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## THE “QUADRATIC NEXUS” OF NATIONAL MINORITY POLITICS IN UKRAINE: THE ASSESSMENT OF NATIONAL COHESION\*

**Abstract:** This paper examines the contested nature of domestic and foreign policies through an analysis of dynamics between actors within a “quadratic nexus”. The argument of this paper is twofold. First, it argues that, due to the European orientation of Ukraine’s foreign policy, the power struggle between kin-states and Ukraine in the quadratic nexus is exercised under unequal conditions, providing more leverage to the EU kin-states. Second, it argues that the Russo-Ukrainian conflict exacerbated the asymmetries created by foreign policy, which affected national cohesion in Ukraine and impeded the Russian minority to claim and defend their minority rights.

**Keywords:** *national minority policy, quadratic nexus, conflict, Ukraine, Ukrainian nationalism, foreign policy, kin-states.*

### IL “NESSO QUADRATICO” DELLE POLITICHE VERSO LE MINORANZE NAZIONALI IN UCRAINA: UNA VALUTAZIONE DELLA COESIONE NAZIONALE

**Abstract:** Il presente articolo prende in esame il carattere controverso della politica interna ed estera ucraina tramite un’analisi delle dinamiche tra attori diversi all’interno di un “nesso quadratico”. La tesi di questo articolo è duplice. In primo luogo si sostiene che, a causa dell’orientamento europeista della politica estera dell’Ucraina, la lotta di potere nel nesso quadratico tra Stati di riferimento [*kin-states*] e Ucraina si svolge in condizioni impari, garantendo maggiore capacità di influenza agli Stati di riferimento appartenenti alla UE. In secondo luogo, si sostiene che il conflitto russo-ucraino abbia esacerbato tali asimmetrie prodotte dalla politica estera, cosa che ha influenzato la coesione nazionale interna dell’Ucraina e impedito alla minoranza russa di rivendicare e difendere i propri diritti in quanto minoranza.

**Parole chiave:** *politiche verso le minoranze nazionali, nesso quadratico, conflitto, Ucraina, nazionalismo ucraino, politica estera, Stati di riferimento.*

With the redefinition of state boundaries after the Soviet Union’s disintegration, the issue of national minority politics has become salient in domestic, bilateral and regional dynamics. These complex relationships have been explored through a number of analytical perspectives in nation- and state-building, international integration, and kin politics literatures (Brubaker 1995; Kuzio 2001; Shulman 1998; Smith 2002; Cheskin 2015; Haertel 2022).

This paper aims to investigate the implications of contestation of political fields between domestic and international actors involved in kin politics within the «quadratic nexus» (Smith 2002) contributing to the literature on interaction between foreign and

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domestic policies. «Quadratic nexus» is an analytical framework that adds International Organisation (IO) as one of relational nexuses complementing the «triadic nexus» between nationalising home states, national ethnic minorities and external kin-states (Brubaker 1995). This paper analyses and assesses the impact of this interaction on national cohesion in Ukraine in the context of the ongoing Russo-Ukrainian conflict. The argument of this paper is twofold. First, it argues that due to the European- oriented foreign policy of Ukraine, power struggle within the quadratic nexus is exercised under unequal conditions for EU and non-EU kin-states on issues pertaining to the rights of external minorities. Second, it suggests that the Russo-Ukrainian conflict exacerbated the asymmetries created by foreign policy orientation, which affected national cohesion and resulted in the impediment of the Russian minority to claim and defend their minority rights in Ukraine.

Perceptions and stances in relational fields are identified through an analysis of policy decisions and public pronouncements of internal and external actors involved in national minority issues in Ukraine. Alongside the study of legislation on national minorities, secondary and media sources are examined.

#### Kin-states, national minorities and host-state foreign policy nexuses

This section intends to integrate a body of literature on intertwined relationship between foreign and domestic policies on minority issues, kin-politics, and the role of ethnicity in conflicts. Kin politics is understood as a variety of formal and informal practices and policies on behalf of a state to establish, cultivate or support ties with a kin-ethnic group abroad (Waterbury 2020). Specific kin policies encompass externalization of passports and citizenship to the foreign ethnic kin population (Danero Iglesias – Sata – Vass 2016), provision of financial assistance to strengthen minority language and cultural institutions, the establishment of direct and indirect border support (Waterbury 2020), among others.

Interaction between kin-states, national ethnic minorities and a host-state could be riddled with conflicts. The kin-state's actions could be interpreted as a violation of sovereignty and intervention into domestic politics. In response to foreign kin-policies or in order to minimize their effects, the state may initiate domestic counter-policies, as well as introduce its own ethnic politics. Domestic politics is not free from power biases, as state officials are not ethnically neutral and may favour or suppress certain ethnic groups, ethnicize bureaucracies, and intervene in conflicts or kin-groups abroad (Cederman 2013). Security concerns are particularly salient in times of conflict where the dynamic between both domestic and foreign kin policies may have far-reaching consequences for national cohesion.

Literature on ethnicity underlines the importance of structural factors in the instigation of conflict. Cederman, Wimmer and Min (2010) established that a recent loss of power and political exclusion is strongly connected to the outbreak of civil wars. In addition, structural inequalities within states may generate conflict when «horizontal» inequality is taking place,

which is defined as «inequalities in economic, social or political dimensions or cultural status between culturally defined groups» (Stewart 2009: 3). There is an established link between nationalism and a potential conflict, which is possible in a situation when regions are characterized by either a state-to-nation deficit or state-to-nation surplus, or a combination of both. State-to-nation deficit may generate separatist nationalism; a state-to-nation surplus may trigger unification nationalism, while a combination of both may lead to irredentism (Cederman 2013). Irredentism is considered a combination of nationalist secession and integration, defined as «subtracting from one state and adding to another state, new or already existing» (Horowitz 1991: 10). Therefore, the sole existence of ethnic grievances within a state does not lead to ethnic conflict, nor do they cause a state breaking up. A combination of structural factors may be necessary for a serious conflict to start.

In the post-Soviet space, the potentially conflictual dynamics between the newly independent multi-ethnic states were analysed through the analytical framework of a «triadic nexus», elaborated by Rogers Brubaker (1995). The «triadic nexus» theorises the dynamic between external homelands, that we also refer to as kin-states, ethnic minority communities (i.e. national minorities) and their host states. Brubaker defined the policies of nation-building of host-states as nationalising states, which are multi-ethnic states, whose dominant elites promote the culture, language and political hegemony of the titular nation. While the definition of a nationalizing state was later challenged with the argument that all civic states possess an ethno-cultural core (Kuzio 2001), the triadic nexus was extended into a «quadratic» one, which included international organisations as actors involved in interaction between nationalizing states, national minorities and their external homelands (Smith 2002). According to Brubaker, the relationships between external homelands, minority communities and homelands are not fixed. Rather, they are «*variably configured and contested and continuously contested political fields*» (Brubaker 1995: 111-112).

Following Brubaker's definition, national minority is understood as a political stance, not a static demographic condition. This stance is characterized by the following elements: the public claim to membership and demand for recognition of a different ethnocultural group, and the assertion of collective cultural and/or political rights on the basis of this ethnocultural nationality (Brubaker 1995: 112-113). Similarly, the «nationalizing state» is a political stance that may be an articulated position. It is important to note that what matters is not whether the state is “really” nationalizing, but if it is *perceived* as such by the national minorities and/or by the external kin-state (*ibid.*: 114-115). These perceptions, practices and policies constitute an object of struggle within the political fields (*ibid.*: 118).

An analytical framework of the relationship between the state's foreign policy and national cohesion in a multi-ethnic state (Shulman 1998) complements a theoretical framework on relations between ethnicity and the foreign policy of a host-state. Shulman came to a number of conclusions in regard to the relationship between the state's foreign policy and national cohesion. He argued that: 1) national identity can be weakened by disputes over international integration policy and foreign threat evaluation, particularly if the disputes are aligned with ethnic divisions; 2) national cohesion is greater when ethnic groups perceive each other as culturally similar; 3) in multi-ethnic states, ethnic groups

would have different preferences in foreign policy due to different evaluations of cultural similarity; 4) the international integration posture of the state would influence the cultural content of a state's national identity; it could strengthen some ethnic cultures and weaken others due to different integration policy preferences among the ethnic groups; 5) close relations between an ethnic group and kin-state will weaken the national identification of the group with the host state; as a result, international integration policy could be a cause of conflict in case of disagreements between ethnic groups over the nature of kin politics and foreign policy (*ibidem*). The international integration policy could imply *asymmetrical international integration*, which refers to the extent to which ethnic regions within a state possess different foreign ties. Shulman considered asymmetrical international integration detrimental to national cohesion. His theorization provides the basis for analysis of the implications of a host-state's foreign and domestic policies in this research.

### National minority politics in Ukraine

Stemming from the Soviet tradition on ethnic issues, Ukrainian policies on minorities have been subjected to change due to Ukraine's aspirations to membership in the European Union and NATO. Ukraine adopted the Declaration of the Rights of Nationalities of Ukraine in 1991 and the Law on National Minorities in Ukraine in 1992, which established equal cultural, political, economic and social rights. In addition, international agreements, such as the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages impose conditionality on national minority policies.

Since 2014, Ukraine's European foreign policy orientation revived legislative initiatives on minority policies that coincided with other reforms that did not explicitly target the regulation of minority issues, but still had implications for minority rights. The recent laws include «On Education» of 2017, «On Ensuring the Functioning of the Ukrainian Language as the State Language» of 2019, and on «Complete General Secondary Education» of 2020. Among the reforms in question were the following: a territorial reform (started in 2014), a de-communization reform (2015), and the introduction of language quotas in the media (2016), among others.

Adjusting the legal system to European requirements, Ukraine updated the legislation on minorities in 2022 with the law «On National Minorities (Communities) of Ukraine»<sup>1</sup>. The Law defines the national minority (community) of Ukraine as «citizens of Ukraine who are not ethnic Ukrainians, live on the territory of Ukraine within its internationally recognized borders» and are aware of their common characteristics (Verkhovna Rada 2022: Art.1, Para. 1). Ukraine abandoned a Soviet norm to inscribe ethnicity on birth certificates and passports, leaving identification as a national minority to individual self-awareness. This paves the way for fluidity in the composition of the national minority groups and

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<sup>1</sup> Amended in September 2023.

makes it difficult to establish the exact number of members, as well as to claim and defend minority rights.

The Law «On the Indigenous Peoples of Ukraine» adopted in 2021<sup>2</sup> set up a legal framework for the recognition of Crimean Tatars, Karaites, and Krymchaks. The difference between indigenous peoples and national minorities is that indigenous peoples «were formed on the territory of Ukraine» (Verkhovna Rada 2021: Art.1), while national minorities *live* there. Yet, there is no reference to the time framework since when the formation of indigenous people is recognised. The second difference is that indigenous people do not have their own state, i.e. kin-state. Due to the fact that the majority of indigenous peoples of Ukraine have been living in the uncontrolled territory of Crimea since 2014, this law can be considered as declaratory and symbolic by nature. However, the law «On the Indigenous Peoples of Ukraine» established new cleavages between the recognized indigenous population and the rest of the national minorities of Ukraine.

Recently, Ukrainian legislation has allowed to impose limitations on the rights and freedoms of the minority, if such limitation is necessary in a democratic society. Article 5 para.6 of the Law on National Minorities states that:

[...] it is prohibited the popularization or propaganda of the state-terrorist (state-aggressor) and its authorities, the Russian Nazi totalitarian regime in Ukraine, the actions that create a positive image of the state-terrorist (state-aggressor), justify or legitimize a military aggression of the Russian Federation, as the state-terrorist against Ukraine, the occupation of Ukraine. (Verkhovna Rada 2022: Art.5, Para. 6)

This provision has a direct impact on the Russian national minority as «creating a positive image» of a country may have different interpretations, especially during the conflict. It may restrict individuals from expressing their self-identification in public and affect the freedom of expression of any national minority of Ukraine whose kin-state is recognized as an aggressor or state-terrorist by the Ukrainian government.

In addition to restrictions provided by national minorities legislation, the decision of the Constitutional Court of Ukraine on 14 July 2021 denied the claims of discrimination of the Russian-speaking population by the State Language Law. The decision states that «it is impossible to separate “Russian-speaking citizens” of Ukraine as a social and demographic group» (The Constitutional Court of Ukraine 2021: Art. 5), arguing that a significant proportion of Ukrainian citizens use Russian in some situations, and Ukrainian in others. The Constitutional Court established that the «Russian-speaking citizens» had been a result of Russification of ethnic Ukrainians and other national minorities. Therefore, Russian speakers in Ukraine were claimed to be a «political construction, but not a juridical category» (*ibidem*), which may not count on a regime of legal protection.

The new laws on the state language and education substituted previously adopted the law «On the Principles of State Language Policy» of 2012<sup>3</sup>. This law used to grant the status

<sup>2</sup> In 2004 there was a draft of the law that included Belarusians, Gagauz, Greeks, Jews, Karaites, Crimean Tatars, Crimeans, Moldovans, Poles, Russians, Romanians and Hungarians as indigenous peoples.

<sup>3</sup> Declared unconstitutional in 2018.

of regional language to the minority language spoken by at least 10% of the population in a given territory and was applicable to 18 languages of minorities (Verkhovna Rada 2012: Art.7). As a result, Russian was recognized as a regional language in nine regions of Ukraine, located in Crimea and in the East and South of Ukraine. Other minority languages were recognized at the level of village councils and city districts across Western and Southern Ukraine (Council of Europe 2016: 36). The law of 2012 was particularly significant for the Rusyn minority, as it provided a recognition of Rusyn language and therefore recognized Rusyn as a linguistic minority, and not as a «sub-ethnic group», as had been established by the national census.

The control over language use extended in 2019, when the law «On Ensuring the Functioning of the Ukrainian Language as the State Language» entered into force (Verkhovna Rada 2019). This law introduced criminal liability for public disrespect of the Ukrainian language and established new institutions with sanctioning powers, such as a National Commission on State Language and a Language Ombudsman. The Ukrainian language was proclaimed the language of inter-ethnic communication (formally substituting the Russian language), and a factor of national unity and national security of Ukraine. Article 30 of this law established Ukrainian as the language used in the sphere of services. However, the client still has the right to change the language of communication by asking about it. The official explanation emphasized that this law targeted «hidden practices» of speaking Russian language, which may not be native to the national minorities and which constituted a historical outcome of the «assimilation processes» (DESS 2020: 2). The law allowed to use the language of the Crimean Tatars, English and other official languages of the European Union, along with Ukrainian.

The law «On Education» (Verkhovna Rada 2017) contained provisions on the language of instruction at schools of national minorities. Linguistic minorities were categorized into three groups: officially recognized indigenous peoples who speak indigenous languages (i.e. Crimean Tatars); minorities who speak a European Union language and those who speak a non-EU language (i.e. Russian, Belarusian etc.). The law specified that national minorities were able to study in non-EU minority languages at the level of pre-school and primary school (Art. 7). At the secondary level, all students must be taught all subjects in Ukrainian, with the exception of other languages and literature. Provisions made exceptions for indigenous peoples who may enjoy bilingual education and allow a possibility to teach some subjects for national minorities who speak EU-languages.

Therefore, terms and conditions of transition to a new education system treated minority language speakers in a differential manner, which was aligned with the foreign policy priorities of the state. It created unequal opportunities for law implementation, as minorities speaking EU-languages had the time to shift to a Ukrainian taught curriculum until September 2023, while the majority of schools had to apply new criteria in education in 2020. Private educational institutions preserve the right to freely choose the language of education. By this law, the government set out different conditions in education for national minorities, privileging EU-languages in terms of language of instruction, additionally creating a gap between private and public education.

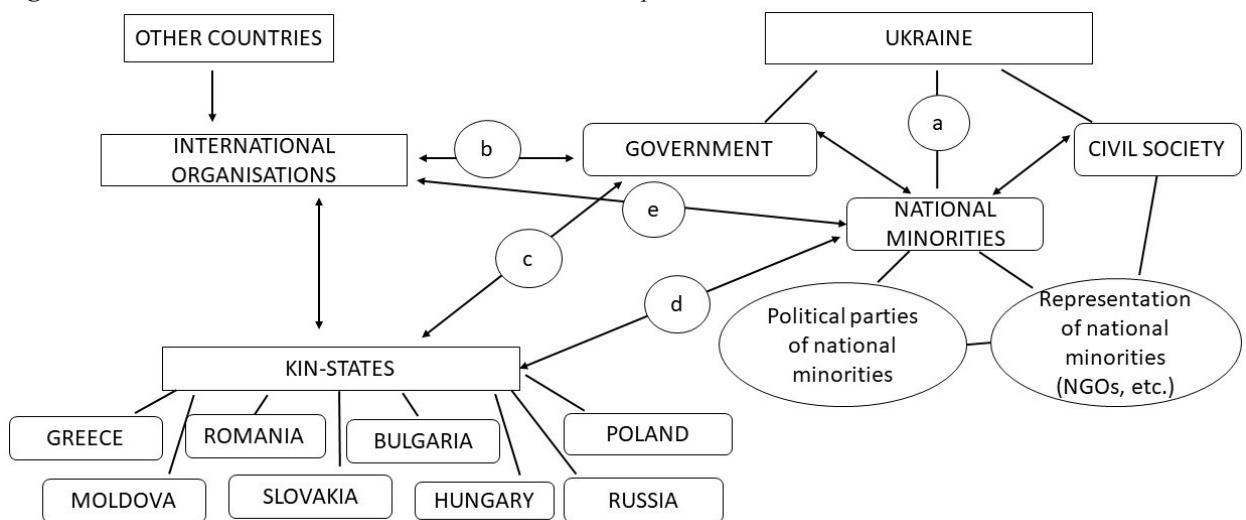
The territorial reform affected the quantitative distribution of minorities across the newly established administrative units. The claimed objective of the reform was fiscal decentralization achieved through the consolidation of local communities (*bromada*) with *rayony* (The Government of Ukraine 2014). Administrative consolidation had several implications for minorities. First, it would change the proportion of minorities in a territorial unit, which would diminish their ability to influence the redistribution of the local budget and could result in a loss of access to education in minority languages, especially due to the «rationalization» of the education structures (Fourth Report 2016: 11). Second, changes in administrative units could weaken political representation if the territories were not inhabited by a sufficient number of people belonging to national minorities (*ibid.*: 6).

All in all, regulation of national minority issues in Ukraine has been developing despite (or probably due to) the initiation of the conflict in Eastern Ukraine in 2014 and continued after the full-scale invasion of Russia in 2022. Even though the national legislative framework is in the process of adjustment to European requirements, the body of laws and provisions is fragmented. Not all laws affecting national minorities are treated as such. This potentially leaves ways for Ukraine to create mechanisms for conducting independent minority policies that may override European conditionality on national minorities.

### Dynamics within the political fields of the quadratic nexus

Figure 1 depicts national minority politics within the «quadratic nexus», which includes interactions between the relational fields of: a) national minorities and a host-state; b) International Organisation(s) and a host-state; c) kin-state(s) and a host-state; d) kin-state and a national minority; e) International Organisation(s) and national minorities. The figure presents 8 kin-states but there could be many more states due to the fact that multiple minorities live in Ukraine.

**Figure 1.** Political fields of interaction between actors in the quadratic nexus.



*a. Political field of a host -state and national minorities*

The policies in the field of education and language present a major issue of power struggle between the government of Ukraine and national minorities. The main argument of the government is that the implementation of stricter laws on language use in education and public life provides national minorities with opportunities for integration in Ukrainian society and protects them from discrimination. According to public officials, learning only a few hours of Ukrainian a week makes children of national minorities «hostages» to these minorities and results in social isolation with no possibility to «realize their constitutional rights»<sup>4</sup>. Ukraine does not recognize a fear of assimilation among minorities instilled by nationalising language policies. The Ukrainian officials underline the primordial role of the Ukrainian language for full realization of rights in Ukrainian society<sup>5</sup>.

Language of national minorities is perceived by Ukraine as a possible pretext for territorial claims. The nation-building idea based on one state language on its territory has become a distinctive feature of Ukrainian national minority politics, making the Ukrainian language almost synonymous with Ukrainian statehood. Ukrainian politicians believe that «language ghettos» of national minorities could provoke territory losses, as happened in Crimea, where people did not speak Ukrainian<sup>6</sup>. The Court's decision stated that a threat to the Ukrainian language constituted «a threat to the national security of Ukraine, to the existence of the Ukrainian nation and its statehood» (The Constitutional Court of Ukraine 2021: Art. 4.1). According to the court, leaving out the Ukrainian language in public life signifies the «loss of the status of the titular nation and state-forming nation that threatens with the disappearance of the Ukrainian state from the political map of the world» (*ibidem*). This position is supported by a discourse on the process of de-colonization of society and nation (Service of Vice-Prime-Minister of Ukraine 2023), which should include both ethnic Ukrainians and representatives of national minorities. Therefore, Ukrainian officials linked national security and language, constructing the idea that knowledge of the state language contributes to national security.

The existing links with the kin-states make Ukrainian officials perceive national minorities as dependent and lacking agency, which generates mistrust and tension in this political field. The Ukrainian officials reject the existence of anti-Ukrainian and anti-

<sup>4</sup> «Grinevich: «Novij zakon «Pro osvitu» rozshirjue mozhlivosti ukrains'kih ditej, jaki nalezhat' do nacmenshin'», *Cenzor.net*, 16-IX-2017,

<[https://censor.net/ua/news/455577/grynevych\\_novyj\\_zakon\\_pro\\_osvitu\\_rozshyryuye\\_mojlyvosti\\_ukrayinskyh\\_ditej\\_yaki\\_nalezhat\\_do\\_nacmenshin](https://censor.net/ua/news/455577/grynevych_novyj_zakon_pro_osvitu_rozshyryuye_mojlyvosti_ukrayinskyh_ditej_yaki_nalezhat_do_nacmenshin)> (last visit 20-XII-2023).

<sup>5</sup> «Grinevich: Yedina mezha, jaku Ukraina ne perestupit, - tse navchannja ditej vil'no govorigi derzhavnoju movoju», *Cenzor.net*, 26-X-2017,

<[https://censor.net/ua/news/460565/grynevych\\_yedyna\\_mezha\\_yaku\\_ukrayina\\_ne\\_perestupyt\\_tse\\_navchannja\\_ditej\\_vilno\\_govorigi\\_derzhavnoju\\_movoyu](https://censor.net/ua/news/460565/grynevych_yedyna_mezha_yaku_ukrayina_ne_perestupyt_tse_navchannja_ditej_vilno_govorigi_derzhavnoju_movoyu)> (last visit 20-XII-2023).

<sup>6</sup> Potikha A., «Dii Ugorshhini, viklikani ukrains'kim zakonom pro osvitu, peregukujut'sja z referendumom shhodo Asociacii v Niderlandah, - Klimpush-Cincadze», *Cenzor.net*, 13-X-2017, <[https://censor.net/ua/news/459170/diyi\\_ugorschyny\\_vyklykani\\_ukrayinskym\\_zakonom\\_pro\\_osvitu\\_peregukuyutsya\\_z\\_referendumom\\_schodo\\_asotsiatsiyi](https://censor.net/ua/news/459170/diyi_ugorschyny_vyklykani_ukrayinskym_zakonom_pro_osvitu_peregukuyutsya_z_referendumom_schodo_asotsiatsiyi)> (last visit 20-XII-2023).



Hungarian sentiments in the Transcarpathian region and blame the Russian Federal Security Service for the promotion of such ideas. The Security Service of Ukraine (SBU) carried out raids targeting representatives of national minorities and corresponding NGOs of national minorities. In 2018 the SBU initiated a verification of passportisation of the Hungarian minority and the Prosecutor for the Transcarpathian region launched an inquiry for «high treason»<sup>7</sup>. The SBU searched a charitable fund Transcarpathian Centre of Economic Development “Egan Ede” and opened a criminal case on suspicion of separatism. In the official statement, the fund stated that «we are outraged that Ukraine, which is going towards the European Union, finds danger for its territorial integrity in aid coming from the EU»<sup>8</sup>. The SBU claimed to have found a number of printed materials which popularized so-called «Great Hungary» and the creation of ethnic autonomy in the Transcarpathian region<sup>9</sup>. Leaders of the Cultural Alliance of Hungarians in Sub-Carpathia (CASH) were suspected of providing fake contracts with the “Egan Ede” that, among other things, used the finances allocated by Hungary against the state security of Ukraine. The Head of CASH and Party of Hungarians of Ukraine (KMKSZ), Vasyl Brenzovych<sup>10</sup> was reported to have left Ukraine in 2020 in order to avoid accusations of treason and for holding a second citizenship.

In 2018, the Romanian cultural centre was searched by the SBU after allegedly disseminating «calls to violate the national integrity of the state»<sup>11</sup>. The representatives of the cultural centre claimed that the maps and materials confiscated by SBU were a part of a historical legacy and wondered if discussing history was already prohibited.

There have been reports about intensification of nationalist attacks on minorities since 2014. Multiple hate crimes and attacks on Roma communities in Lviv, Kyiv, and Odesa regions were carried out by ultra-right nationalist groups in 2018. The Hungarian community was threatened by the organization “Right Sector”, the community’s property was burned down and it suffered from public accusations of separatism. In 2018 billboards appeared in the Transcarpathian region with the slogan «Stop separatists» and «Stop fascism together» depicting the photos of the representatives of the Hungarian minority<sup>12</sup>. The local administration claimed that these incidents were a «Russian provocation».

<sup>7</sup> Higgins A., «At War with Russia in East, Ukraine Has Worries in the West, Too», *The New York Times*, 5-X-2018, <<https://www.nytimes.com/2018/10/05/world/europe/ukraine-hungary-ethnic-languages.html>> (last visit 20-XII-2023).

<sup>8</sup> «Zajava Blagodijnogo fondu “Zakarpats’kij centr ekonomichnogo rozvitku “Egan Ede” shhodo vidkrittja proti fondu kriminal’noi spravi», *Karpatskij ob’ektiv*, 5-VI-2018, <<http://politika.ko.net.ua/?p=6489>> (last visit 20-XII-2023).

<sup>9</sup> «Na Zakarpatti SBU provodit’ obshuki u lidera partii KMKS Brenzovicha ta shhe kil’koh figurantiv», *Zakarpattja onlajn*, 30-XI-2020, <<https://zakarpattya.net.ua/News/207654-Na-Zakarpatti-SBU-provodyt-obshuky-u-lidera-partii-KMKS-Brenzovycha-ta-shche-kilkokh-fihurantiv>> (last visit 20-XII-2023).

<sup>10</sup> Brenzovics László in Hungarian.

<sup>11</sup> Luca A. M., «Raid on Romanian Centre in Ukraine Worries Bucharest», *Balkan Insight*, 13-VI-2018, <<https://balkaninsight.com/2018/06/13/ukraine-raid-at-romanian-ngo-worries-bucharest-06-12-2018>> (last visit 20-XII-2023).

<sup>12</sup> «Bilbordi z provokacijnimi napisami na Zakarpatti. Hto rozvisiv i chomu?», *Uzhgorod.net.ua*, 29-XI-2018, <<https://uzhgorod.net.ua/news/133274>> (last visit 20-XII-2023).

By recognizing indigenous peoples and national minorities, the Ukrainian government created a new schism between the ethnic communities. For Gagauz and Rusyns, lack of recognition makes a big difference for education in the languages of national minorities. The Gagauz minority claimed the right to recognition in 2021<sup>13</sup>, while a representative of the Rusyns appealed for Russian support. At the Ukrainian national referendum in 1991, the status of autonomous region of Transcarpathia was approved with 78,6% of votes. However, the results of the referendum were not implemented in the institutional structure and after the adoption of the Constitution in 1996, Ukraine was pronounced a unitary state. In the context of the Russo-Ukrainian conflict, this historical data presents a source of security concerns. The Rusyn minority is recognized as a minority in Serbia, Montenegro, Croatia, Hungary, Romania, Poland and Slovakia. On 25<sup>th</sup> February 2022, the coordinator of the International Centre “Matica Rusyns” Petro Getsko posted a video-address<sup>14</sup> to Vladimir Putin asking for his support in the creation of Carpathian Ruthenia. Ukraine opened two criminal cases against Petro Getsko, who was convicted in absentia for a total of 20 years in prison for agitation to take decisions that threaten the constitutional state and territorial integrity of Ukraine.

*b. Political fields of international organizations and the host-state*

Contestation between the fields of the Ukrainian government and IOs is based on the accommodation of the Ukrainian state- and nation-building strategies to the demands of national minorities, represented by their kin-states. Ukrainian leaders maintain the idea of compliance with the international obligations and European standards and claim that their legal framework on minorities has been accepted by the majority of kin-states, such as Poland, Bulgaria, and Slovakia among others<sup>15</sup>. The laws on minorities are argued to be «European» laws. Liliya Hrynevych, the Minister of Education and Science of Ukraine, visited the NATO Headquarters, where she presented the article «On Language» as a guarantee of protection of the national minority rights<sup>16</sup>. As President Poroshenko put it:

<sup>13</sup> «Gagauzi hochut, shhob ih tezh viznali korinnim narodom Ukraini, narazi bezrezul'tatno», *Karpat.In.Ua*, 4-VII-2021, <<https://politic.karpat.in.ua/?p=26672&lang=uk>> (last visit 20-XII-2023).

<sup>14</sup> Ussr rpr, «Obrashenie k Prezidentu RF V.V. Putinu ot Rusinov», 25-II-2022, <<https://web.archive.org/web/20220328125749/https://www.youtube.com/watch?v=2nec-fDMYzo>> (last visit 20-XII-2023).

<sup>15</sup> Potikha A., «ES ne vvazhae movnu stattju zakonu pro osvitu porushennjam Ugodi pro asociaciju, - Klimpush-Cincadze», *Cenzor.net*, 8-XII-2017, <[https://censor.net/ua/news/3038310/yes\\_ne\\_vvajaye\\_movnu\\_stattju\\_zakonu\\_pro\\_osvitu\\_porushennyam\\_ugody\\_pro\\_asotsiatsiyu\\_klympushsyntsadze](https://censor.net/ua/news/3038310/yes_ne_vvajaye_movnu_stattju_zakonu_pro_osvitu_porushennyam_ugody_pro_asotsiatsiyu_klympushsyntsadze)> (last visit 20-XII-2023).

<sup>16</sup> Potikha A., «Grinevich s'ogodni v NATO rozpovist' pro ukrains'kij osvitenij zakon», *Cenzor.net*, 6-XI-2017, <[https://censor.net/ua/news/461822/grynevych\\_sogodni\\_v\\_nato\\_rozpovist\\_pro\\_ukrayinskyi\\_osvitniyi\\_zakon](https://censor.net/ua/news/461822/grynevych_sogodni_v_nato_rozpovist_pro_ukrayinskyi_osvitniyi_zakon)> (last visit 20-XII-2023).

[...] the language article of the Ukrainian education law corresponds to European practices. [...] The new law on education should not distance us from Europe, on the contrary, it should bring us closer.<sup>17</sup>

However, the Ukrainian position on national minority politics has been perceived as being built on the principles of a monolingual (Ukrainian) society, i.e. acting as a «nationalizing state», rather than being complying with the enforcement of international law on minorities. The perception of a threat of national minority assimilation provides a reason for kin-states to interfere with these policies at the level of international organisations.

Ukrainian minority policies raised a number of controversies in European institutions. The law «On Education» was discussed at the Parliamentary Assembly of the Council of Europe (PACE) where they concluded that «the new Ukrainian law on education was a major impediment to the teaching of national minorities' mother tongues» (Council of Europe 2017a). Ukrainian authorities perceived the critical statements of some Hungarian and Romanian delegations at PACE as concealed territorial claims and rhetoric targeting the mobilization of the electorate in a pre-election campaign<sup>18</sup>. The decision to abstain from voting on the resolution of PACE was influenced by the speeches of some Hungarian colleagues who declared that the best solution for the languages of national minorities was autonomy<sup>19</sup>.

The Venice Commission possesses a mechanism of direct involvement into modification of minority policies in Ukraine. Assessing the law «On Ensuring the Functioning of the Ukrainian Language as the State Language», the Commission concluded that it needed revision. It highlighted that the law was potentially discriminatory and recommended to involve all the interested parties in the consultations, as well as to cancel the provision on differential treatment of the minority languages, indigenous languages, EU-languages and those languages that were not official languages of the EU. In addition,

<sup>17</sup> «Proshu MON, shhob mi ne buli pasivnimi “chekunami” j aktivno zahishhali svoe bachennja zakonu “Pro osvitu”, - Poroshenko», *Cenzor.net*, 28-IX-2017, <[https://censor.net/ua/news/457300/proshu\\_mon\\_schob\\_my\\_ne\\_buly\\_pasyvnymy\\_chekunamy\\_yi\\_aktyvn\\_o\\_zahyschaly\\_svoje\\_bachennya\\_zakonu\\_pro\\_osvitu](https://censor.net/ua/news/457300/proshu_mon_schob_my_ne_buly_pasyvnymy_chekunamy_yi_aktyvn_o_zahyschaly_svoje_bachennya_zakonu_pro_osvitu)> (last visit 20-XII-2023).

<sup>18</sup> Potikha A., «Agresivni zajavi dejakih delegativ PARE mozhna rozgljadati jak prihovani teritorial'ni pretenzii do Ukraini, - Irina Gerashhenko», *Cenzor.net*, 12-X-2017, <[https://censor.net/ua/photo\\_news/459023/agresyvni\\_zavyvy\\_deyakyh\\_delegativ\\_parye\\_mojna\\_rozglyadat\\_y\\_yak\\_pryhovani\\_teritorialni\\_pretenziyi\\_do](https://censor.net/ua/photo_news/459023/agresyvni_zavyvy_deyakyh_delegativ_parye_mojna_rozglyadat_y_yak_pryhovani_teritorialni_pretenziyi_do)> (last visit 20-XII-2023); Id., «PARE v chetver provede terminovi debati shhodo ukraïns'kogo zakonu “Pro osvitu”», *Cenzor.net*, 9-X-2017, <[https://censor.net/ua/news/458518/parye\\_v\\_chetver\\_provede\\_terminovi\\_debaty\\_schodo\\_ukrayinskogo\\_zakonu\\_pro\\_osvitu](https://censor.net/ua/news/458518/parye_v_chetver_provede_terminovi_debaty_schodo_ukrayinskogo_zakonu_pro_osvitu)> (last visit 20-XII-2023); «Ugorshhina j Ukraïna povinni virishiti spirni pitannja zakonu pro osvitu shljahom dialogu: Varshava ne bachit' mozhlivosti peregljadu asociacii, - MZS Pol'shhi», *Cenzor.net*, 16-X-2017,

<[https://censor.net/ua/news/459401/ugorschyna\\_yi\\_ukrayina\\_povynni\\_vyrishyty\\_spirni\\_pytannya\\_zakonu\\_pro\\_osvitu\\_shlyahom\\_dialogu\\_varshava](https://censor.net/ua/news/459401/ugorschyna_yi_ukrayina_povynni_vyrishyty_spirni_pytannya_zakonu_pro_osvitu_shlyahom_dialogu_varshava)> (last visit 20-XII-2023).

<sup>19</sup> «Ukrains'ka delegacija utrymalasja pri golosuvanni za rezoljuciju PARE pro movi nacmenshin, - Irina Gerashhenko», *Cenzor.net*, 23-VI-2018, <[https://censor.net/ua/news/3046125/ukrayinska\\_delegatsiya\\_utrymalasja\\_pry\\_golosuvanni\\_za\\_rezolyutsi\\_yu\\_parye\\_pro\\_movy\\_natsmenshyn\\_iryana](https://censor.net/ua/news/3046125/ukrayinska_delegatsiya_utrymalasja_pry_golosuvanni_za_rezolyutsi_yu_parye_pro_movy_natsmenshyn_iryana)> (last visit 20-XII-2023).

the Commission recommended excluding Article 1.6, which established responsibility for intentional distortion of the Ukrainian language in official documents and texts. Despite the fact that the NATO Secretary General, the European Commissioner for Enlargement and European Neighbourhood Policy and the OSCE Higher Commissioner of National Minorities supported the full implementation of the Venice Commission recommendations, Ukraine applied recommendations selectively leaving the key recommendations unchanged.

Debates in IOs provide kin-states with opportunities to bandwagon against Ukrainian national policies. Moldova, Romania, Bulgaria, Greece, Hungary, Poland, and Russia protested against the law on education and expressed their concerns to international bodies that coordinate minority rights (Lukashevich 2020)<sup>20</sup>. Not satisfied with the new law «On National Minorities» that entered in force in July 2023, Hungary requested the assistance of the High Commissioner on National Minorities of the OSCE in order to delay its implementation (Zsófia 2023). Hungary insisted that the law on national minorities did not protect the basic constitutional rights of minorities in Ukraine (Bocskor – Gál 2023). Romania and Hungary also sought an investigation into whether the law on national minorities met international standards, as Ukraine did not consult the Venice Commission before its adoption<sup>21</sup>.

The difference between kin-states is that while the EU-countries may act as a more organized group, Russia seems to take actions on its own. When the law «On Indigenous People» was adopted in June 2021, the parliamentarians of the Russian Duma protested and appealed to the OSCE Parliamentary Assembly, PACE, and other international bodies to condemn the Ukrainian authorities who divided the population into «indigenous» and «non-indigenous», and warned that this could have serious consequences for «the very existence of Ukraine as a state» (The State Duma 2021). Since the escalation of the Russo-Ukrainian conflict in 2022, Russia has been suspended from representation in a number of European bodies, which weakened its possibility to represent the Russian minority in Ukraine.

### *c. Political fields of kin-states and a host-state*

Ukraine perceived the involvement of kin-states in domestic politics as interference in national affairs, while kin-states argued that new laws discriminated against Ukrainian national minorities. Both issues are sensitive for the parties, which makes bilateral relations in the region riddled with conflicts. In 2017, the Romanian President Klaus Iohannis cancelled his visit to Ukraine after the adoption of the Law «On Education» and the visit did not take place until June 2022. However, Romania and Ukraine agreed to renew the meetings of the Romanian-Ukrainian joint intergovernmental commission on the

<sup>20</sup> «Media: Four EU Countries Will Send Complaint to OSCE about Ukrainian Law on Education», *UAWire*, 15-IX-2017, <<https://uawire.org/four-eu-countries-will-register-complaint-to-osce-about-ukrainian-law-on-education>> (last visit 20-XII-2023).

<sup>21</sup> László G., «Hungary and Romania Join Forces to Challenge the Ukrainian Minority Protection Law», *Telex*, 27-I-2023, <<https://telex.hu/english/2023/01/27/hungary-and-romania-join-forces-to-challenge-the-ukrainian-minority-protection-law>> (last visit 20-XII-2023).

protection of people belonging to national minorities (Ministry of Foreign Affairs of Romania 2017). Another scandal occurred during the implementation of territorial reform in 2020. Bulgaria claimed that the decision to divide the Odessa district into five sections would undermine the rights of the Bulgarian minority<sup>22</sup>. The Ministry of Foreign Affairs of Ukraine warned against interference in Ukraine's domestic politics. Later, the territorial division was settled in negotiations between the governments.

Hungary has been particularly critical towards the national minority politics in Ukraine. In respect to the adoption of an education law and cancellation of the law on regional languages, the Hungarian Minister of Foreign Affairs Péter Szijjártó said that the actions of the Ukrainian government had “«two nationalistic goals» – to stop national minorities from studying and take away the possibility to speak native language, adding that such things were impossible in a state governed by the rule of law<sup>23</sup>. In 2019, the Head of President Orbán's Office, Gergely Gulyás, called the law on education «semi-fascist»<sup>24</sup>. Ukraine and Hungary managed to conduct a session of Committees on the issues of national minorities and education. The issues between Ukraine and Hungary have not been settled yet and Hungary is using its influence at various international fora to alter Ukraine's minority policies.

Deputy Foreign Minister of Poland Szymon Szynkowski reported to the Parliamentary Committee on Liaison with Poles Abroad that Polish people in Ukraine were discriminated against on the basis of region and faith, access to education in their native language and freedom of speech<sup>25</sup>. Among the factors, he mentioned the heroization of people connected to the Volhyn tragedy, and lack of regulated relations between Ukraine and the Catholic Church<sup>26</sup>.

Meanwhile, Moldova conducts its own language policies that spill over into relations with Ukraine. In March 2023, Moldova adopted a law that replaced the Moldovan language with Romanian. As Ukraine has a large Moldavian minority, the issue of language between

<sup>22</sup> Todorov S., «Ukraine Trade Barbs With Sofia Over Ethnic Bulgarian Region», *Balkan Insight*, 21-V-2021. <<https://balkaninsight.com/2020/05/21/ukraine-trade-barbs-with-sofia-over-ethnic-bulgarian-region/>> (last visit 20-XII-2023).

<sup>23</sup> Dzhuma N., «MZS Ugorshhini vvazhae skasuvannya zakonu Kolesnichenka-Kivalova atakoyu na nacmenschini v Ukraini», *Cenzor.net*, 2-III-2018, <[https://censor.net/ua/news/3053406/mzs\\_ugorschyny\\_vvajaye\\_skasuvannya\\_zakonu\\_kolesnichenkakivalova\\_atakoyu\\_na\\_nacmenschyny\\_v\\_ukrayini](https://censor.net/ua/news/3053406/mzs_ugorschyny_vvajaye_skasuvannya_zakonu_kolesnichenkakivalova_atakoyu_na_nacmenschyny_v_ukrayini)> (last visit 20-XII-2023).

<sup>24</sup> Potikha A., «Zakonodavstvo pro osvitu v Ukraini “napivfashists'ke”, - glava administracii Orbana Gujjash», *Cenzor.net*, 12-II-2019, <[https://censor.net/ua/news/3113169/zakonodavstvo\\_pro\\_osvitu\\_v\\_ukrayini\\_napivfashystske\\_glava\\_administratsiyi\\_orbana\\_guyiyash](https://censor.net/ua/news/3113169/zakonodavstvo_pro_osvitu_v_ukrayini_napivfashystske_glava_administratsiyi_orbana_guyiyash)> (last visit 20-XII-2023).

<sup>25</sup> Interfax-Ukraine, «Foreign Ministry denies claims of “discrimination” of Polish people in Ukraine», *Kyiv Post*, 30-X-2021, <<https://archive.kyivpost.com/ukraine-politics/foreign-ministry-denies-claims-of-discrimination-of-polish-people-in-ukraine.html>> (last visit 20-XII-2023).

<sup>26</sup> «Spiker MZS Nikolenko pro nibito “diskriminaciju” poljakiv v Ukraini: Podibni tverdzhennja nekorektni ta vvodjat' v omanu», *Cenzor.net*, 30-X-2021, <[https://censor.net/ua/news/3296736/spiker\\_mzs\\_nikolenko\\_pro\\_nibyto\\_dyskryminatsiyu\\_polyakiv\\_v\\_ukrayini\\_podibni\\_tverdzhennja\\_nekorektni\\_ta](https://censor.net/ua/news/3296736/spiker_mzs_nikolenko_pro_nibyto_dyskryminatsiyu_polyakiv_v_ukrayini_podibni_tverdzhennja_nekorektni_ta)> (last visit 20-XII-2023).

the countries has been a matter of negotiation during trilateral meetings with Romania (Ministry of Foreign Affairs of Romania 2022). In November 2023 Ukraine agreed to recognize Romanian language and stop printing books in the Moldavian language in exchange for support of its European-oriented policies.

The Ukrainian government rejects the claims of national minority discrimination and blames kin-states for instrumentalization of national minority issues. The contestation between kin-states and Ukraine on national minority policies is perceived as taking advantage in the international arena, which is labelled a «dubious technique borrowed from the Kremlin»<sup>27</sup>.

For Ukraine, ideas of federalism or autonomy for national minorities are unacceptable as they go against the core nation- and state-building pillar of a unitary and Ukrainian-speaking state. In a way, the Ukrainian government equalizes the ideas of federalism, autonomy and separatism. The Ambassador of Hungary was summoned for explanation because of his public speeches on the possibility of autonomy for the Hungarian community in 2017. Kiev perceived all discussions about autonomy as a threat to the territorial integrity and sovereignty of Ukraine that contributed to «the Kremlin's hybrid aggression that threatens not only Ukraine, but also Central and Eastern Europe»<sup>28</sup>.

Practices of passportisation of national minorities by the kin-states are perceived as another threat to the national security. Kin-states such as Hungary, Romania, Poland, Bulgaria and recently Russia, adopted laws allowing minorities to either get a residency card based on recognition of ethnic belonging to the kin-state, or acquire citizenship. According to the data, 101,937 Pole's cards were issued to citizens of Ukraine (Ładykowski 2018). Ukraine does not recognize double citizenship, but it does not have laws to ban a second foreign passport. Only recently has President Zelensky targeted politicians from the opposition and stripped them of the citizenship of Ukraine for «collaboration and treason» or for possession of second citizenship, which was allegedly proven by the SBU<sup>29</sup>. However, so far there is no law that would expand this practice on the population of national minorities who accepted the passports of their kin-states.

In this power struggle, Ukraine perceives that it is being treated on unequal grounds in the negotiations on minority issues with the EU members. Klymush-Tsyntsadze

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<sup>27</sup> «Temu spekuljacij na "movnomu pitanni" ugor's'ki politiki zapozichili v Kremlja, - Irina Gerashhenko», *Cenzor.net*, 17-X-2017,

<[https://censor.net/ua/news/458702/temu\\_spekulyatsiyi\\_na\\_movnomu\\_pytanni\\_ugorski\\_polityky\\_zapozychyly\\_v\\_kremlya\\_iryna\\_geraschenko](https://censor.net/ua/news/458702/temu_spekulyatsiyi_na_movnomu_pytanni_ugorski_polityky_zapozychyly_v_kremlya_iryna_geraschenko)> (last visit 20-XII-2023).

<sup>28</sup> «"Dorogi susidi-ugorci: nevzhe Vi zabuli radjans'ki tanki na vulicjah Budapeshta v 1956 roci?" - Gopko pro zajavi posla Ugorshhini shhodo avtonomii na Zakarpatti», *Cenzor.net*, 18-III-2018, <[https://censor.net/ua/news/3054583/dorogi\\_susidyugortsi\\_nevje\\_vy\\_zabuly\\_radyanski\\_tanky\\_na\\_vulytisy\\_ah\\_budapeshta\\_v\\_1956\\_rotsi\\_gopko\\_pro](https://censor.net/ua/news/3054583/dorogi_susidyugortsi_nevje_vy_zabuly_radyanski_tanky_na_vulytisy_ah_budapeshta_v_1956_rotsi_gopko_pro)> (last visit 20-X-2023).

<sup>29</sup> Mazurenko A., «Medvedchuka, Kozaka, Derkacha i Kuz'mina pozbavili gromadjanstva Ukraini», *Ukrainska Pravda*, 10-I-2023, <<https://www.pravda.com.ua/news/2023/01/10/7384311/>>; Sayenko V. - Prokhorenko V., «Zelens'kij pozbaviv gromadjanstva p'jat'oh kolishnih visokoposadovciv chasiv Janukovicha», 4-II-2023, <<https://www.unian.ua/society/zelenskiy-pozbaviv-gromadyanstva-p-yatoh-kolishnih-visokoposadovciv-chasiv-yanukovicha-foto-12133272.html>> (last visit 20-XII-2023).

complained that «the partners of Ukraine are not willing to listen [...] There is no conversation between the EU countries and Ukraine»<sup>30</sup>. The principle of reciprocity and equality, as well as independence in decision-making on national minority politics, seems to be crucial in relations with kin-states.

When there is a perception of equality and constructive dialogue, as it is the case with Poland, Bulgaria and Romania, Ukrainian public officials express hopes to find a mutually satisfactory solution and seem to hear the pleas of kin-states and their kin minorities. However, when minority politics spills into foreign policy with pressure to alter domestic policies, as in the case of Hungary, the kin-state is perceived as hostile to Ukraine and labelled «pro-Russian». Despite tension between the Ukrainian government and national minorities, Ukraine uses negotiations with national minorities as a mechanism for achieving its foreign policy goals. However, the choice of a European and Euro-Atlantic integration foreign policy puts Ukraine in a vulnerable position in negotiations. The Ukrainian policies are conditioned by the EU kin-states, which limits the power for the Ukrainian government to negotiate.

#### *d. Political fields of national minorities and kin-states*

In Ukraine, national minorities appeal to the governments of kin-states through national ethnic associations and expect equality in enjoyment of national minority rights in the host-state.

Hungary has been actively supporting external Hungarian communities since 2011, when it introduced the domestic reforms establishing a large front for kin-policies (Mateleshko 2018). The government of Hungary supported Hungarian minority in Ukraine in multiple ways, including financial support for businesses and political parties in the Transcarpathian region<sup>31</sup>. A large share of this financial aid was used to maintain education facilities and programs, to print books and build schools and kindergartens, and to make payments to workers in the social sphere.

In 2020, the National Council of Romanians in Ukraine complained to the government of Romania about the violation of their minority rights in education in the native language. The authors addressed a number of governmental institutions, such as the heads of the Parliament and Parliamentary committees, the Prime-Minister, and the President among others. The letter stated that the Romanian community was «subjected to a well-organized systematic process of forced Ukrainization» and the policies on language and administrative reform were called «cultural and language genocide»<sup>32</sup>. Due to the

<sup>30</sup> Potikha A., «Grinevich z privodu zakonu pro osvitu: “Movni getto” nacmenshin - ce politichno urazlyva teritorija dlja teritorial'nih pretenzij», *Cenzor.net*, 13-X-2017, <[https://censor.net/ua/news/459143/grynevych\\_z\\_pryvodu\\_zakonu\\_pro\\_osvitu\\_movni\\_getto\\_natsmenshyn\\_tse\\_politychno\\_urazlyva\\_terytoriya\\_dlya](https://censor.net/ua/news/459143/grynevych_z_pryvodu_zakonu_pro_osvitu_movni_getto_natsmenshyn_tse_politychno_urazlyva_terytoriya_dlya)> (last visit 20-XII-2023).

<sup>31</sup> Gavrosh O., «Nepomitna madjarizacija?», *Zakarpattia Online*, 10-IV-2018, <<https://zakarpattia.net.ua/Blogs/180438-Nepomitna-madiaryzatsiia>> (last visit 20-XII-2023).

<sup>32</sup> Dzhuma N., «Nacional'na rada rumuniv v Ukraïni poskarzhilasja Buharestu na “primusovu ukrainizaciju” ta adminreformu», *Cenzor.net*, 16-VII-2020,

administrative reform, the Romanian community was to be divided into 3-4 microregions, which would downsize the Romanian community from 12,5% to 10% of the population. As a result, it could lose representation in the Ukrainian Parliament.

Agreements between kin-states, host-state and national minorities motivate other national minorities in Ukraine to demand equality in treatment. The Romanian community asked the Romanian government to negotiate an agreement similar to that Ukraine had achieved with Hungary for teaching native language in schools and with Bulgaria in terms of its support of unity of the Bulgarian community in the administrative and territorial reform<sup>33</sup>.

e) *Political fields of International Organizations and national minorities*

The dynamic of the fields between international organizations and national minorities is the least developed one. However, sometimes national minorities may appeal to international organizations. In Ukraine, the Hungarian minority established contact with the OSCE after attacks on its institutions. A deputy head of the regional council in Transcarpathian asked to establish a permanent mission in order to monitor the region, as potentially conflictual<sup>34</sup>. This move can be explained by a feeling of mistrust for the Ukrainian government for its inability to prevent and control attacks by far-right nationalists.

### National cohesion during the Russian Ukrainian conflict

The political fields of the Ukrainian minority politics are in motion. The power struggles between the actors of the «quadratic nexus» seemed to be driven by the European-oriented foreign policy of Ukraine, the interests of kin-states and a conflict with Russia. Domestic policies on minorities are justified by foreign policy obligations and arguments on the unifying force of Ukrainian language. Meanwhile the asymmetric treatment of national minorities and the Russo-Ukrainian conflict have a detrimental effect on national cohesion.

The language issue has become salient in all political fields of the «quadratic nexus». Due to the politicization of the language issue, which intensified after 2014, the Ukrainian government seems to perceive the language identity of national minorities to be key for the identification of political views and the measurement of loyalty to the state. Therefore, language has turned from a means of communication into a part of political identity, which in a polarized society holds far-reaching consequences for national cohesion. While the

<[https://censor.net/ua/news/3208468/natsionalna\\_rada\\_rumuniv\\_v\\_ukrayini\\_poskarjylasya\\_buharestu\\_na\\_prymusovu\\_ukrayinizatsiyu\\_ta\\_adminreformu](https://censor.net/ua/news/3208468/natsionalna_rada_rumuniv_v_ukrayini_poskarjylasya_buharestu_na_prymusovu_ukrayinizatsiyu_ta_adminreformu)> (last visit 20-XII-2023).

<sup>33</sup> Dzhuma N., «Nacional'na rada rumuniv v Ukraïni poskarzhilasja Buharestu na "primusovu ukrainizaciju" ta adminreformu», *Cenzor.net*, 16-VII-2020,

<[https://censor.net/ua/news/3208468/natsionalna\\_rada\\_rumuniv\\_v\\_ukrayini\\_poskarjylasya\\_buharestu\\_na\\_prymusovu\\_ukrayinizatsiyu\\_ta\\_adminreformu](https://censor.net/ua/news/3208468/natsionalna_rada_rumuniv_v_ukrayini_poskarjylasya_buharestu_na_prymusovu_ukrayinizatsiyu_ta_adminreformu)> (last visit 20-XII-2023).

<sup>34</sup> «“Ugors'kij” pershij zastupnik golovi Zakarpats'koi obrladi prodovzhue musuvati temu postijnoi misii OBSE na Zakarpatti», *Zakarpattja onlajn*, 18-III-2018, <<https://zakarpattya.net.ua/News/179429-Uhorskyi-pershyi-zastupnyk-holovy-Zakarpatskoi-oblrady-prodovzhuie-musuvaty-temu-postiinoi-misii-OBSIE-na-Zakarpatti>> (last visit 20-XII-2023).



speakers of Ukrainian language and other government-supported languages may be perceived as credible and trustworthy, the speakers of other languages, particularly, Russian speakers, may be perceived as traitors.

The minority policies of Ukraine created conditions for asymmetrical international integration, which is rooted in unequal treatment of minorities when the application of laws is aligned with foreign policy direction. The degree of loyalty of the population to their host-state depends on the perception of whether their rights are respected (Danero Iglesias *et al.* 2016). Minorities contest this inequality; however, only minorities of the EU kin-states have the possibility to be heard. There is evidence that the Ukrainian government is aware that it is treating minority groups unequally, which stems from the growing mistrust of minorities. This is evidenced by an increased number of security raids that target personalities and organizations that represent national minorities. The atmosphere of suspicion may push minorities to either shift or hide their identities, or accept the risk of being harassed or legally persecuted.

The escalation of hostilities in Ukraine in 2022 created conditions under which it became easier to justify a mono-lingual Ukrainian society ousting the Russian language from public space. Though the promulgation of laws and discourses on missing opportunities for national minorities, the Ukrainian language may be used as an instrument of political and social control. During the conflict, the politicization of the Russian language may constitute a narrative about an ethnic and cultural confrontation between Russia and Ukraine, overshadowing the geopolitical causes of the conflict.

Under these conditions, it could be quite difficult for a Russian minority and Russian speakers to take a stance and defend their minority rights. Russian speakers would probably need to adjust to a new reality, either switching to Ukrainian language or being ready for a social conflict and hostility provoked by mistrust. All in all, the expression of Russianness may either vanish from the public sphere in Ukraine or, on the contrary, be expressed as a political identity in protest. As disputes in Ukraine become aligned with ethnic and linguistic divisions, this will greatly affect the cohesion of society.

Limitations to using Russian in public space also have an impact on other national minorities. It is worth noting that Ukrainian national minorities are not recent migrants, but a local population that have been living in the territory for centuries. Geopolitical circumstances after the Second World War made some of these communities integrate into the Ukrainian Soviet Socialist Republic, where Russian was predominantly the language of communication and social mobility. After the independence of Ukraine, new policies made these minorities come through a new round of socialisation by learning a new state language.

National minorities of the EU kin-states may benefit from their origin using the links with their kin-states and international platforms for claiming and defending their rights. On the opposite, because of the constructed connection between linguistic and political identities, the Russian minority together with all Russophone individuals may find themselves in a disadvantaged position.

As for power struggles on the accommodation of foreign and domestic policies, EU kin-states such as Poland and Hungary possess powerful mechanisms that could be used in the negotiation of Ukrainian minority policies in exchange for support of the Ukrainian aspirations in European structures<sup>35</sup>. Because of the ongoing conflict, Russia is excluded from such processes. However, there is no doubt that minority policies will become one of the issues in negotiations between Ukraine and Russia when the conflict comes to an end.

The European orientation of Ukrainian foreign policy allows the Ukrainian government to introduce some changes to minority regulations, however, it does not totally eliminate Ukrainian agency in this process. Analysis of the reports submitted to the Council of Europe by Ukraine (National Minorities Ukraine n.d.) revealed that the Ukrainian government focuses its attention on numerically smaller national minorities, while the rights of a much larger Russian minority have not been addressed. Haertel (2022: 128) argued that the Roma issue was granted special attention by the Ukrainian government in order to demonstrate responsiveness to the conditionality of the European agenda.

The Russo-Ukrainian conflict has affected the redistribution of minorities on Ukrainian territory. Some minorities live in the areas that are de-facto controlled by Russia, among them the majority of Crimean Tatars and other indigenous peoples, as well as the Greek community in the city of Mariupol. Therefore, the policies of Ukraine will hardly have any real impact on these minorities. However, the territories where the heaviest battles are happening are mostly Russian-speaking regions. This population has had the biggest share of the killed, wounded, and displaced persons since 2014. Therefore, the conflict hit the Russian national minority in Ukraine the hardest. Demographic changes and political decisions on minority politics will potentially reduce the number of people who (publicly) identify as Russian or Russian-speaking. The flow of refugees to the European Union is also one of the factors that will reshape minority landscape in Ukraine. As many minorities could possess a second citizenship, they could faster adapt to a new society and might be less willing to come back to Ukraine.

For Ukraine, the possibility of territorial claims from the neighbouring kin-states is of particular concern. Besides Russia, which claimed Crimea and attacked Ukraine using as a pretext the protection of the Russian population, other countries may follow suit. For instance, Hungary publicly acknowledged that it was ready to protect the ethnic Hungarians living in Ukraine in case the war got to the borders of Transcarpathia<sup>36</sup>.

It is worth noting that, since 2022, the minority that has gained most rights in Ukraine is the Polish one. Polish citizens were granted a special status in Ukraine, which equalled

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<sup>35</sup> Hanga Z. A., «Hungarian Government to Request Delayed Implementation of Ukrainian Law on National Minorities», *Telex*, 14-III-2023, <<https://telex.hu/english/2023/03/14/hungarian-government-to-request-delayed-implementation-of-ukrainian-law-on-national-minorities>> (last visit 20-XII-2023).

<sup>36</sup> Siklós A., «Szijjártó Péter: Az amerikai külügyminiszter előre figyelmeztetett», *Index*, 15-VII-2022, <<https://index.hu/kulfold/2022/07/15/szijjarto-peter-gazbeszerzes-haboru-minimumado-kettos-adoztatas-diplomacia/>> (last visit 20-XII-2023).

their rights with those of Ukrainian citizens after 18 months spent in Ukraine<sup>37</sup>. Polish can be included in the state exam in Ukraine and in Poland, Ukrainian can be learned as a foreign language at school<sup>38</sup>. These favourable conditions may attract Polish people to Ukraine, while other minorities are leaving it due to the conflict.

There is a thin line between policies of national minority integration and national minority assimilation, which creates power struggles between the actors in the «quadratic nexus». Foreign and domestic policies of Ukraine created asymmetries in the treatment of national minorities, which was further exacerbated by the Russo-Ukrainian conflict.

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<sup>37</sup> Ptak A., «Zelensky Submits Bill to Grant Poles Special Legal Status in Ukraine», *Notes from Poland*, 12-VII-2022, <<https://notesfrompoland.com/2022/07/12/zelensky-submits-bill-to-grant-poles-special-legal-status-in-ukraine/>> (last visit 20-XII-2023).

<sup>38</sup> Protsko N., «Pol's'ku movu hochut' vkljuchiti do pereliku navchal'nih predmetiv v Ukraini», *V Polshchi*, 1-II-2023, <<https://vpolshchi.pl/pol-s-ku-movu-hochut-vklyuchiti-do-pereliku-navchal-nih-predmetiv-v-ukra-6861844645874240a>> (last visit 20-XII-2023).

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