

## THE ROLE OF THE OSCE IN THE ADJUSTMENT OF THE CRIMEAN TATARS' ISSUE IN UKRAINE

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## РОЛЬ ОБСЄ У ВРЕГУЛЮВАННІ КРИМСЬКОТАТАРСЬКОЇ ПРОБЛЕМИ В УКРАЇНІ

У статті автор досліджує роль ОБСЄ у врегулюванні кримськотатарського питання на Україні. Основними формами співробітництва в цій сфері між Україною та ОБСЄ були Місія ОБСЄ в Україні та діяльність Верховного комісара ОБСЄ з національних меншин. Така співпраця мала ефективний вплив на вирішення проблем кримських татар та була позитивно оцінена Україною та світовою спільнотою.

The Crimean Tatars is the native people of the Crimea, which at least twice in its history was exposed to the tragedy of the violent expulsion from its historic lands – the Crimean Peninsula. For the first time, the mass emigration of the Crimean Tatars was caused by the policy of Ekaterina II after the Crimean annexation by Russia. The second tragedy was the deportation of the Crimean Tatars in 1944. As a result, according to different sources there are about 45 – 500 thousands of the Crimean Tatars living in the territory of the former Soviet Union and wishing to come back to the Crimea. Only 260 thousands managed to return.

Today, the Crimean Tatars' issue is one of the most serious in the national and foreign policy of the Ukrainian state. Notwithstanding the fact that certain conditions for the return of that nation to their native lands and for their settlement were created, there still exist a number of economic, legal and humanitarian problems.

The international organizations can not stand apart this situation. And the OSCE activity demonstrates its readiness to solve the part of the problems.

The historiography on the issue concerned may be divided into three groups:

- scientific researches on the history of the Crimean Tatars, on the ways of its ethnic history;
- researches connected with the problems of the national minorities in Europe;
- researches concerning international organizations, inter alia, on the OSCE activity.

The actual problems of the ethnogeny and ethnic identity of the Crimean Tatars are highlighted in the works by R. Kurtiev "The Crimean Tatars and the Traditional Culture"<sup>1</sup>, A. Memetov<sup>2</sup>; the questions of the recent history are presented in the researches by R. Chubarov<sup>3</sup>, G. Bekirova<sup>4</sup>, I. Prybytkova<sup>5</sup>, J. Tyschchenko<sup>6</sup>, E. Kuldusov<sup>7</sup>, V. Vozhrin<sup>8</sup>, in the collected work "The Crimean Tatars National Movement"<sup>9</sup> etc.

The literature on the national minorities' issues in Europe is rather wide and diverse. In former Soviet Union countries appeared at last the works without ideological slant<sup>10</sup>.

In the times of the Ukrainian independence appeared the researches concerning the activity of different international organizations<sup>11</sup>.

The source base of the examination consists of both the documents and materials connected with the history of deportation and repatriation of the Crimean Tatars<sup>12</sup> and the OSCE documents<sup>13</sup>.

The overview of the literature and sources shows that notwithstanding the thorough examination of separate questions concerning history of the Crimean Tatars and the OSCE activity, there has been no joint research which connects these two topics. Therefore, there is the necessity to examine this aspect in details.

In conformity with the Paris Charter for a New Europe the OSCE is one of the main structures on the maintenance of security and stability in the region embracing the European continent, the North America (the USA, Canada), the Central-Asian Republics of the former Soviet Union. It is the instrument of early warning, conflict prevention, settlement of crises and post-conflict reconstruction. The emphasis on the ethnic conflicts brought about the structural changes in the OSCE. The organization began to send long-term Missions to the states wherein the ethnic conflicts occurred; established the position of the High Commissioner on National Minorities (HCNM).

The OSCE along with the HCNM made a great contribution to the cause of peace in Ukraine. On 15 June 1994 the OSCE Senior Council decided to send to Ukraine experts on economic and constitutional questions in order to facilitate the dialogue between the central government and the Crimean authorities concerning autonomic status of the Crimean Republic in Ukraine. Another purpose was to make special recommendations concerning settlement of the existing problems with taking into consideration the fundamental principles of the Ukrainian Constitution. Such Team of Experts along with the HCNM councilor visited Kyiv and Simferopol in August and October 1994. Experts prepared detailed conclusions and recommendations after these visits. Later, on the initiative of the Italian Chairman-in-Office the OSCE Mission in Kyiv with the additional office in Simferopol was established<sup>14</sup>.

One of the most important tasks of the Mission was to support the work of the Team of Experts and cooperation with HCNM. The Mission began to operate on 24 November 1994 and terminated its activity on 30 April 1999 after what was established a new form of cooperation between Ukraine and the OSCE – The OSCE Project Coordinator in Kyiv which operates till now. The Mission consisted of six persons. Its main tasks were: to hold international conferences, round tables, negotiations, workshops, consultations, monitoring on human rights and national minorities; to collect information etc. Such activities resulted in creation and presentation of the respective proposals and legal assistance to the Ukrainian, Crimean and OSCE bodies with a view to adjustment of the disputable issues<sup>15</sup>. The activity of the Mission included such important aspect as cooperation with other institutions: the HCNM, the United Nations Development Program and the United Nations High Commissioner on Refugees.

In the OSCE 1995 Annual Report was mentioned that the Mission is concentrated on the settlement of legislative and administrative disputes between the authorities in Kyiv and that in Simferopol including the status of Crimea. The Report also touched upon the question of the activity of the Mission in the second half of the 1995 on the issues of the Crimean Tatars<sup>16</sup>. In September of the same year a special round table was organized in Yalta by the HCNM and the Mission in order to hold non-formal discussions and seek the possible solution of the problem. In addition, on the initiative of the HCNM and the Mission the Ukrainian Round Table was hold in Locarno, Switzerland (May 1995) for the purposes of the establishment of the efficient dialogue between the central government and the Crimean authorities in Ukraine.

From January to June 1996 the Mission was examining the constitutional issues of the problem; as from June it concentrated on the problems of the deported nations, especially of the Crimean Tatars<sup>17</sup>. A number of reports were prepared and a special Seminar on citizenship for the Tatars and other deported nations was held in Kyiv. A lot of Ukrainian and Crimean officials partook in the Seminar, besides the Tatars' leaders and foreign experts were present. As a consequence, a number of concessions were adopted. They were directed to the facilitation of the citizenship problem at an early date. Moreover, another purpose of the Seminar was to stimulate the recreation of the legislative and political activity for the final settlement of the problem within a reasonable period.

Along with the HCNM, the United Nations Development Program and the United Nations High Commissioner on Refugees the Mission organized special donor conference in June 1998 in Kyiv in order to extend the financial found for humanitarian assistance to the nations, deported from the

Crimea. More than 15 States Members of the OSCE granted on the Conference several million dollars for the Fund<sup>18</sup>.

So, the activity of the mission played the great role in the adjustment of the problems of the deported peoples of the Crimea and of the other disputable issues; it contributed to the integration of Ukraine into European society. The best confirmation thereof was the positive assessment of the Mission's activity in the Declaration of the OSCE Summit in Istanbul (18 – 19 November 1999).

However, the most efficient in the sphere of the rights of the national minorities was the cooperation between Ukraine and the High Commissioner on National Minorities. The HCNM involved in the Crimean Tatars' problem already on the stage of unconcealed confrontation. In this conflict he faced upon two aspects of the problem. On the one hand, the return and settling down of the hundreds of thousands deported persons and their descendants required great funds, which Ukraine in the period of its economic crises could not find. At the same time, Russia and the Central Asian states, wherein the majority of the deported have lived for almost half a century, practically refused to render any assistance for solving that problem. That's why the Ukrainian Government was interested in the international aid for ensuring the social needs of the repatriates and in the pressure on the other states of the CIS and therefore was trying to direct efforts of the international organizations first of all in that line. On the other hand, the efficiency of spending the existent funds and exploiting the potentialities of the Crimean Tatars depended seriously on the governmental readiness to meet their demands, in particular, in the political field. But the Autonomous authorities were more or less consistent in their opposition to the return and the consolidation of the positions of the Crimean Tatars. Besides, the central government was avoiding the support of that minority in order not to set the Crimean majority against the central Ukrainian power<sup>19</sup>. As a result, the HCNM efforts to favour the provision of the actual demands of the Crimean Tatars with a view to prevention of the escalation of the conflict between them and the government turned to be less successful than his participation in drawing attention of the world's community to the problems of that minority and funds for their solving. At the same time, the HCNM didn't concentrate only on the question of the financial assistance but gradually emphasized on the need to ensure the political rights of repatriates.

In his first letter dated 15 May 1994 addressed to the Ukrainian Government the HCNM draws the attention to the problem of the Crimean Tatars<sup>20</sup>. He stresses upon that the difficult economic situation hinders the efficient settlement of the problem. Therefore, the HCNM expressed his readiness to address the OSCE bodies for the purpose of rendering international assistance with due account of the interests of the Crimean Tatars. The second problem in the letter was the question of the Tatars' representation in the Parliament of the Crimea, particularly the necessity to ensure the respective number of seats for them. In the end, the HCNM emphasized on the problem of the establishment of the efficient institutionalized dialogue between the Crimean government and the Tatars in order to avoid the potentially dangerous crisis situations. All the Commissioner's recommendations were taken into account by the Ukrainian Government, but neither of them was considered seriously.

The intensification of the Crimean Tatars' conflict brought about a kind of re-orientation in the activity of the HCNM. The "round table" mechanism was applied in Yalta on 20-22 September 1995. After the round table discussion and separate meetings with the participants the HCNM formulated a number of recommendations on settlement of the conflict dated 12 October addressed to H. Udovenko<sup>21</sup>. These recommendations didn't touch upon financial aspects of the problem, which were dominating in the High Commissioner's speeches in Yalta, but emphasized on the legal and political means. In that letter the HCNM raised several problems. Firstly, it was the question of legalization of the Crimean Tatars' high representative body Majlis. Secondly, the High Commissioner proposed to solve the problem by granting Ukrainian citizenship on the basis of renunciation of the previous citizenship. Thirdly, the HCNM drew the attention to the problem of representation of the Crimean Tatars in the Autonomy's Parliament recommending either prolongation of the quotas' validity with preservation of the majority electoral system or introducing proportional system with the possibility to grant to the Crimean Tatars the number of mandates according to their part in the population. However, no recommendations were carried out by the Ukrainian government.

The last letter with recommendations was sent by the HCNM on February 14, 1997<sup>22</sup>. The Com-

missioner refers in it to the Ukrainian legislation in the sphere of observance of the national minorities' rights. He also proposes Ukraine to loan the Scandinavian experience in this field – to establish consultative body wherein the representatives of the Crimean Tatars could be able to express their point of view concerning Ukrainian legislation drafts on their rights. Afterwards, representatives of the other Crimean nations and ethnic groups could join that body. The High Commissioner also stressed upon the question of citizenship in his letter. As before, he insisted on granting the Crimean Tatars Ukrainian citizenship on the basis of renunciation of the previous citizenship in order to avoid statelessness, but not on the basis of another state's consent to terminate one's citizenship. The HCNM also drew the attention to the necessity of the proportional representation of the Tatars and other deported ethnic groups in the Parliament of the Autonomous Republic of Crimea (ARC) in accordance with the quantity of the population of the peninsula. Finally, the HCNM expressed some recommendations concerning languages in the ARC. He accentuated on that the provision of Article 10 of the Ukrainian Constitution, wherein specified that the state language is Ukrainian, should also be included into the Constitution of the ARC. Besides, the ARC Constitution should guarantee the free development of the Russian, Tatar and other languages, spoken in the Crimea.

The consideration of the last HCNM's recommendations took place actually without his participation. After the abovementioned letter dated February 1997 he didn't send to the Ukrainian Government any formal proposals concerning settlement of the Crimean and the Crimean Tatars' problems. Nevertheless, he went on trying to achieve the implementation of his previous recommendations especially those concerning citizenship and representation for another two years. His priority interest to these two aspects left invariable, but the approaches evolved respectively to the alterations in the positions of key participants<sup>23</sup>. In the citizenship issue the High Commissioner had to submit to the Kyiv's unwillingness to accept his scheme. So he re-orientated to the promotion of negotiations between Ukraine and Kazakhstan, the termination of which he greeted with the single for the time of his involvement into Ukrainian conflicts public statement. His strategy in the question of representation took due account of that since 1998 the political dialogue between the Crimean Tatars and authorities took place only in Kyiv. Firstly, because already two Crimean Tatars' representatives were in the Ukrainian Parliament. Secondly, due to the anti-Tatar position of the new Crimean leader – L.Hrach. Therefore, the HCNM urged the Crimean Tatars' politicians to cooperate efficiently with the Administration of the Ukrainian President. At the same time, he already couldn't facilitate greatly the problem. The High Commissioner's efforts in attracting international assistance for the settlement of the social problems of repatriates were successful. But soon that process became inert, so the efforts of the HCNM turned to be unnecessary. So the involvement of the HCNM in the Crimean Tatars conflict actually terminated, though the initial reasons if the involvement were not eliminated and the recommendations remained mostly unrealized. Actually, in 2000 the Commissioner concentrated his attention in Ukraine on the problem of the Russian language which was growing because of the Moscow's attempt to put Kyiv under its pressure.

So, the main contribution of the HCNM to the settlement of the Crimean Tatars' conflict was drawing attention of the world's society to the problem of the Crimean Tatars. Besides, he stimulated the financial assistance on their settlement and facilitated the adjustment of one of the most important problems – the citizenship issue. The activity of the High Commissioner received the highest assessment by the Ukrainian population and especially by the Crimean Tatars. It was mentioned for several times that the first HCNM was acting sensibly and reasonably and not only made a significant contribution to the settlement of the abovementioned ethnic-political conflicts, but also favoured the adjustment of the Ukrainian policy to the European standards<sup>24</sup>.

In conclusion, we may sum up the next points:

1. The Crimean Tatars is the Turkic native nation of the Crimea, which at least twice in its history was exposed to the expulsion from its lands.
2. The problems connected with the repatriation of the Crimean Tatars to their native lands, though solved partly by the Ukrainian government, may be finally settled only with the participation of the international organizations, in particular the OSCE.
3. The Crimean Tatars' issue is regarded in the OSCE in the complex with our problems, connected with the national minorities in Europe. A single strategic line exists concerning providing conditions for the overall economic, social and cultural development of the European national minorities.

4. The main forms of the cooperation between the OSCE and Ukraine in the sphere of observance of the national minorities' rights were the OSCE Mission in Ukraine and the activity of the OSCE High Commissioner on National Minorities.

5. The activity of the Mission and of the HCNM contributed to the improvement of the situation in the Crimean Tatars' issue and was positively estimated by the international society and the OSCE, as well as by the Ukrainian citizens and Government.

<sup>1</sup> Куртиев Р. Крымские татары: Этническая история и традиционная культура". – Симферополь, 1998.

<sup>2</sup> Меметов А. Крымские татары (Историко-лингвистический очерк). – Симферополь, 1993.

<sup>3</sup> Чубаров Р. Якщо ми говоримо про депортацію кримськотатарського народу // Кримські студії. – №3-4 (21-22). – травень – серпень 2003. – С. 13–30.

<sup>4</sup> Бекірова Г. Кримськотатарський національний рух в 50-60-і рр.: становлення, перші перемоги і зневіра // Кримські студії. – 2001. – № 5–6. – С. 70.

<sup>5</sup> Прибыткова И. Правовые и гуманитарные проблемы реинтеграции ранее депортированных в Крыму: Аналитический доклад. – К., 1999; Прибыткова І. Облаштування, адаптація і інтеграція раніше депортованих кримських татар в Криму // Кримські студії – 2002. – № 1–2. – С. 62–70.

<sup>6</sup> Тищенко Ю., Піховшек В. Повернення кримських татар. Хроніка подій. – К., 2000.

<sup>7</sup> Кулдусов Е. Кримські татари напередодні і в часи Другої світової війни. – Кримські студії. – 2002.– № 1–2. – С. 70–91.

<sup>8</sup> Возгрин В. Этносоциальный конфликт в Крыму (истоки и специфика) //Этничность на постсоветском пространстве: роль в обществе и перспективы. – К., 1997. – С. 23–33.

<sup>9</sup> Крымскотатарское национальное движение. – Т. 2. – М., 1992.

<sup>10</sup> Див., зокрема, збірник "Етнічні меншини Східної та Центральної Європи: компаративний аналіз становища та перспектив розвитку. – К., 1994; Міжнародні відносини і національні меншини України: стан, перспективи. – К., 2004.

<sup>11</sup> Див., зокрема: Кулик В. Зовнішнє втручання у внутрішні етнополітичні конфлікти: участь Верховного Комісара ОБСЄ з питань національних меншин у розв'язанні кримської та кримськотатарської проблем // Кримські студії. – Б.м.в. – 2002. – № 5; Хоменко М.М. Співробітництво України з ОБСЄ у сфері дотримання прав національних меншин // Актуальні проблеми міжнародних відносин. – 2001. – Вип. 28 (ч. I ).

<sup>12</sup> Див., зокрема, збірники документів: Депортовані кримські татари, болгари, вірмени, греки, німці": Збірник документів (1941–1998). – К., 1999; : Депортовані кримські татари, болгари, вірмени, греки, німці": Збірник документів (1989 – 2002). – К., 2003; ряд публікації джерел в інформаційному бюлетені "Кримські студії".

<sup>13</sup> [www.osce.org](http://www.osce.org)

<sup>14</sup> The Role of the High Commissioner on National Minorities in OSCE Conflict Prevention. An Introduction. – Foundation on Inter-Ethnic Relations. – June 1997. – P. 75.

<sup>15</sup> Хоменко М.М. Співробітництво України з ОБСЄ у сфері дотримання прав національних меншин // Актуальні проблеми міжнародних відносин. – 2001. – Вип. 28 (ч. I ).

<sup>16</sup> <http://www.osce.org/docs/english/misc/anrep95e.htm>

<sup>17</sup> <http://www.osce.org/docs/english/misc/anrep96e.htm>

<sup>18</sup> <http://www.osce.org/docs/english/misc/anrep98e.htm>

<sup>19</sup> Кулик В. Зовнішнє втручання у внутрішні етнополітичні конфлікти: участь Верховного Комісара ОБСЄ з питань національних меншин у розв'язанні кримської та кримськотатарської проблем // Кримські студії. – Б.м.в. – 2002. – № 5.

<sup>20</sup> <http://www.osce.org/hcnm/documents/recommendations/ukraine/1994/12c234.html>

<sup>21</sup> <http://www.osce.org/hcnm/documents/recommendations/ukraine/1995/27hc105.html>

<sup>22</sup> <http://www.osce.org/hcnm/documents/recommendations/ukraine/1997/44hc47.html>

<sup>23</sup> Кулик В. Зовнішнє втручання у внутрішні етнополітичні конфлікти: участь Верховного Комісара ОБСЄ з питань національних меншин у розв'язанні кримської та кримськотатарської проблем // Кримські студії. – Б.м.в. – 2002. – № 5.

<sup>24</sup> Кулик В. Зовнішнє втручання у внутрішні етнополітичні конфлікти: участь Верховного Комісара ОБСЄ з питань національних меншин у розв'язанні кримської та кримськотатарської проблем // Кримські студії. – Б.м.в. – 2002. – № 5.