

Розвиток регіональної етнополітики в Україні

у статті розкрито процес утвердження національної державності, який набуває незворотного характеру, але його інституціалізація проходить складно і важко. У сучасній Україні активніше, ніж будь-коли народи шукають себе в поверненні до свого коріння, до власної історії. Автор вважає, що прийняття Закону України «Про засади державної мовної політики» було завчасним, він специфічно впливає на розвиток регіональної етнополітики в Україні, сприяє не консолідації суспільства, а розмежуванню. Тож владі необхідно виправити неконституційність Закону й інші диспропорції закладені в ньому, а не посилювати їх.

Ключові слова: Законодавство України про права національностей, етносів, етнічних груп, Конституція держави.

Vira Burdiak
(Chernivtsi, Ukraine)

The development of the regional ethnopolitics in Ukraine

The article describes the process of development of national statehood, which becomes irreversible, but its institutionalization is complex and difficult. In contemporary Ukraine more actively than ever looking peoples themselves to return to their roots, to their own history. The author believes, that adoption of the Law of Ukraine “On Principles of State Language Policy” was premature, it specifically influences the development of the regional ethnopolitics in Ukraine and it contributes not to the consolidation of the society, but to its separation. So the authorities must amend the unconstitutional nature of the Law and change other disproportions that are in it, but not strengthen them.

Keywords: Ukraine’s legislation on the rights of nationalities, ethnic groups, the constitution of the state.

As a result of political changes in 1991 Ukraine achieved independence, and it logically formed the Ukrainian ethnos and other nations, who lived on the Ukrainian territory, aspiration for establishing the country. For the first time in the centuries-old history of Ukrainian people, the formation of the national state is in the progress. The declaration of the state sovereignty of Ukraine enunciated supremacy, independency, completeness and indivisibility of authority in the republic within its current territory, independence and equality in foreign affairs; the only source of power in Ukraine is its people, composed of citizens who belong to all nations; the supremacy of the Constitution and Ukrainian laws must be ensured throughout its territory; Ukraine is independent of the issues of science, education, cultural and spiritual development of the Ukrainian nation; Ukraine guarantees the nations, who live on its territory, the right to free social and cultural development etc. [1].

On August 24, 1991 these regulations were realized and implemented in the Act of Declaration of the Independence of Ukraine. The Act determined the development of independent Ukraine, the sovereignty of authority, inviolability and inseparability of its territory [2]. Next years the government and people's efforts were aimed at developing the sovereign, national state. It should be mentioned that the notion of a national state is not identical with the notion of an ethnic one. The substratum of Ukrainian statehood is made not only of ethnical Ukrainians, but also representatives of other ethnos of Ukraine, which causes the problem of political nation formation, the essence of which the most adequately describes the notion of "Ukrainian people".

The national statehood formation acquires irreversible character, but the process of its institutionalization is difficult and complicated. The same can be observed in other multi-national post-communist countries. And Ukraine is not an exception, as the events at the end of the 20th c. give all grounds to state that the processes of ethnical recognition, self-comprehension and self-awareness are typical for most of the countries. In modern Ukraine people try to recognize themselves in their own roots and history.

Under the constitution Ukraine is a unitary state (despite the fact that it includes an autonomy, namely the Crimea) and such status contributes to its integrity. In comparison with other countries the historical development of Ukrainian statehood caused peculiar "centre – region" relations. To some degree it explains that the existence of the centralized economic system and the fact that the heads of executive power are appointed by the president. At the regional level the main authoritative bodies were regional committees (abolished in 1991), regional councils, the influence of which grew after the elections of 1990, and executive committees of the regional councils, which became a prototype for the regional executive authorities. When Ukraine proclaimed its independence, the post of the president's regional representative, head of the regional executive authorities was introduced and the conflicts between the regional councils, which had not lost their authoritative ambitions and power, and the new structure, became the peculiar feature of that period.

In Ukraine live over 100 nationalities, ethnos and ethnical groups. According to the data of the census in Ukraine in 2001 lived 48 240 902 people, including the Ukrainians – 77.8%, and 22.2% of national minorities. The most numerous were the Russians – 17.3%, the Belarusians – 0.6%, the Moldavians – 0.5%, the Crimean Tatars – 0.5%, the Bulgarians – 0.4%, the Hungarians – 0.3%, the Romanians – 0.3%, the Poles – 0.3%, the Jews – 0.2%, the Armenians – 0.2%, the Greeks – 0.2%, the Tatars – 0.2%, the Gypsies – 0.1%, the Azerbaijanis – 0.1%, the Georgians – 0.1%, the Germans – 0.1%, the Gagauz people – 0.1%, others – 0.4% [3]. As every ethnos strives for self-identification it is difficult to imagine, even theoretically, the absence of any interethnic contradictions. At the same time none of the ethnos openly proclaims any separatist tendencies. That is why, to our mind, there will be no changes in current Ukrainian borders because of national minorities separation and their desire to form own states or to join any other country. Very often ethnical problems are intertwined with slow rates of quality changes in social and economic status of citizens and democratic institutions formation, and this problem is very often exploited by various political parties' representatives, who use nationalism, ethnicity and religion as political devices to satisfy their own ambitions and interests.

But the Ukrainian government aimed its policy at preventing conflicts. In spite of all contradictions Ukraine has managed to keep relative social and political balance during the period of its independence. Unlike the rest former Union republics Ukraine has not dishonored its reputation by interethnic wars or conflicts. Though, as Ukrainian political scientist V. Polokhalo has mentioned, the real basis for such balance is the absence of the developed civil society in Ukraine which can be a real opponent, an opposition to the absolute supremacy of the political authority [4]. Evidently that is the reason why Ukrainian political collisions have nothing to do with ethnic relations, and are focused on the authority, and the impressive multiplicity of parties (more than 100 registered parties) indicates the political demoralization of society, which is encouraged by the elite.

From the beginning of its independence Ukraine has faced an urgent necessity to pursue state policy aimed at reviving of both title ethnos and national minorities. It was necessary to establish effective legal protection of national minorities to suppress aggressive ethno phobias and ethnic offence complexes connected with real or historical insults and humiliations, which were latently present in mass consciousness and could become motives to confrontation. Deputies of the Verkhovna Rada of Ukraine conducted a considerable amount of law-making activity and created a political and legal basis, which clearly determined the legal status of national minorities, taking into consideration primordial traditions of Ukrainian people and experience of western democracy.

Even in the first legislative acts, among which the Law of Ukraine on National Minorities (1992) takes an important place, Ukrainian legislators defined the indissolubility of people's and nationalities' rights. Ensuring rights for the citizens, who are national minorities,

the state considers them as an inalienable part of the generally admitted human rights. These principles have much in common with article 2 of the Universal Declaration of Human Rights and principle 7 of Helsinki Final Act 1975, where it is set forth that “everyone is entitled to all the rights and freedoms, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

The rights of the national minorities are specified in the number of laws of Ukraine. All of them have the right for national and cultural autonomy. In the Law of Ukraine on Languages (1989) the right to use the native languages freely, to create and maintain own educational, cultural and religious institutions, to profess own religion, to establish and maintain contacts between each other both in Ukraine and their ethnic motherlands, to spread information, to establish national and cultural communities or associations and to take part in activities carried out by international non-governmental organizations was asserted. Afterwards the Law of Ukraine on Citizenship (1991 and 1997), the Declaration of Nationalities' Rights (1991), the Law on Legal Status of Foreigners, the Law on Refugees (1993), the Law on Education (1996), the Law on Local Self-government (1997) and the new Constitution (the Fundamental Law) of Ukraine (1996) were enacted.

The authorities tried to implement these laws unlike the laws enacted in other spheres of social life (evidently, national minorities' representatives controlled it very carefully) and to create certain securities to help citizens of Ukraine to realize above-mentioned rights from the first years of independence. For instance, it should be indicated that among 2263 newspapers and 347 magazines, which were registered in Ukraine in 1994, 28.5% and 28.9% respectively were issued in national languages.

In articles 10, 11 of the Constitution the democratic rights of the language policy, which determined rights of different languages in Ukraine were declared. The Ukrainian language achieved the status of the state language and the languages of all minorities who lived in Ukraine found themselves under the state protection. Gradually the Ukrainian language supplanted Russian in office administration. To our mind, it was quite fair to confer the state status on the Ukrainian language. This is the language of the most numerous title ethnos and the fact that Ukrainian achieved this corresponding status renewed the historical justice, as during the centuries it was of minor importance or even foreign on its own land. Besides, introduction of the state language simplified the activity of the Ukrainian administrative authorities, made this activity more efficient and rational. Though, this status and the fact that the Russian language moved to the background have made the language problem a stumbling block in every election campaign during the independence of Ukraine.

In speeches and statements made by the representatives of the authorities and pro-governmental mass media it was often mentioned that Ukraine is the least problematic country among the rest former Union countries as for the interethnic relations. National and

social harmony believed to be a great achievement of the political elite, its considered and discreet politics. To some degree we can agree to this, as an unproblematic country is difficult to be found in modern world, which is interwoven with problems and stresses. Commonly, transition of the society to the new political scheme occurs smoothly, without any serious interethnic conflicts, but these transformational processes have stimulated interest and need in national identification, ethnic renaissance. It is proved by the course and results of the parliamentary and presidential election campaigns in Ukraine, where one can clearly trace the dependence between the political sympathies of the Ukrainian electorate and its ethnic and cultural inclinations [5, 6].

“Language problem steps outside the issue of granting the Russian language the corresponding official status (which per se would be an open and faithful recognition of its practical role in the development of Ukrainian society), mentioned A. V. Lahutin, but is a strategic part of the national policy under conditions of independence” [7, p. 105]. These words illustrate that nearly all political parties, candidates for president, people’s deputies consider it right to offer their own solutions of the language problem. The Russian language has always been an argument in constant political discussions, debates, TV space bridges between Ukraine and Russia, and sometimes it even was a cause for political speculations. At the same time a large number of ethnic Ukrainians are Russian-speaking, most of them live in the eastern, southern and central parts of Ukraine. At the end of 1980s nearly 12% of ethnic Ukrainians believed the Russian language to be their native one and it predominated even in the regions where Russians constituted minority [8, p. 127]. We reckon this to be the direct evidence and the result of creation of “a new historical community – soviet people” and that great power policy of Moscow in Ukraine, which was conducted in the USSR. It seemed that the discussion over the question of the Russian language usage was necessary not for the language bearers, but for politicians. As in spite of all propagandist speculations and instigations, Russian people in Ukraine do not feel any oppression.

Trying to reduce “language” tension and in accordance with the principles of the Constitution of Ukraine, the Declaration of Nationalities’ Rights, the Law of Ukraine “On Ratification of the European Charter for Regional and Minority Languages”, on August 8, 2012 the President of Ukraine V. F. Yanukovich signed the Law “On Principles of State Language Policy”, and on August 10 of the same year it entered into force. It is said in the Law that “attaching considerable importance to strengthening the status of the state Ukrainian language as one of the most important factors of the national identity of the Ukrainian people, to guarantee the national and state sovereignty; the fact that only free development and equality of all national languages, high level of language culture is the basis for spiritual harmony, cultural enrichment and consolidation of the society, this Law determines the principles of the state language policy in Ukraine” [9]. Though, unfortunately it has a range of drawbacks and contradictions with the Constitution.

The Law covers 18 languages, namely Russian, Belarusian, Bulgarian, Armenian, Gagauz, Yiddish, Crimean Tatar, Moldavian, German, modern Greek, Polish, Gipsy, Romanian, Slovak, Hungarian, Rusyn, Karaite, Krymchak.

In article 10 of the Constitution of Ukraine it goes that the state language on the whole territory of Ukraine is the Ukrainian language, and the Law accepts regional languages on the regional level, so it determines that the state language is the Ukrainian language, but in defiance of article 10 of the Constitution it considerably increases the usage of the regional languages, if the number of bearers is not less than 10% of the population of the region, and in some cases it can be even less than 10%. Thus, clause 7 of article 7 of the Law obliges citizens, who live in the region where regional language or the language of minorities function, to develop and use such languages – “within the territory where the regional language or the language of minority is spread, the local state authorities, local self-governments, citizens’ communities, establishments, institutions, companies, their officials, functionaries, and citizens who are economic participants and physical persons are obliged to take measures concerning development, usage and protection of the regional language or the language of minority, which are stipulated by the Law”. The Verkhovna Rada of Ukraine did not take into consideration that most of the citizens of Ukraine were against these innovations.

Many institutions in Ukraine have critically estimated the new Law: Main scientific and expert department of the Verkhovna Rada of Ukraine (23.05.2012), parliamentary committees for cultural and spiritual issues (23.09.2011), for budget issues (03.11.2011), Ministry of Finance of Ukraine (09.09.2011), Ministry of Justice of Ukraine (27.09.2011). This Law was not supported by the main institutions of the National Academy of Sciences of Ukraine: the Institute of linguistics (16.09.2011), the Institute of the Ukrainian language (22.09.2011), the Institute of political and ethnic and national researches (22.09.2011), Taras Shevchenko Institute of literature, Institute of State and Law (05.09.2011), the Ukrainian language and informational fund (09.09.2011), the Academy of Science of the Higher Institute of Education of Ukraine (16.09.2011) and the Institute of philology of Taras Shevchenko Kyiv National University (16.09.2011). It should be added that the conclusions provided by the leading institutions are backed up by the protests and mass actions in support of the Ukrainian language carried out in the society.

Despite this, the Law contains many faulty references, which is inadmissible (17 times the law-maker refers the reader to clause 3 of article 8 of the Law, where the criteria of the regional languages or the languages of minorities must be mentioned, but in this part none of the criteria is mentioned, and the terms of the regional languages usage are described in clause 3 of article 7 of the Law).

Another drawback of the Law is that it interprets language as a territorial feature, but not as one of the most important ethnic and national characteristics and this contradicts the theory of ethnos and nation. In spite of the fact that in the Constitution the term “the Russian

language” is used in the same context as the category “languages of minorities of Ukraine”, in the Law there is a tendency to provide the Russian language with a special status, as distinct from the languages of other minorities. Besides, we suppose that the Law does not extend, but narrows the rights of the Russian language, as it can be set up as a regional language only in 13 among 27 regions of Ukraine. So, the supporters of the Russian language accentuate that in this way their language loses any chances to be set up in 14 regions.

The new Law allows using the second language in the work of the local authorities, legal proceedings, education, science, documents processing, TV and radio broadcasting, film service, advertising. TV channels and radio stations have got complete language freedom and the right to choose the language independently, regardless of time for broadcasting in this or that language.

Legal collision can be seen in article 10 of the Law, which stipulates, that the acts of the state authorities must be passed in the state language and officially published in the state, Russian and other regional languages or languages of minorities. Here is a problem as the legal application of the regulation is unknown: How will this regulation influence the procedure of enacting new laws (when they will be published in various languages) and how will this regulation be implemented in the official sources: “Official Bulletin of Ukraine”, “Governmental Messenger”, “Voice of Ukraine”, “Bulletin of the Verkhovna Rada of Ukraine”, “Official Bulletin of the President of Ukraine”?

Thus, we reckon that adoption of the Law of Ukraine “On Principles of State Language Policy” was premature, it specifically influences the development of the regional ethnopolitics in Ukraine and it contributes not to the consolidation of the society, but to its separation. So the authorities must amend the unconstitutional nature of the Law and change other disproportions that are in it, but not strengthen them.

References

1. Декларація про державний суверенітет України // *Відомості Верховної Ради УРСР (ВВР)*. – 1990. – № 31. – Ст. 429.
2. Україна на міжнародній арені: Зб. документів і матеріалів (1991-1995 рр.). У 2-х кн. / Упоряд. В.В.Будяков та ін.; Редкол. Г.Й.Удовенко (відп.ред.) та ін.; МЗС України. – К.: Юрінком Інтер, 1998. – С.7.
3. Національний склад населення України [Електронний ресурс]. – Режим доступу: <http://uk.wikipedia.org/wiki/>
4. Полохало В. Политология посткоммунизма в России и Украине (К методологии политического анализа) // *Полис*. – 1998. - № 3. – С.12-13.
5. Томенко Н. Итоги парламентских выборов в Украине. Политические ориентации и предпочтения населения / Н. Томенко // *Полис*. – 1998. – № 3. – С. 74-81.
6. Мостовая Ю. Родженная эволюцией / Ю. Мостовая // *Зеркало недели*. – 2002. – 6 апреля.
7. Лагутин А.В. Этнические аспекты институционализации политического процесса на Украине / А.В. Лагутин // *Полис*. – 2001. – № 4. – С. 100-107.
8. *Заставний Ф.Д. Україна. Природа, населення, економіка* / Ф.Д. Заставний. – *Львів*: Априорі, 2011. – 504 с.
9. Закон України «Про засади державної мовної політики» [Електронний ресурс]. – Режим доступу: <http://zakon4.rada.gov.ua/laws/show/5029-17>