the Crimean parliament was the Act of Declaration of State Sovereignty of the Crimea, endorsed by 118 out of 176 members of the Crimean parliament on May 6, 1992. The act came as a reaction to the Law "On Division of Authority of Ukraine and the Republic of Crimea" approved by the Verkhovna Rada of Ukraine on April 29, 1992. Yet, the first attempts to divide the authority between the Ukrainian and Crimean state powers date back to September 1991, when the Crimean parliament appealed to the Verkhovna Rada of Ukraine and proposed to settle the relations by means of a constitutional treaty. Voting article by article, MPs approved six articles of the draft bill "On Division of Authority of Ukraine and the Republic of Crimea", but withdrew Article 7, which suggested that units of the National Guard, deployed at the peninsula should be formed predominantly of Crimean residents. Then, in May 1992, members of the Crimean parliament voted for independence of the Crimea and declaration of a sovereign state - the Republic of Crimea, an entity that was determined to build its relations with other states in accordance to international law. It was expected that the document would be approved by the Crimean referendum, scheduled to take place on August 2, 1992. The referendum was called to answer two questions: "Are you in favor of an independent Crimea in the union with other states?" and "Do you support the Act of State Sovereignty of the Republic of Crimea?" The Crimean parliament urged the President and the parliament of Ukraine to make a bilateral agreement between Ukraine and the Crimea. A significant role in these events in general and formulation of the referendum questions in particular was played by the All-republican Movement of the Crimea (Ukraina Moloda, May 19, 1992). Simultaneously, the Crimean constitution was approved - though, according to some witnesses of the process, "during the adoption of the Fundamental Law, all articles were not discussed; only some amendments were voted (practically without any debates)" (Ukraina Moloda, 12 May 1992). Speaking at a press conference on May 7, 1992, then chairman of the Crimean parliament Nikolay Bagrov stated, as if coming back to reality, frightened by the demonstration of "independence": "The Act of Declaration of State Sovereignty - and I am stressing that: state sovereignty, not independence - is not an attempt to violate the integrity of borders of Ukraine. The goal of the Act is to emphasize that the Crimea is not an ordinary region, but a republic that should be taken into account" (Krymskie Izvestia, May 9, 1992). To complete the picture, it's worth noting that Nikolay Bagrov's address to Crimeans and members of the parliament, published upon the adoption of the Crimean constitution on May 6, 1992, stated solemnly: "The course towards a broad political and economic sovereignty has been taken by us

seriously and for a long time. And we are not going to turn away from it, and, besides, if we are not successful in implementing it, this will be inevitably done by those who come after us. For the Crimea's very strife for broadening its sovereignty objectively follows its political history, geographical location and multi-ethnic composition of the population" (Kurortnyi Krym, May 7, 1992). After lasting and tense political battles fought, in addition to the Crimean and Simferopol political elites, by the Russian State Duma, the radical documents on declaration of the Crimea's "sovereignty" were abolished. Yet, various political forces continued to show attention to the May 1992 Crimean constitution. For instance, when pro-Russian leader Sergey Tsekov was elected the speaker of the Crimean parliament, in his first address in the new capacity on May 13, 1994 he announced that the prime tasks of the Crimean parliament was the restoration of the Constitution of the Republic of Crimea of May 6, 1992, and after that it would be necessary to convince Kyiv to work with the Crimea on the treaty basis (UNIAN, May 13, 1994). The constitution was actually restored on May 20, 1994. Later on, there was the Meshkov period, the sweep of separatism, and a long and hard way to mutual understanding and balance of interests between the center and the autonomy.

After Sergey Tsekov was given a vote of no-confidence by members of the Crimean parliament and removed from his position of the Speaker, on July 5, 1995 the secret vote results brought the seat of the Speaker to Evgeniy Supruniuk, member of the Crimean parliament and head of the Crimean firefighting service. On September 21, 1995, the Crimean supported a new constitution of the autonomy in the first reading and sent it for improvement to the constitutional commission and standing committees of the Verkhovna Rada of Ukraine. The negotiations between working groups of the Ukrainian and the Crimean parliaments resulted in reaching agreement on about 130 out of over 150 articles of the new draft of the Crimean constitution. However, contradictions remained over key articles on citizenship. Specifically, Article 17 of the draft Crimean constitution provided that the "Republic of Crimea" had its own internal citizenship, but that every citizen of the "Republic of Crimea" was also a citizen of Ukraine. The Crimean authorities insisted on using the terms "citizens of the Crimea", "the people of the Crimea" in their draft, which, naturally, was rejected by the Ukrainian leadership. The parties also disagreed on issues of the state insignia, definition of the scope of authority and principles of formation of law-enforcement structures. Another matter for agitated debate was the official title of the autonomy: the "Autonomous Republic of the Crimea" or the "Republic of Crimea" Notwithstanding the disagreements, on November 1, 1996 the Crimean parliament approved the new Constitution. The bill was supported by 74 MPs, with one MP voting against it, two abstentions and one MP who did not vote. Article 1 of the document titled "Constitution of the Autonomous Republic of the Crimea" declared that "the Republic of Crimea is an autonomous constituent of Ukraine. The Republic of Crimea deals autonomously with the issues referred to its authority by the Constitution of Ukraine [and] this Constitution. The official title of the autonomy is the "Republic of Crimea". The new Constitution stipulated that Crimean citizenship was an internal citizenship of Ukraine, and that the status of Sevastopol as an unalienable constituent of the Crimea was to be determined by the relevant Ukrainian legislation. It was also stipulated that state languages of the Crimea were Ukrainian, Russian and Crimean Tatar, and that Russian would be the official record keeping language. According to the new Crimean Constitution, the head of the General Department of the Security Service of Ukraine (SBU) in the Crimea should be appointed and dismissed by the order of the head of the SBU upon the agreement of Speaker of the Crimean parliament, and that the head of the Crimean Department of the Interior should be appointed by the Minister of the Interior of Ukraine upon the agreement of the Crimean parliament. Commenting on the new Crimean Constitution, deputy chairman of the Ukrainian parliament's Committee for Legal Reform Oleksandr Lavrynovych argued that "in fact, some provisions of the draft Crimean constitution transform the Crimea into an independent state. In particular, this refers to the provisions for the Crimean citizenship and the autonomy's property." In his opinion, it was "not advisable" to consider the draft constitution of the Crimea, submitted for review to the Ukrainian parliament, in haste, but it was necessary to wait until after the adoption of the new Constitution of Ukraine. Similarly, then Minister of Justice Serhiy Holovatyi argued that the contents of the Crimean constitution made it the "constitution of a sovereign state, which is inadmissible from the legal point of view" (UNIAN, November 10, 1995). Also, the draft did not take into account the Crimean Tatar Kurultai faction's proposals to include the provisions that would guarantee participation of Crimean Tatar representatives in bodies of state power, and equality of the use of the three state languages: Crimean Tatar, Ukrainian and Russian. (Avdet, November 13, 1995).

On March 21, 1996 the Verkhovna Rada of Ukraine approved the law "On the Constitution of the Autonomous Republic of the Crimea" (except some 10 articles) in the first reading. The law stressed that the Crimean Constitution was an integral part of the Ukrainian legislation and effective on the whole territory of Ukraine, that it could not be amended or otherwise changed by means of any method

except the one provided by the law, and that the law of Ukraine on the Autonomous Republic of the Crimea was effective only in the part that did not contradict the approved articles of that Constitution. As chairman of the ad hoc parliamentary Commission for the Study of Political and Legal Situation in the Crimea Yuri Karmazin stressed in his report, the adoption of that law had been a compromise. Simultaneously, chairman of the Committee for Legal Policy and the Judiciary and Legal Reform Volodymyr Stretovych spoke strongly against the adoption of such a law, arguing that it was impossible to approve a Fundamental Law that lacked a number of articles. He insisted that only the provisions that did not contradict the current Ukrainian legislation could be approved (UNIAN, March 21, 1996). Minister of Justice Serhiy Holovatyi also bitterly criticized the Ukrainian parliament's decision, emphasizing that "the preservation of terms "Constitution" and "Republic" as applicable to the Crimea gives grounds for further steps towards the partition of Ukraine." He rightfully reminded that "none of Russia's autonomous republics has a constitution of its own" (Nezavisimost, March 27, 1995). In his turn, Crimean Speaker Evgeniy Supruniuk claimed that the Crimean delegation was not fully satisfied with the Verkhovna Rada's decision to approve only part of the Crimean constitution. On June 28, 1996 the Verkhovna Rada approved the Constitution of Ukraine. The new Constitution included a chapter on the Autonomous Republic of the Crimea that provided that the Crimean constitution should be adopted by the Crimean parliament and approved by a simple majority of the constitutional composition of the Verkhovna Rada of Ukraine. The chapter proved to be one of the most vigorously debated; it was finally approved during the "constitutional night" by means of a trivial "exchange" between advocates of the Crimean constitution and protesters against new state insignia. While the right-wingers protested against the term "Republic of Crimea" and defining the document as "the Constitution", and insisted that it should be referred to as "the statute", the left-wingers did not want the Ukrainian state insignia be legitimized in the Constitutions, as the right-wingers proposed. Therefore, the two issues were adopted as a package to satisfy representatives of both sides of the political spectrum.

Then followed the long-standing process of adjusting the text of the Crimean Constitution to the Constitution of Ukraine, and adoption of the articles suspended by the Verkhovna Rada. On January 16, 1997 members of the Ukrainian parliament approved 20 articles of the Crimean Constitution, in which the Crimean parliament dropped the idea of dual citizenship and the definition of "the people of the Crimea", agreed to the limits of powers of the autonomy as determined by the Constitution of Ukraine, and accepted the substitution of the phrase "the state symbols" with "the republic's symbols". The new version of the Crimean Constitution specified three state languages - Crimean Tatar, Ukrainian and Russian, the latter also being the official language of record keeping. Crimean Tatar members of the parliament refused to vote for such version of the Constitution, since in their view it did not meet the interests of the Crimean Tatar people. Hence, the Crimean Constitution was not adopted again. It looked like the mystery of perpetuum mobile was finally disclosed either in the process of discussion or in the process of adoption of the document that had been steadily returned for revision several times in a row.

After the March 1998 parliamentary elections, most of power in the Crimea was taken by the Crimean Communists, and the peninsula fully supported its reputation of a part of the so-called "red belt". About 67% of voters supported the election list of the Communist party of Ukraine, giving 36 seats at the 100-strong Crimean parliament to Communists. The pro-Russian "Sojuz" ("Union") failed dramatically, notwithstanding the inclusion of a popular singer to the list: only 8 of its 63 candidates actually made it to the Crimean parliament. Hence, the presence of the Communist majority and some 10 to 15 supporters allowed the Communists to obtain the "control package" of votes in the Crimean parliament. Since then the situation in the Crimea has been determined, to a large extent, by that domination. Remarkably, no Crimean Tatars except a devoted Communist, Lentul Bezaliyev, made it to the Crimean parliament. The reason for that obvious underrepresentation was the fact that about 90 thousand Crimean Tatars aged 18 and older lacked of Ukrainian citizenship, and the dispersion of Crimean Tatar voters throughout the peninsula so that they did not constitute a majority in any of the districts. Hence, the 1998 constitutional process took place practically without taking their interest into due account.

The current version of the Crimean Constitution was adopted as basic at the session of the Crimean parliament on October 21, 1998 by 82 MPs out of 85 present at the session, with two MPs voting against it. The new constitution was based on the status of the autonomy as stipulated by the Ukrainian Constitution. The Crimean was declared to be an autonomous republic and an integral part of the sovereign Ukraine, and although it does not have sovereignty of its own, it enjoys self-governance within its authority. The new document's text did not contain terms like "the state", "citizenship of the Autonomous Republic of Crimea", "laws of the Autonomous Republic of Crimea" that would point out to the status of a sovereign entity. For years these terms had been a matter of eager debates, and their

presence in the previous drafts prevented the Ukrainian parliament from approving them. Furthermore, according to the new version of the Fundamental Law, approved by the Crimean parliament, appointment of leaders of the "structures of force" was subject to consultations with the speaker of the Crimean parliament and the Crimean Prime Minister. The powers of the Council of Ministers were also described in detail. According to head of the Council of Ministers of the Crimea Sergey Kunitsin, the adoption of the autonomy's Constitution was "a serious step forward"; though, he also warned that the Ukrainian parliament could limit the autonomy's taxation and economic authority (Interfax-Ukraina, October 21, 1998).

In fact, the adoption of the Crimean Constitution was not celebrated unanimously by the Crimean dwellers. Symbolically, when the document was debated by the Crimean parliament, two pickets were put in front of the parliament's building: one in favor of the Constitution, organized by Communists, and the other, organized by the Russian Community of the Crimea under the slogans like "How Much Did You Sell the Crimea For?" and "Hands off the Russian Language!" The protest against the new Crimean Constitution was announced by the regional organization of the Slavic party. According to former member of the Crimean parliament, chairman of the executive committee of the "Sojuz" party Vladimir Klychnikov, "the new version of the Constitution was something like a statute that the nationalist forces of Ukraine suggested at their time." He explicitly accused Leonid Grach of "giving away" the republic "for the sake of broadening the Speakers' rights, for the sake of personal ambitions" (Avdet, #19, October 29, 1998). The Crimean Speaker responded to the attack: "One of those who is shouting louder than anybody else about the Constitution, he was the one who buried it, that Constitution, and, in fact, almost buried the autonomy itself." Leonid Grach's attitude was based on clear political calculations: "The Constitution of the Crimea must be adopted by the end of this year. The next year is politically a very tense one, and I don't want the Constitution of the Crimea, nor the Crimea itself to become a change token for the huge mass of presidential candidate that would wish to use it for their campaign purposes. <...> I have a working agreement with Leonid Kuchma and Speaker of the Verkhovna Rada of Ukraine Oleksandr Tkachenko on what we could do to adopt a normal Constitution and finalize the constitutional process" (Zerkalo Nedeli, October 17, 1998).

In November 1998 the Speaker of the Crimean parliament warned that he would initiate a Crimean referendum on the contents of the new constitution unless the parliament would have adopted it by the end of the year (Segodnya, November 13, 1998).

The Crimean Tatars' opinion about the new Constitution of the Crimea was expressed during the regional conference of the III Kurultai on November 21, 1998. The final resolution of the Conference announced that the new version of the Crimean Constitution "legitimized the lack of rights of the Crimean Tatar people to be represented in the parliament of the Crimea, to use the Crimean Tatar language in the work of governmental agencies of the Crimea, [to take part] in political, economic and cultural life of the autonomy. Not only the adoption of the Constitution of the Autonomous Republic of the Crimea in this version will not contribute to consolidation of the whole Crimean society, but will increase mutual distrust between the Crimean dwellers and cause their sharp dissatisfaction with the attitude of the central bodies of power" (Avdet, #21, November 24, 1998).

Although the new Crimean Constitution did not clearly delineate property and taxation principles, budget issues, the order of appointment of heads of law-enforcement agencies, it was expected that the main debate in the session hall would focus on the correspondence of the new Constitution's norms with the Constitution of Ukraine. According to Oleksandr Lavrynovych, "the differences on issues of property, budget, the judiciary and the taxation systems will suffice to ensure that the Constitutional Court will have a not so hard and well-predictable job, should the document be approved" (Holos Ukrainy, December 11, 1998). A few days later the Ukrainian parliament was 16 votes short of the minimum necessary for approving the new Constitution of the Crimea. The opponents of the documents included members of the factions of the Rukh, the People's Democratic Party and the Green Party of Ukraine. Several attempts to pull the bill through a sequence of voting failed to produce the result desired by its supporters.

The coordination and agreement commission continued to work on December 16 and managed to smooth some controversial points. The term "supreme" was no more used for defining the status of the Crimean parliament, and a compromise was achieved on equality of the Speaker of the Crimean parliament and the Prime Minister of the Crimean government in decision-making on staff issues and coordination of their positions on appointments and dismissals of heads of law-enforcement agencies. The change was a clear concession to Sergey Kunitsin and a chance to attract the votes of his party colleagues, the parliament's faction of the People's Democratic Party, in the next round of voting on the Crimean Constitution.

The Crimean Fundamental Law, supported by 230 votes, was approved by the Ukrainian parliament at the evening session on December 23, 1998. The fate of the bill was largely decided by the position



taken by the Rukh faction that agreed to support the Crimean Constitution after the parliament took into account the "Solomonian" amendment proposed by Ivan Zayets. According to the amendment, all controversial instances in the Crimean legislation and decisions of the Crimean Council of Ministers would be overridden by the Ukrainian Constitution and laws of Ukraine. Ivan Zayets himself claimed that the "mechanism" of adopting the amendment was a rather peculiar one: "[Speaker] Oleksandr Tkachenko called the voting on my remark in the form of a question to the head of the Crimean parliament. The Verkhovna Rada of Ukraine has no right to interfere and formulate the text. It either approves or rejects. The Speaker also ignored the intervention by Yuri Karmazin who proposed to reject the draft bill because it did not correspond with the Constitution of Ukraine" (Kievskie Vedomosti, December 25, 1998). The President of Ukraine was to make a finishing touch to the document by signing it into law.

Speaking at a press conference upon the approval of the Crimean Constitution by the Ukrainian parliament, Leonid Grach announced: "The new countdown has started for the Crimea. We will not give away our Constitution to anyone: from now on, it will protect the Crimea within Ukraine and will enable it to move forward" (Den, December 24, 1998). President Leonid Kuchma signed the Crimean Constitution into law on December 23, 1998. The text was officially published on January 12, 1999. However, the Rukh parliamentary faction appealed to the Constitutional Court demanding abolishing the Crimean Constitution as unconstitutional. The Rukh activists supported their claim by arguing that the document did not reflect the indigenous people's rights, did not provide for quotas for their representation in the autonomy's parliament, and substantially reduced the status of the Crimean Tatar language. So far the fate of the appeal remains unknown.

Meanwhile, Article 10 of the Crimean Constitution stipulates that "the Autonomous Republic of the Crime, alongside the state language, provides for functioning and development, use and protection of Russian, Crimean Tatar, as well as languages of other ethnic groups," but the Russian language was obviously given a special role. According to the authors of the Crimean Constitution, Russian could be used on the peninsula "in all spheres of social life". Article 11 stipulated that "official documents that prove the citizen's status - passport, employment book, education documents, birth certificate, marriage certificate etc. - are made in Ukrainian and Russian and, at the citizen's request, also in the Crimean Tatar language." Article 12 provided that "Ukrainian or, at the request of the participant of the case in question, the Russian language as the majority language" shall be used in legal affairs, by the notary public, in administrative offence cases, or in legal assistance. Article 13 read that "postal and telegraph correspondence from citizens, state, republican, civil and other bodies, enterprises, institutions and organizations shall be accepted for mailing in Ukrainian or Russian languages." These and some other stipulations created grounds for the opinion that the Crimean Tatar language and development of the former forcibly displaced people's cultural needs, not to mention political dimensions of the Crimean Tatar issues and mechanisms of ensuring representation of Crimean Tatars in the autonomy's parliament were not adequately addressed by the Crimean Constitution. For instance, the document did not mention in any way the notion of "indigenous peoples", included in the Constitution of Ukraine (Article 11). Instead, it classed the Crimean dwellers into citizens, foreigners, stateless persons (Article 6); nationalities (Chapter 3, Article 14, Article 38); citizens, deported from the Crimea (Article 18). Article 18 of the Crimean Constitution stipulated that the Autonomous Republic of the Crimea should "take part in drafting and implementing Ukraine's state program for [facilitating] the return of citizens deported from the Crimea."

Although the constitutional settlement of relations between the official Kyiv and the official Simferopol did occur, the adoption of the Crimean Constitution in its present version may be seen as a primarily political act undertaken before the 1999 presidential election. Unfortunately, the "basement" of the "Crimean home" has proven to be insufficient for eliminating all legal contradictions between the Crimea's Fundamental Law and the Ukrainian legislation.

Members of the Crimean parliament marked the second anniversary of the Constitution with the crisis in relations between the parliament and the government in early October and a new text of the Crimean anthem, formally approved by 55 members of the parliament. The text, allegedly selected in a two-year competition, artistic values of which have already been challenged by writers, poets and even members of the Russian PEN-Club for whom "the Crimea is dear", was written by Olga Golubeva, wife of Crimean Minister of Culture and Leonid Grach's party comrade Mikhail Golubev. The anthem was performed for the first time on the Constitution's anniversary by a well-known Soviet (now Russian) singer Yuri Bogatkov. The fact that no Ukrainian or Crimean Tatar version of the autonomy's anthem exists did not seem to embarrass anyone. The fact may be perceived as a symbolic indication that Leonid Grach's solemn report was also far more cloudless than reality. One may be skeptical about Mr. Grach's claim that "we have managed to find the optimal solution of the problem of the existence of the autonomous republic within an independent sovereign state [Note: a unitary state, according to the

Constitution of Ukraine (Chapter 1, Article 2) - Ed.] in the circumstances when the autonomous republic is the knot of geopolitical, geostrategic, geoeconomic interests and contradictions; when the autonomy, during the deepest economic crisis, has to address the acute domestic interethnic and interconfessional problems, the most complex issues of integration of those earlier deported, into the society"(Holos Ukrainy, October 20, 2000).

Although, according to Leonid Grach, controversy over the Constitution is only "the echo of the old thinking", doomed to perish soon, it would be just to note that the Crimean Constitution has not eliminated the key challenges faced by the autonomy, like, for instance, interethnic relations. Similarly, the Crimean Constitution helped little in regulating the differences between the official Kyiv and the "regional democratism" foremost in approaches to relations between their budgets. The challenges were identified by Ukrainian MPs in December 1998. Forecasting the impact of the adoption of the Crimean Constitution on development of relations between Ukraine and the Crimea in the future, Refat Chubarov, MP, argued: "In my view, far-reaching goals are being envisaged here. In the newly-adopted Constitution of the Autonomous Republic of the Crimea there are implanted possibilities both for economic and political separatism." "The collection of 100 percent taxes with further transfers to the central budget would put an economic basis under political separatism," he went on.

Unlike last year, the recent speech made by Leonid Grach on the occasion of the anniversary of the Crimean Constitution paid too much attention to the issue of inter-budgetary relations between Kyiv and Simferopol. Which is not surprising, for besides the warm and solemn words from Kyiv on the new stage of "development of the Crimea that has been opened by the Constitution" the anniversary was shaded with a new challenge, partly based on the provisions of the Crimean Constitution. A few days ago the Cabinet of Ministers of Ukraine supported the draft presidential decree "On Halting the Effect of the Resolutions of the Verkhovna Rada of the Autonomous Republic of the Crimea on the 2000 Budget of the Autonomous Republic of the Crimea". Earlier on the Cabinet judged that the Crimean parliament's decisions to amend the autonomy's budget in a way that enabled it to keep 100 percent of the collected VAT as illegal. Commenting on the budgetary collisions, Prime Minister's spokesperson Natalia Zarudna announced: "The point is that a part of the national taxes was included to the republican budget pursuant to the decision of the Crimean parliament. The practice has not been abolished until now, the republican legislation has not been brought in accord with the national [legislation]"(Uriadovyi Kurrier, October 20, 2000). In the government's view, the Crimea owes a substantial amount of funds to the national budget, and the new document is expected to regulate the problem. According to First Vice Prime Minister Yuri Yekhanurov, the draft appeal of the President of Ukraine to the Constitutional Court on this issue has been prepared, for the government believes it is illegal that the whole 100 percent of the VAT is kept by the Crimean budget. The government argues that VAT is a purely national tax and should be fully transferred to the national budget(Den, October 18, 2000). With a high degree of probability one may guess what the Constitutional Court's decision will be: for all the complexity and equivocal nature of the Ukrainian legislation, the Crimean Constitution includes the aforementioned Ivan Zayets' "Solomonian" amendment to Article 2: "Should there arise a contradiction of provisions of normative and legal acts of the Verkhovna Rada of the Autonomous Republic of the Crimea and acts of the Council of Ministers of the Autonomous Republic of the Crimea to the Constitution of Ukraine, laws of Ukraine, the provisions of the Constitution of Ukraine, laws of Ukraine shall be effective."

Instead, on October 18, 2000 the Crimean parliament sent a petition to the President of Ukraine to complain about the decisions of the Cabinet of Ministers, described by Crimean MPs as ignoring the Ukrainian laws and the Constitution of the Crimea (!) which, in their view, "stipulate financial independence of the autonomy" while the Cabinet of Ministers was trying to "deprive" the Crimean budget of the right to determine the revenue part "independently", and "make [the autonomy] subsidized and put [it] in complete financial dependence from bodies of the state executive power."

It should be noted that the above is far from being the first legal collision linked to the lack of proper adjustment of the Crimean Constitution to the Constitution and laws of Ukraine. A similar situation occurred, when the Crimean parliament dismissed the Sergey Kunitsin government by 68 votes, contrary to the provisions of the Ukrainian Constitution and the laws. It is likely that the duality of the legislation and the lack of coordination between the official Kyiv and the official Simferopol will continue to create legal "traps".