

*Zadorozhnii O.V.,
Candidate of Law Sciences, Professor,
Head of department of international law, Institute of International Relations,
Kyiv National University named after Taras Shevchenko*

THE HETMANATE'S INTERNATIONAL LEGAL STATUS AFTER THE DEATH OF HETMAN BOHDAN KHMELNYTSKYI: FROM MULTI-VASSAL STATEHOOD TO THE LOSS OF THE STATUS OF THE STATE FORMATION

The determination of the international legal status of Ukrainian Cossacks in the XVI-XVIII centuries is a rather controversial issue. Due to a number of contradictory trends related to military and political events of that historical period. First and foremost it concerns the Cossack rebellion in XVII century. However, it seems reasonable to emphasize that Cossacks as well as elites of the Polish-Lithuanian Commonwealth acted in conventional manner to settle bilateral suzerain-vassal relations and to determine the legal status of the Hetmanate.

The idea of the establishment of «Cossack-Ruthenia principality» was brought out at the end of the XVI century in theoretical works of S. Nalivaiko and J. Vereschynskyi. Bohdan Khmelnytsky largely implemented it during the 1648-1657 years through the development of the international legal status of the Hetmanate as multi-vassal (multi-dependent) state formation.

Since 1648, the roles of the Cossack state in the system of international relations and its international legal status have been defined by a number of agreements. According to these documents Hetmanate recognized itself either an autonomous entity or external vassal of an influential power (Polish-Lithuanian Commonwealth, Muscovy, the Osman Empire).

However, it should be emphasized that the independent policy of the Cossack Army leaders and their extensive diplomatic maneuvering is an undeniable fact as well as the instability and impermanence of foreign policy objectives. It has made Zaporozhian Host independent if not de jure, then de facto at least.

The ideal Cossacks model of their legal status issue solution within the Polish-Lithuanian Commonwealth saturated with the ideas of the first half of the XVII century. It has initiated the development of the core principles of Muscovite protectorate over the Cossack state. These principles were consolidated in the Pereyaslav Treaty in 1654. The text of the above mentioned Ukrainian-Muscovite agreement proclaimed an idea of king guaranteeing a set of class rights and prerogatives which the Cossacks demanded from the King of Poland for many decades. However, it seems necessary to stress on the nominal nature of the agreement. Firstly, it was not concluded in accordance with international legal customs of that time and, secondly, was not ratified by the General Council – the body of Zaporozhye Army, endowed with appropriate powers concerning international treaties.

Close enough to the ideas of multi-vassal system statehood in 1658-1659 approached successor of Khmelnytsky – Hetman Ivan

Vyhovskyi. He has concluded with the representatives of the Polish king an agreement to establish Cossack Ukraine within the Grand Duchy of Rus'. It was meant to be an autonomous public entity in a structure of Polish-Lithuanian-Ukrainian Commonwealth. It was a so-called «three nations union». As we know, the Hadyach agreement was never practically implemented. Legally Hetmanate never became an independent state in a contemporary understanding of a concept of national sovereignty.

Within a short period of time (beginning from 1676-mid. 1681) Yuri Khmelnytsky established a form of Cossack government state on the ruins of the once united Hetmanate with the help of prince Sultan. However, according to available sources, this principality was fully dependent on the latter. It coincided with the political objectives of the Cossack aimed at non-recognition of the protection of neither Polish nor Russian monarchs.

Yet a legal institution of Nominated Hetman (previously Hetmans were elected) who acted «in the name of His Royal Grace» existed in the last quarter of XVII - beginning of XVIII century on the Right-bank Ukraine. Nominated Hetmans Kunitskyi S., A. Mogyla, G. Grishko, S. Samus provided the protection from Turkish-Tatar aggression and displaced Ottoman troops from the territory of Ukraine and Moldova. Aggressors did not have a chance to establish themselves on the lands of the Kyiv region and Eastern Podillya. Having received in the mid 80's the royal permission for the development of the

Right Bank Ukraine devastated after many years of war, Cossack officers carried out activities aimed to revive govern of Hetman in these areas.

Ukrainian statehood in the lands of the Left-bank Ukraine in the XVIII century was marked by the Cossacks withdrawal from the longtime orientation on the protectorate of Russian King Peter the Great. Eventually these events led to the destruction of the Zaporizhian Sich, complete loss of the state sovereignty signs and the gradual restriction of Ukrainian autonomy in the Russian Empire.

Multi-vassal system (simultaneous subordination to several neighboring monarchial rubals) is the main aspect of the international legal status of the Hetmanate within the frame of international relations in Central and Eastern, Southeastern and Northern Europe. The origins of this behavior of key international policy makers of Hetmanate are to be found in the practice of interstate relations in the European region at the turn of medieval and early modern times.

In general, Cossack rulers, due to the actions of stronger neighboring countries (Polish-Lithuanian Commonwealth, Moscow-Russian state, the Ottoman Empire, Swedish Kingdom) were forced to conduct appropriate policies to move from one side to another, to abandon one suzerain for another. Thus, the international legitimacy of an early modern Ukrainian state was provided. However, the recognition of dependency on several monarchs was considered to be the efficient measure not to be conquered by either of them.