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CIVIC NATION BUILDING IN POST-SOVIET UKRAINE: THE ROLE OF ETHNIC MINORITIES

This paper presents a basic hypothesis and academic context of a research project which is still in a preparatory phase¹. The aim of the current project is to analyze developments in the perception of nationhood in Ukraine from 1991 to 2013. The research will examine how particular ethnic minorities in the country have approached the idea of civic nation building, by tracing the process of the adoption and implementation of legislative acts in regard to these ethnic minorities. It will attempt to show how these acts were explained and substantiated by the state authorities. How did minorities react to these acts, and what were their eventual consequences? The primary methodology of the research will be analysis of minority-oriented media and legislative materials, as well as other relevant official documents. The project will interview minority representatives and state or local officials who were in charge of minority issues during this time period. The goal is to contribute to greater understanding of the internal tensions within Ukrainian society which have played a certain role in the political crisis which occurred at the end of the time-frame under proposed study. The project will also aim to bring new forms of expertise to the study of international standards regarding the protection of minority groups.

The recent Ukrainian crisis triggered a number of attempts to analyze its roots and causes. Many of these concentrated on the role of external actors on the international arena, emphasizing Russian imperialist expansion² or insensitive enlargement policies on the part of the EU and NATO³. Other studies have examined internal schisms in Ukrainian society, whether social, political⁴ or ethnic. In relation to ethnic issues, Ukraine is often

¹ Based on a paper presented at the Second international academic conference “Ukrainian-Polish relations in the context of social-political and ethno-cultural processes in East-Central Europe (20th – beginning of 21st century)”, organized by the Ukrainian National Academy of Sciences in Lviv on May 25, 2016.

² *Wilson A.* The Ukraine Crisis: What it Means for the West / Andrew Wilson. – New Haven and London: Yale University Press, 2014. – 236 p.

³ *Sakwa R.* Frontline Ukraine. Crisis in the Borderlands / Richard Sakwa. – London: I. B. Tauris, 2015. – 298 p.

⁴ *Alexseev M.* War and Sociopolitical Identities in Ukraine [Електронний ресурс] / Mikhail Alexseev // PONARS Eurasia. Policy Memo. – 2015 – No. 392. – Режим доступу: <http://www.ponarseurasia.org/memo/war-and-sociopolitical-identities-ukraine>; *Giuliano E.* The Origins of Separatism: Popular Grievances in Donetsk and Luhansk [Електронний ресурс] / Elise Giuliano // PONARS Eurasia. Policy Memo. – 2015. – No. 396. – Режим доступу: <http://www.ponarseurasia.org/memo/origins>

accused of being too ignorant and nationally chauvinist towards the ethnic minorities on its territory, especially towards the Russian speakers⁵. As a result of the lack of ethnic minority protection, it is often claimed that minority groups do not identify with the Ukrainian state and nation, feel threatened as a result, and, eventually desire to break away from it. This stance has been adopted not only by many scholars but also by crucial political powers within Ukraine during the time period to be studied, in particular by the Party of Regions. This party, led by former president Viktor Yanukovich, presented itself clearly since its origins as a protector of minorities and the peripheral “regions” in which they live, most importantly the Russian minority and its language. However, we think that this causality, which is heavily supported by Russian and pro-Russian analysts, contains serious inconsistencies.

Whereas during the Orange Revolution, the country was visibly divided between an ethnic Ukrainian core and eastern and southern regions inhabited mainly by a Russian-speaking population, in 2014 the situation in Ukraine was somewhat different. Many analysts⁶ and journalists observed that a large number of people of non-Ukrainian ethnic origin were quite active at the Euromaidan protests. These clearly expressed their support on behalf of “their” ethnic groups. At the same time, ethnic Ukrainian participants in the Euromaidan did not exclude the Russian language from their speeches, and emphasized a common Ukrainian identity transcending ethnic and religious particularism. Moreover, “little Maidans” appeared densely in the core of traditionally “minority regions” such as Donbas, Odessa, and Crimea.

Does this mean that – in contrary to the statements of Yanukovich and his supporters – Ukrainian ethnic minority policy was generous enough to make minorities feel comfortable and congruent with a common Ukrainian identity? Our approach is that the result of the minority policy was not that clear. As it is evident from the implementation of the European Charter for Regional and Minority Languages (ECRML), i.e. one of the latest “minority provisions” adopted in Ukraine, measures aimed at the protection of minority rights could also paradoxically reinforce anti-Ukrainian sentiment on the part of minorities⁷. It is therefore also possible that the minority policy was not successful, and could even serve to further alienate minorities as well as deepen ethnic divisions present in Ukrainian society.

For this reason, I propose to study to what extent ethnic minorities truly identified with the Ukrainian civic-political nation. The core of my analyses will be in regard to the influence of particular provisions of minority rights protections adopted and implemented by the Ukrainian (or regional) government concerning the identity of minorities. Provisions such as the law on ethnic minorities (and its amendments), the Ukrainian constitution, language laws, laws related to media, education, and local and regional self-governments, as well as bilateral and international agreements (mostly with the Council of Europe) will

⁵ *Shulman S.* The Contours of Civic and Ethnic National Identification in Ukraine / S. Shulman // *Europe-Asia Studies*. – 2004. – Vol. 56. – No. 1 (January). – P. 35–56.

⁶ *Olszański T.* Ukraiński nacjonalizm czasu wojny [Електронний ресурс] / Tadeusz Olszański // *OSW. Komentarz*, 2015 – No. 179. – Режим доступу: <http://www.osw.waw.pl/pl/publikacje/komentarze-osw/2015-08-19/ukrainski-nacjonalizm-czasu-wojny>

⁷ *Moser M.* Language Policy and the Discourse on Languages in Ukraine under President Viktor Yanukovich (25 February 2010 – 28 October 2012) / Michael Moser. – Stuttgart, 2014. – 495 p.

be examined. Special attention will be paid to the situation in the Autonomous Republic of Crimea as well. Returning to the above-mentioned ECRML, for instance, the creators of the charter clearly had in mind support for social cohesion and civic nationhood. The explanatory report of the charter states that “the enhancement of the possibility to use regional or minority languages in various spheres of life can only encourage groups who speak them to put behind them the resentments of the past which prevented them from accepting their place in the country in which they live”. In addition, “the charter sets out to protect and promote regional or minority languages, not linguistic minorities.” But the question remains whether this strongly politicized measure was a step forward in the acquisition of a civic-political “umbrella” Ukrainian identity of the Russian-speaking population or a trigger to help mobilize a minority who usually maintain only a “Soviet” or “Eastern Slavic”⁸ identity on an ethnic basis in order to (re)activate its primordial ethnic identity.

In this context, some scholars have clearly raised concerns that minority rights protection as defined by existing international standards does not necessarily have a positive effect. Peter Vermeersch argued in his study of Romani activism in Central Europe that “While these minority rights claims resonate well in international forums, they also run the risk of reifying cultural boundaries, stimulating thinking in ethnic collectives, reinforcing stereotypes, and hampering collective action”⁹. Alexander Ossipov thinks that a focus on minority group rights “would be more likely to lead to the artificial creation of groups of persons who did not previously consider their rights to be violated. This process would risk bringing nothing more than increased tensions and intolerance”¹⁰.

The example of certain other minorities led me to the decision to examine also legal provisions which were demanded by minority groups but remained unfulfilled in the end. The Jewish population, for instance, strived for the adoption of stronger legal provisions against anti-Semitic hate speech and hate crimes. Even though the Jewish minority could have been the least satisfied with its legal protection in Ukraine, it seems that its identification with Ukrainian civic-nation grew stronger over the studied period. Similarly, the Crimean Tatars were the subject of severe discrimination by the authorities of the Autonomous Republic of Crimea. In addition to this, their long-term efforts to achieve the status of an “indigenous nation” were not met. Was this strong demand to acknowledge the uniqueness and special status of the Tatars on Crimea a reason for their alienation from Ukraine? My opinion is that this was not the case.

Rather, my hypothesis is that there is no direct causality between the levels of legal protection of a minority group on one hand, and the extent of its identification with the Ukrainian civic nation. Moreover, I stress that the reverse causality should be studied as well.

My research will focus on the period between 1991 (the gaining of Ukrainian independence) and the end of 2013. I will study a selection of minorities which would

⁸ *Shulman S.* The Contours of Civic and Ethnic National Identification in Ukraine... – P. 35–56.

⁹ *Vermeersch P.* Marginality, Advocacy, and the Ambiguities of Multiculturalism: Notes on Romani Activism in Central Europe / Peter Vermeersch // *Identities: Global Studies in Culture and Power.* – 2005. – Vol. 12. – No. 4. – P. 451–478.

¹⁰ *Ossipov A.* Some Doubts about “Ethnocultural Justice” / Alexander Ossipov // *Kymlicka W., Opalski M.* Can Liberal Pluralism be Exported? – Oxford: Oxford University Press, 2002. – P. 171–185.

reflect, if not exactly represent, their great typological variability. Therefore, I have chosen representatives of a de facto autochthonous nation (Crimean Tatars), a traditional ethnic minority with a neighboring kinship-state (Hungarians, Romanians, Poles), an ethno-religious minority (Jews), a so-called “ethnographic” or sub-ethnic minority (Ruthenians), a “diaspora” ethnic minority (Czechs), an ethno(racial)-social minority (Roma), an ethno-linguistic minority (Russians in southern and eastern Ukraine), and an ethno-political entity (Russians in Crimea).

As a goal, my project intends to contribute to increased understanding of the dynamics of the nation building process as well as to the nature of international standards regarding minority protection.

Certain dynamics of Ukrainian nationhood towards a more civic-political type of nation can in my opinion also be regarded as part of a gradual Europeanization, with ethnic minority policy forming a part of this process. Both Western scholars (Kymlicka etc.) and Western international organizations (EU, OSCE, the Council of Europe) have recommended that Ukraine adopt these standards to become closer to the “civilized” Western world. I propose to argue, however, that the adopting of international standards of minority protection should be studied separately from other realms of the overall Europeanization (or broadly speaking, “Westernization”) of Ukraine. I maintain that not every aspect of this Westernization had a similar effect. As Magda Opalski¹¹ put it – in reference to Valery Tishkov – one of the major obstacles in forming a civic-political nation in a post-Soviet space (speaking about Russia in particular) is the lack of civil society. Thus, it is precisely the building of civil society, mainly through efforts of NGOs and independent media, heavily inspired by European role-models and supported by Western foundations, that represents the greatest step of Ukrainian society on the way towards civic nationhood. However, one cannot say the same when it comes to ethnic minority policy. Therefore, I feel that it is necessary to clearly distinguish between the overall Westernization, which certainly contributed to growing civic-political understanding of Ukrainian nation (emergence of NGOs, civil society in general, active political participation etc.), and international standards regarding minority protection.

Another field which I desire to contribute to with my project is that of minority protection studies. When the modern international standards for minority protection were adopted, this was regarded as an appropriate way of reacting to the wars in the former Yugoslavia. As a consequence, these standards were in 1993 acknowledged as part of pre-accession requirements (Copenhagen criteria) for new applicant countries seeking eventual membership in the EU. Although this model might have been efficient in regard to war-torn societies, it is not clear whether these standards were also needed in other Central and Eastern European post-Communist states. Some scholars argue that they were simply redundant¹², and unable to address the most important “minority issue”

¹¹ *Opalski M.* Can Will Kymlicka Be Exported to Russia? / Magda Opalski // Kymlicka W. Opalski M. Can Liberal Pluralism be Exported? – Oxford: Oxford University Press, 2002. – P. 298–319.

¹² *Kolsto P.* Faulted for the wrong reasons. Soviet institutionalization of ethnic diversity and Western (mis)interpretations / Pal Kolsto // Cordell K. Institutional legacies of communism: change and continuities in minority protection / T. Agarín, A. Osipov. – Oxford: Routledge, 2013. – P. 31–44.

in that region, which is the social exclusion of the Roma. With growing immigration into these countries since the turn of the new century, it has become obvious that the traditional minority protection provisions, including the “flagship” Framework Convention for Protection of National Minorities, cannot tackle new challenges, as these are predominantly focused on language rights and target citizens of the destination country only. I want to show that even in a country with large autochthonous ethnic minorities like Ukraine, which has adopted all international agreements on minority protection made by the Council of Europe, adverse effects of that policy may occur as well. Therefore, I argue that it is time to rethink the entire system of minority protection as it was designed chiefly by the Council of Europe.

I propose that in contemporary security, the worldwide situation is of crucial importance to understand how to maintain peace and social cohesion in such culturally diverse societies as Ukraine. On the one hand, the protection of minorities is clearly a good way to achieve common identity which can enhance solidarity and social cohesion. On the other, if this also causes reversed effects and deepens existing divisions within society it is even worse than the starting point. I believe that it is possible to contribute to this issue by answering the question of why certain minorities did not feel threatened by “Ukrainian nationalism”, and, moreover, actively participated in the Ukrainian nation building process, redefining it into civic nation terms, whereas others strongly opposed it. To my knowledge, this topic has not yet been tracked in a broad and meaningful way.

My research builds first of all upon the vast literature studying the situation of ethnic minorities in Ukraine and Ukrainian ethnic minority policy¹³. The next research path to be followed is the academic dispute concerning the different definitions of nations. After strong criticism of Hans Kohn’s dichotomy of “Western” and “non-Western” types of nations¹⁴, it has become more difficult to study the “civic nation”. Nevertheless, I maintain that despite well-argued criticism in general there are still good reasons to distinguish between different understandings of the national situation in Ukraine, whether they are

¹³ *Kulyk V.* The politics of ethnicity in post-soviet Ukraine: beyond Brubaker / Volodymyr Kulyk // *Journal of Ukrainian Studies*. – 2001. – Vol. 26. – No 1–2. – P. 197–221; *Shulman S.* The Contours of Civic and Ethnic National Identification in Ukraine. – P. 35–56; *Yevtoukh V.* National Minorities in Ukraine: Status, Rights, Prosperities / Volodymyr Yevtoukh // *Kranz Jerzy; Küpper Herbert.* Law and Practice of Central European Countries in the Field of National Minorities Protection After 1989. Warszawa: Center for International Relations, 1998. – P. 248–266; *Protsyk O.* Majority-Minority Relations in the Ukraine [Електронний ресурс] / Oleh Protsyk // *JEMIE*. – 2008 – Issue 1 – Режим доступу: <http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2008/issue%201/1-2008-Protsyk.pdf>

¹⁴ *Yack B.* The Myth of the Civic Nation / Bernard Yack // *Critical Review*. – Vol. 10. – No 2. – P. 193–211; *Brubaker R.* The Manichean Myth: Rethinking the Distinction between “Civic” and “Ethnic” Nationalism / Rogers Brubaker // *Kriesi H.* (eds.). *Nation and national identity: the European experience in perspective*. – Zürich: Rüegger, 1999. – P. 55–72; *Kuzio T.* The Myth of the Civic State: a critical survey of Hans Kohn’s framework for understanding nationalism / Taras Kuzio // *Ethnic and Racial Studies*. – 2002. – Vol. 25 – Issue 1. – P. 20–39.

termed inclusive and exclusive or civic and primordial. Thus I will follow scholars like S. Shulman¹⁵ or J. G. Janmaat¹⁶ who elaborate these concepts in the case of Ukraine.

Another important academic debate which I want to engage with is in regard to minority rights, especially in the context of multiculturalism. As classical texts in this line I regard above all the work of W. Kymlicka¹⁷, not only because of their scholarly impact and significance but also because of the fact that Kymlicka tried to apply his theories explicitly to Eastern European circumstances. I will also follow up and elaborate on the work of authors who confronted Kymlicka's "group" and "ethnic" perspectives of diversity¹⁸ as well as his preconception (lately modified) of universally applicable standards of minority rights¹⁹. Other texts not directly related to Kymlicka's work are also important inspiration for my research in the Ukrainian context, for example a study examining some of the adverse effects of minority rights protection in the case of the Roma community in Poland by P. Vermeersch²⁰. However, no thorough study combining the above mentioned perspectives with the Ukrainian situation has yet been attempted.

I will use the method of discourse analysis when analyzing the minority media. I will employ in particular metaphor analyses, since I assume that there will not be many concrete, direct statements about the nation. I expect that the nation will be described rather in indirect terms using metaphors or connotations typical for civic (inclusiveness, voluntary membership, openness, future prospect, diversity, cooperation, political project, liberalism, etc.) or primordial (exclusiveness, destiny, organism, heredity, historical determination, homogeneity, kinship, common ancestry, tradition, etc.) understanding of nationhood.

In order to interpret to what extent ethnic minorities identified with the Ukrainian civic-political nation and how particular provisions of minority rights protection influenced the identity of the minority groups themselves, I will employ theoretical concepts of ethnic conflict studies. Especially the process of "group making" and transformation from "ethnic category" into "ethnic identity" elaborated by R. Brubaker²¹ will be applied.

From the broader methodological perspective, I adhere to historical institutionalism, since I propose to study predominantly how institutions act in general terms as a driving force of social phenomena.

¹⁵ *Shulman S.* The Contours of Civic and Ethnic National Identification in Ukraine. – P. 35–56.

¹⁶ *Janmaat J. G.* Nation Building, Democratization and Globalization as Competing Priorities in Ukraine's Education System / J. G. Janmaat // Nationalities Papers. – 2008. – Vol. 36. – No 1. – P. 1–23.

¹⁷ *Kymlicka W.* Multicultural Citizenship: A Liberal Theory of Minority Rights / Will Kymlicka. – Oxford: Oxford University Press, 1995. – 290 p.

¹⁸ *Wimmer A.* The left-Herderian ontology of multiculturalism / Andreas Wimmer // Ethnicities. – 2008. – Vol. 8. – No 2. – P. 254–260; *Kemp W.* Applying the Nationality Principle: Handle with Care / Walter Kemp // JEMIE. – 2008 – Issue 1 [Электронный ресурс] – Режим доступа: http://www.ecmi.de/fileadmin/downloads/publications/JEMIE/2002/nr4/Focus4-2002_Kemp_Kymlicka.pdf; *Ossipov A.* Some Doubts about "Ethnocultural Justice"... – P. 171–185.

¹⁹ *Opalski M.* Can Will Kymlicka Be Exported to Russia?... – P. 298–319.

²⁰ *Vermeersch P.* Exhibiting Multiculturalism. Politicised Representations of the Roma in Poland / Peter Vermeersch // Third Text. – 2008. – Vol. 22. – Issue 3 – P. 359–371.

²¹ *Brubaker R.* Ethnicity without groups / Rogers Brubaker // European Journal of Sociology / Archives Européennes de Sociologie. – 2002. – Vol. 43. – Issue 2. – P. 163–189.