

National Minorities in the Post-Revolutionary Era

Is the Ukrainian Government Capable of Inclusive Politics?

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Abstract

This study looks into Ukraine's minority politics after the Revolution of Dignity of 2014. It analyses the inclusivity of minority politics against three key parameters – institutional framework, dialogue mechanisms, and non-discriminatory policies. The research is conducted through an in-depth comparison analysis of minority politics of two post-revolutionary presidents – Petro Poroshenko (full term) and Volodymyr Zelenskyi (first two years). The conclusion is made that the political elites failed to drive an inclusive course towards ethno-linguistic minorities. The inclusivity along the three criteria has been provided impetus either on ad-hoc basis or not at all. On the level of policies, a regression can be observed. The underlying cause for the state not succeeding in achieving an inclusive minority course is that the two administrations had predominantly divergent motives for addressing this topic. As a result, the implementation of some inclusivity-oriented measures suffered and the minority-related discourse became highly politicized.

Keywords

national minorities – minority politics – inclusive politics – ethno-linguistic divisions
– anti-discrimination – politicization

Introduction¹

This article examines specifics of the so-called ‘minority politics’ in the period after the “Revolution of Dignity”, i.e. under Ukraine’s two presidents – Petro Poroshenko’s full term (2014 - 2019) and Volodymyr Zelenskyi’s first two years in office (2019 - 2021). The central question of this article is whether Ukraine’s highest political establishment was capable of developing inclusive minority politics.

This is important to study as, under the circumstances of the Russian Federation’s illegal occupation of Crimea and the launch of the war in the Donbas since 2014, minority affairs have received a different standing in Ukraine’s domestic politics and in its relations with neighbors, including those to the West. Consequently, Poroshenko and Zelenskyi, when campaigning and during their presidential terms, granted a significant degree of attention to issues pertaining to national minorities.

Based on the findings, the key argument proceeds as follows: the post-revolutionary government failed to drive inclusive minority politics due to each administration pursuing divergent motives when addressing respective institutional, consultative, and policy frameworks. The inclusivity suffered *inter alia* from the poor implementation of some relevant normative frameworks and the increased politicization of the topic of minorities in Ukraine’s domestic affairs.

This analysis is conducted through an in-depth comparison of minority politics based on a single case study: Ukraine. Because the political system of Ukraine is characterized by powerful presidents with traditionally strong political influence over the compositions and agendas of the legislative and executive branches, this study undertakes an approach of looking into minority politics under each administration separately. The key tendencies are then analyzed and compared based on the motives of each government to attribute attention to minority issues. By undertaking this comparative analysis, the study can add to the empirical work on the specifics of minority politics in states undergoing state- and nation-building processes. This study relies on data collection from such primary sources as speeches and statements by politicians, laws, governmental decrees, and party programs.

1 By Kateryna Haertel, who until October 2021 served in a position of a National Project Officer in Ukraine for the OSCE High Commissioner on National Minorities.

Conceptual Clarifications

Two key terms, i.e. ‘minority politics’ and ‘inclusivity’, are at the core of this research and, hence, require additional explanations. Minority politics is a complex inter-disciplinary phenomenon, the study of which requires an analysis of the subject matter through the lens of intersectionality and to refer to concepts from the fields of democratization, human rights, gender studies, nationalism, ethnicity, and international relations. This research relies on the definition of “minority politics” as “the complete political process relating a minority community to the larger political establishment traditionally controlled to a large extent by the majority community” (Galbreath 2005).² In addition to clarifying the notion of “minority politics”, it is necessary to specify whom we understand to be ‘a national minority’. The international framework for minority protection is predominantly law-based, and, therefore, the key international documents refrain from providing a clear definition of a ‘national minority’. Considering this, we, nevertheless, should indicate that, by a ‘national minority’ in this article one shall understand a social group that, based on ethnic or linguistic characteristics, differs from the majority community.

In a functioning democracy, inclusive minority politics should stand on three pillars, i.e. the institutional frameworks, dialogue channels, and non-discriminatory policies. In case of diverse societies like that of Ukraine, when minority politics are of an inclusive nature, this yields benefits for both the State and national minorities. For the former, the advantage is a stronger sense of belonging in its non-majority groups and, thus, a more conflict-resilient society. For the latter, inclusivity amplifies opportunities for mainstreaming minority perspective in policy-making and implementation, particularly in areas of direct concern to non-majority groups. For Ukraine, a corresponding institutional framework ideally should be represented by a designated body at a ministerial level and serve the overarching purpose of contributing to the practical implementation of Article 15 of the Framework Convention for the Protection of the National Minorities (FCNM). There had been similar designated agencies in place prior to 2010 and, as far as the legislation is concerned, there were no barriers to their revival or the setup of a similarly mandated institution after 2014. On the side of the dialogue channels, the inclusivity would have benefitted from the establishment of a national-level council, or forum under the auspices of the President’s office or another high-level state institution(s). Such a consultative platform should be composed of national minority

2 David J Galbreath, *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influence and Identity in Estonia and Latvia* (New York: Columbia University Press, 2005), 27.

representatives, convene on a regular basis, and ensure an ongoing dialogue between minority communities and the authorities in a dynamic process of domestic reforms. On the level of policies, a solid legal framework on national minorities was in place, both through the Constitution and the corresponding national legislation (in particular, the laws on national minorities and languages, the ratified FCNM and the European Charter for Regional or Minority Languages) in the revolution's immediate aftermath. The Constitution itself stipulated that 'the Ukrainian nation are Ukrainian citizens of all nationalities',³ set a standard that any new legislation shall not "narrow the content and scope of existing rights and freedoms",⁴ and included a guarantee for the "free development, use, and protection of Russian and other languages of national minorities".⁵ Therefore, in the post-Revolutionary era, achieving an inclusive minority course was of interest to the State and its minorities. Moreover, in normative terms, it seemed a clearly feasible aim if the political will were in place.

Considering the President's key role in securing the implementation of the Constitution, he should be viewed as the main political actor responsible for achieving inclusive minority politics. The respective capacities of the parliament and the government cannot be ignored. However, due to the president being the *de facto* central figure in Ukraine's political system, the respective capacities of the legislative and executive are assumed to be of a complementary nature. Thus, a detailed analysis of capacities of different executive agencies or the main legislative body will not be covered here.

In practical terms, with the view of achieving better inclusivity, the political elites should have prioritized the strengthening of the respective institutional and dialogue mechanisms, as neither were in place in 2014. On the level of policies, the then existing legislation on national minorities provided for a wide operational space for minority languages in different dimensions of public life. When it came to policy-making in the sphere of languages, an inclusivity-oriented approach should have oriented at avoiding treating support to the state and minority languages as two mutually exclusive aims. Ensuring the national/official status of Ukrainian through providing incentives to minority speakers to learn and use it while leaving the existing space for the parallel application

3 Constitution of Ukraine, Preamble, 21 February 2014. Retrieved 20 September 2021, <https://www.president.gov.ua/documents/constitution>.

4 *Ibid*, Article 22 (3). Retrieved 22 July 2021, <https://www.president.gov.ua/ua/documents/constitution/konstituciya-ukrayini-rozdil-ii>.

5 *Ibid*, Article 10 (3). Retrieved 22 July 2021, <https://www.president.gov.ua/ua/documents/constitution/konstituciya-ukrayini-rozdil-i>.

of minority languages would have been in line with the Constitutional guarantees for Ukrainian as the state language (Art. 10, p. 1), and the protection and development of the Russian and other minority languages (Art. 10, p. 3). Such an approach would be in compliance with the Constitutional provisions outlining the multi-ethnic composition of the Ukrainian political nation.⁶

Under the principle of non-discrimination in the context of inclusivity, we shall understand that neither legislation nor institutional changes, without being duly justified, result into a disproportionate impact on one minority group vis-à-vis another minority or a majority population. When such impact takes place and no sufficient justification is provided, this shall be viewed as contradictory to Ukraine's commitment under the FCNM's Article 4 (1), which states that parties "undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law". The national anti-discrimination legal framework clearly defines the supremacy of the non-discrimination principle in legislation, which provides for "equality of rights and freedoms of individuals or groups of persons"⁷ and "equal opportunities to individuals or groups of persons".⁸

1 Minority Politics as a Tool for Reinforcing Poroshenko's Nationalistic Profile

1.1 *Signals for Inclusivity in the Immediate Aftermath of the Revolution of Dignity*

In 2014, the political context demanded politicians, including candidates of the presidential and parliamentary elections, to pay particular attention to minorities. Since the "Revolution of Dignity"'s peak, the domestic and international context had already profoundly changed. Domestically, the post-revolutionary era begun with the Verkhovna Rada voting President Yanukovich out of office, followed by the attempt of the parliamentarians to abrogate the Law "On Principles of the State Language Policy of Ukraine".⁹ Externally, Russia

6 See text of the Preamble of the Constitution of Ukraine.

7 Parliament of Ukraine, Law On Preventing and Combating Discrimination in Ukraine, Article 2, 2013. Retrieved 30 July 2021, <https://zakon.rada.gov.ua/laws/show/5207-17#Text%20anti-discrimination%20law%202012>.

8 Ibid.

9 In February 2014, the Parliament of Ukraine attempted to annul the controversial Law of Ukraine "On Principles of the State Language Policy of Ukraine" of the authorship of the parliamentarians from the "Party of Regions" in 2012. Whereas the deputies managed to collect sufficient votes, the decision was never promulgated by the then Acting President Oleksandr Turchynov.

had illegally annexed Crimea and orchestrated separatist campaigns in the eastern and south-eastern regions. The efforts in the main legislative body to annul a disputable language law served – among other arguments – as a trigger¹⁰ for the military intervention on the territory of Ukraine by the Russian Federation. Therefore, through different means, candidate Poroshenko urged keeping the country united and his messages on the accommodation of the rights of Ukraine's diverse ethno-linguistic groups were instrumental in reiterating this point.

During the presidential campaign, candidate Poroshenko explicitly called for the protection of minority languages and, as a result of the elections in autumn 2014, ensured the parliamentary representation of candidates from minority groups. With the purpose to prevent possible territorial claims in Ukraine's western regions, Poroshenko committed himself to the protection of the rights of a particularly minority, the Zakarpattia Hungarians, by signing a Declaration of Cooperation with their local political party at the outset of the electoral campaign. Additionally, in his candidacy program, he urged to consider regional specifics when “strengthening the single humanitarian Ukrainian space”.¹¹ This was an appealing message for minority voters, as they, generally inhabiting Ukraine's regions proximate to their external national homelands, were more prone to potential external influence than other groups. Lastly, the “Block of Petro Poroshenko” included several candidates from minority groups into its list for the parliamentary elections, which improved the national representation of minority politicians coming from the peripheries.

Therefore, in the fragile post-revolutionary months, the new political elites explicitly communicated the intention to accommodate ethno-linguistic diversity. Such an inclusive position generated the expectation that the new president would pursue a systematic and sustainable minority course, including through remedying the existing structural gaps of the related institutional and consultative frameworks.

1.2 *Selective Advancement of Institutional and Dialogue Mechanisms*

Well-established designated institutional and dialogue platforms contribute significantly to a state's ability to develop inclusive minority politics. In

10 “The Federation Council Agreed to the Use of Russian Armed Forces on the Territory of Ukraine”, *Federation Council of the Federal Assembly of the Russian Federation*, 1 March 2014. Retrieved 11 January 2021, <http://council.gov.ru/events/news/39851/>.

11 “Petro Poroshenko – Election Program of a Candidate for a President of Ukraine, Elections 2014”, 1 April 2014. Retrieved 14 January 2021, <https://vibori.in.ua/kandidaty/predvibornie-programy/1723-poroshenko-2014.html>.

Ukraine, the last independent designated body at a ministerial level managing minority affairs was liquidated in 2010, with its competences only partially assumed by an understaffed department at the Ministry of Culture.¹² In this regard, the fact that the Poroshenko-enacted national human rights framework, the National Human Rights Strategy (NHRS), included some measures that had a potential to contribute to better inclusivity through the institutional criterion was a promising sign.

On the level of practical developments, a selective approach prevailed in advancing the inclusivity through tackling the institutional shortcuts. Firstly, the corresponding NHRS provisions referred not to ‘the establishment’, but ‘the identification’ of a nation-level designated structure for ethnic affairs. In contrast, the NHRS stipulated clearly the requirement to establish a new inter-agency mechanism when it came to the Roma issue. The special focus on the Roma minority reconfirmed the political commitment to the EU association agenda, as the inter-agency group was set up to support the implementation of the Roma strategy 2020, enacted as part of the requirements under the 2013 amendments to the Visa Facilitation Agreement with the EU. When it came to the institutional advancement for the inter-ethnic affairs, there was only a short-lived attempt to strengthen the national framework. In 2014, the government introduced two relevant designated structures: a Cabinet post of a Plenipotentiary on Issues of Ethnic Policy (the Plenipotentiary)¹³ and a high-level dialogue platform named Council of Inter-Ethnic Accord. However, the former was abolished¹⁴ and the latter’s activities de-facto frozen only shortly afterwards. Based on its mandate, the Plenipotentiary was granted powers to enhance the inter-sectoral cooperation and engage minorities into this process. By reverting the introduction of a separate designated institution, the Ministry of Culture was reinstated as the government’s focal point. This decision confirmed the government’s general political approach of favoring minorities as beneficiaries of sectoral reforms, mostly related to culture

12 OSCE High Commissioner on National Minorities, *Discussion Paper “On Strengthening the Institutional Framework Related to Inter-ethnic Relations in Ukraine in the Context of Decentralization”*, the Hague, 2016. Retrieved 20 January 2021, <http://kompravlud.rada.gov.ua/uploads/documents/32426.pdf>.

13 Cabinet of Ministers of Ukraine, Decree “On Cabinet’s Plenipotentiary on Issues of Ethnic Policy”, Kyiv, 2014. Retrieved 20 February 2021, <https://zakon.rada.gov.ua/laws/show/164-2014-%D0%BF#m0>.

14 Cabinet of Ministers of Ukraine, Decree “Some Questions of the Secretariat of the Cabinet of Ministers of Ukraine”, Kyiv, 2015. Retrieved 24 February 2021, <https://zakon.rada.gov.ua/laws/show/213-2015-n#Text>.

and education. Such vision resulted in a minority framework characterized by a structural design of limited expertise and response capacities among the executive structures. This trend became especially obvious in 2017 during the adoption of the education reform (see below). At the same time, the President advanced the capacities of his administration vis-à-vis the indigenous peoples and, for that purpose, established a post of a Plenipotentiary for Crimean Tatar Affairs.

Overall, two main factors can assist the interpretation of the selectivity in treating the institutional question, i.e. a leverage of external actors and a consideration of political risks. The Roma issue being granted special attention, when fulfilling the agenda for the EU visa liberalization and in the process of the Association Agreement negotiations, required the government to demonstrate responsiveness through establishing an inter-agency group. In addition, the Roma issue was viewed as less prone to politicization along ethno-linguistic lines. Therefore, tackling it meant staying on the “safe political ‘playground’” in comparison to advancing the general institutional framework through which all minorities, including those with active external homelands, could benefit. If implemented, the decision in favor of a separate institution on minorities would likely have been interpreted by Poroshenko's political opponents as empowering these external homelands with tools to increase leverage within the country. Therefore, the selective treatment of the institutional question was enhanced by the wider political climate the elites had to operate in.

1.3 *Minority Affairs in the Shadow of Nationalistic Policies*

The de facto abolishment of a designated body and freezing of the high-level consultative channel were not only detrimental to more inclusivity, but also made minority affairs an easy target for political maneuvers. Once the immediate risk of Ukraine's fragmentation passed in the first half of 2015, Poroshenko changed his approach profoundly by shifting from state-building to nation-building, and began to view minorities exclusively through the lens of political gains, including in the context of increasing the probability of re-election. In the remainder of the president's tenure, these topics were made salient primarily with the purpose to amplify the argument of strengthening the state language, as the key nation-building instrument. The aim of this new policy was to create the perception that the space in which languages can co-exist is limited and, therefore, the use of minority languages somehow imposes limitations to the state language.

In the president's speeches, messages in favor of diversity accommodation and minority protection were replaced by ones urging the strengthening of the state status of the Ukrainian language, e.g. “we affirm the Ukrainian language

– an integral part of the strength and success of our people”.¹⁵ Poroshenko justified this change by pointing to the alleged need to fortify “the humanitarian front” under the conditions of external aggression. On the side of the parliament, the new trend appeared with the adoption of a series of reforms that, each in a different manner, promoted the nation-building narrative, linguistic, religious or cultural affairs from the perspective of a nominally dominant ethno-linguistic group. Among the reforms in question were the following: the de-communization reform¹⁶ (2015); the civil service reform¹⁷ (2015); the introduction of language quotas in media¹⁸(2016); the education reform¹⁹ (2017); the ambition of being granted a Tomos, or autonomy to the Ukrainian Orthodox Church²⁰ (2019); and, finally, the state language reform²¹ (2019).²²

The ethno-linguistic minorities fell victims to the nationalistic trend in policy-making, as the increased legislative support for the Ukrainian language meant the introduction of norms narrowing the operational space for minority languages. For example, the education bill introduced such provisions on the use of the state language and minority languages that changed the status quo of mother tongue-based instruction for ca. 1286 schools.²³ Moreover, the

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- 15 “Address of the President of Ukraine Poroshenko to the Verkhovna Rada of Ukraine”, *Ukrayinska Pravda*, 20 September 2018. Retrieved 14 February 2021, <https://www.pravda.com.ua/articles/2018/09/20/7192645>.
 - 16 Parliament of Ukraine, Law of Ukraine “On the Condemnation of the Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and the Ban on Propaganda of their Symbols”, 9 April 2014. Retrieved 5 February 2021, <https://zakon.rada.gov.ua/laws/show/317-19#Text>.
 - 17 Parliament of Ukraine, Law of Ukraine “On Civil Service”, 10 December 2015. Retrieved 2 February 2021, <https://zakon.rada.gov.ua/laws/show/889-19#Text>.
 - 18 Parliament of Ukraine, Law of Ukraine “On Amendments to Certain Laws of Ukraine Concerning the Share of Audio Pieces in the State Language in the Programs of TV and Radio Organizations”, 16 June 2016. Retrieved 3 February 2021, <https://zakon.rada.gov.ua/laws/show/1421-19#Text>.
 - 19 Parliament of Ukraine, Law of Ukraine “On Education”, 5 September 2017. Retrieved 8 January 2021, <https://zakon.rada.gov.ua/laws/show/2145-19#Text>.
 - 20 “Tomos. Complete Text in Ukrainian”, *UNIAN*, 5 January 2019. Retrieved 2 February 2021, <https://www.ukrinform.ua/rubric-society/2614225-tomos-povnij-tekst-ukrainskou.html>.
 - 21 Parliament of Ukraine, Law of Ukraine “On Ensuring Functioning of Ukrainian as the State Language”, Kyiv, 2019. Retrieved 1 February 2021, <https://zakon.rada.gov.ua/laws/show/2704-19#Text>.
 - 22 This list may not be exhaustive, but it covers key policy areas.
 - 23 As of September 2017, 623 schools with a complete instruction in one of the minority languages and 663 schools with partial instruction in minority languages were active in Ukraine. Information obtained from the database of the State Service of Statistics of Ukraine. Retrieved 1 February 2021, <http://www.ukrstat.gov.ua/>.

new provisions contradicted the nature of the pre-existing legislation on languages²⁴ and national minorities.²⁵

President Poroshenko's new approach to minority-related policy also compelled some of the external national homelands of Ukraine's minority groups to raise their concerns over the infringements of the rights of minorities in Ukraine. To some extent, the adoption of the law even posed additional challenges for Ukraine's Euro-Atlantic integration.²⁶ For example, the provisions in question were assessed critically by the Venice Commission, which acknowledged that the legislation provided "for a differential treatment both among different categories of Ukrainian citizens and their respective languages";²⁷ i.e. minority representatives as speakers of the EU official languages, non-EU languages, and those of the indigenous languages, which "constitute[d] unequal treatment".²⁸ Despite criticism from the international expert community, the government did not revert the reform. On the contrary, the authorities pursued an approach of treating speakers of different languages in a differential manner through endorsing the logic of the education reform also through consecutive education- and language-related legislation.²⁹ Even further, the division between the speakers of different languages was confirmed by Ukraine's Constitutional Court (CC). The court, by approving the constitutional validity of the two laws in question and justifying them mainly based on the argument that the state language is one of the national security markers,³⁰ demonstrated that minorities were treated through a security lens.

24 At the time of the adoption of the education bill, the legislative framework for languages was defined by the Law of Ukraine "On Principles of the State Language Policy", 3 July 2012. Retrieved 17 January 2021, <https://zakon.rada.gov.ua/laws/show/5029-17#Text>.

25 Parliament of Ukraine, *Law of Ukraine "On National Minorities in Ukraine"*, Kyiv, 1992. Retrieved 2 February 2021, <https://zakon.rada.gov.ua/laws/show/5029-17#Text>.

26 After the bill's adoption, Hungary as a kin-State began expressing concerns over the narrowed access to a mother tongue-based instruction for the ethnic Hungarian minority residing in the Western Ukraine. In 2018, Hungary announced it would not approve a ministerial level NATO – Ukraine meeting due to what was defined by it as violations, in particular in the sphere of education, of the rights of ethnic Hungarians living in Ukraine.

27 European Commission for Democracy through Law (Venice Commission), *Opinion on the Provisions of the Law on Education of 5 September 2017, which Concern the Use of the State Language and Minority and Other Languages in Education*, Strasbourg, 2017. Retrieved 2 March 2021, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)030-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)030-e).

28 iBid.

29 For example, through mainstreaming similar provisions in the draft bill "On Full General Secondary Education" and "On Ensuring Functioning of Ukrainian as the State Language".

30 Constitutional Court of Ukraine, Decision No 1–75/2018 (4072/17), July 2019, Kyiv. Retrieved 1 August 2021, <https://zakon.rada.gov.ua/laws/show/v010p710-19#Text>.

Overall, the education bill rapidly made the minority-related discourse part of the domestic political agenda and polarized the society along ethno-linguistic lines. This served president Poroshenko a three-fold political favor. Firstly, it was a quick way of generating numerous occasions to reiterate his 'patriotic' motive for the 'Ukrainization' of minorities. Secondly, it split minority leaders by sidelining those representing ethno-national communities from those speaking on behalf of the indigenous groups. The latter, as far as represented through the Mejlis of the Crimean Tatars, remained on Poroshenko's agenda throughout his tenure because of their unequivocal anti-Russian position after the illegal annexation of Crimea. Thirdly, as the topic of languages, i.e. the state language, was selected as one of his campaign milestones, the adoption of this particular policy enabled Poroshenko to re-enforce his general messages with a specific policy example during the re-election run.

Poroshenko tried to profit from his nationalistic course during his re-election campaign in 2019. He framed his electoral priorities under the 'Army. Language. Faith' slogan,³¹ and by explicitly making the topic of the state language one of his campaign pillars. In order to be able to exploit the "linguistic card" during the pre-election period, he dragged the adoption of the law regulating the state status of Ukrainian until the very last weeks of his tenure.³² This tactic enabled him to maintain references to the Parliament finalizing the law 'any day now' and, consequently, present its adoption as his presidency's most recent achievement. Whereas the law included a holistic set of provisions ensuring the use of Ukrainian in all dimensions of public life, it overlooked modalities related to the application of minority languages,³³ creating a legal vacuum. By establishing this discrepancy, Poroshenko, yet again, proved that his position on the national linguistic policy was imbalanced, not inclusivity-oriented, and driven largely by short-term political interests.

31 This motto was for the first time presented by President Petro Poroshenko in his annual address to the Parliament of Ukraine in September 2018.

32 The Law of Ukraine "On Ensuring Functioning of Ukrainian as the State Language" is meant here. The bill was adopted by the Parliament of Ukraine on 25 April 2019. Retrieved 2 February 2021, <https://zakon.rada.gov.ua/laws/show/2704-19#Text>.

33 Whereas the Law did not touch upon the application of minority languages, it included an obligation of the Cabinet of Ministers of Ukraine to prepare a separate bill on minorities within a six-month period.

2 Zelenskyi's De-Politicizing Attempts: Enabling Institutions and Policies

2.1 *Minority-related Messages in Zelenskyi's Campaign*

At the time Volodymyr Zelenskyi announced his presidential candidacy, it was obvious that Ukraine's minority course was far from being inclusive. The topic of minorities was made a priority domestically primarily in order to mobilize patriotically inclined voters and, thus, improve Poroshenko's re-election chances. In contrast to his main opponent, the candidate Zelenskyi did not make identity-related themes a priority of his campaign and commented on them rather in passing. As a native Russian speaker, he struggled to deliver public statements in fluent Ukrainian and frequently mixed languages when addressing voters. When asked more directly, Zelenskyi expressed his support for the parliamentary reconsideration of some of the nationalistic policies, i.e. the language quotas in media³⁴ and the law on the State language,³⁵ of the Poroshenko era, but himself refrained from initiating related debates.

A clearer picture arose with the publication of the 'Sluga Narodu' party program,³⁶ which explicitly outlined two relevant commitments, i.e. to normalize relations with Ukraine's neighbors to the West,³⁷ and implemented a humanitarian policy that would "enhance the cultural, civic, and spiritual unity of Ukraine's citizens", including through a system of support to the Ukrainian language.³⁸ Overall, the party's position was cohesive with Zelenskyi's approach, i.e. to refrain from making minority themes part of the high politics agenda, to not refute the state status of Ukrainian, to promote the latter through incentives instead of punitive measures, and to generally develop a more inclusive approach to inter-ethnic affairs.

2.2 *Minority-friendly Political Discourse After Taking Office*

Once elected, in his public statements, Zelenskyi explicitly reiterated inclusive messages, i.e. urging to unite in diversity and acknowledging the multi-linguistic

34 "Once Elected, Zelenskyi Will Not Cancel Language Quotas, But Has a Plan", *Ukrinform*, 18 April 2019. Retrieved 14 February 2021, <https://www.ukrinform.ua/rubric-society/2683467-zelenskij-u-razi-prezidentstva-ne-skasue-movni-kvoti-ale-mae-plan.html>.

35 "Zelenskyi Expressed Opinion about the Law on Language", *Ukrayinska Pravda*, 25 April 2019. Retrieved 1 February 2021, <https://www.pravda.com.ua/news/2019/04/25/7213557/>.

36 Text of the program was released in July 2019.

37 This referred to the normalization of Ukraine's bilateral relations in particular with Hungary and Poland, both having voiced concerns related to some of the nationalistic policies of 2014–2019.

38 "Pre-electoral Program of the Political Party 'Servant of the People'", *Ukrinform*. Retrieved 10 March 2021, <https://static.ukrinform.com/files/1560089176-8827.pdf>.

and multi-ethnic nature of the Ukrainian political nation.³⁹ Moreover, one of his more important speeches was delivered in, Ukrainian, Russian, Crimean Tatar, and Hungarian languages.⁴⁰ This served as yet another example of Zelenskyi's attempts to position himself as an inclusive political leader giving appropriate attention to his people's ethnic and linguistic diversity. Whereas the new president admitted that contesting the state language legislation is "a very complicated matter",⁴¹ he never denied the possibility to revise the legal framework. Moreover, the new president let his political allies be more straightforward on this issue; the Verkhovna Rada Speaker Dmytro Razumkov, for example, commented that the state language policy required amendments, as some of the provisions required "more uniting re-formulations".⁴²

However, instead of launching a debate on the revision of the law on the state language in parliament, the new political majority decided to assess public moods through a nation-wide roundtable on the vision for state language policy. On the one hand, this debate allowed for the expression of a plurality of opinions, did not prohibit making statements in minority languages, and, in general, served the purpose of fostering public debate on a sensitive topic through a nation-wide dialogue. On the other hand, no policy recommendations were developed thereafter. On the diplomatic front, targeted dialogues took place with Poland and Hungary,⁴³ which generated expectations that the authorities were indeed committed to normalizing bilateral relations with two external national homelands that viewed memory politics and minority rights respectively as stumbling blocks in their good neighborly relations with Ukraine. Overall, on the highest political level, a constructive minority-related discourse prevailed. It also set a conducive climate for fostering institutional and policy improvements.

39 This statement is based on President Volodymyr Zelenskyi's messages from his inauguration speech of May 2019, an interview devoted to his first 100 days in office of August 2019, and his New Year's Address of December 2019.

40 New Year's Address of President Volodymyr Zelenskyi to the People of Ukraine, 31 December 2019. Retrieved 2 February 2021, <https://president.gov.ua/videos/novorichne-privitannya-prezidenta-ukrayini-1637>.

41 "President Wants to Protect National Minorities in Ukraine: Language, Faith", *UNIAN*, 1 September 2019. Retrieved 22 January 2021, <https://www.unian.ua/society/10669227-president-hoche-zahistiti-prava-nacionalnih-menshin-v-ukrajini-mova-vira.html>.

42 "Razumkov Believes that the Language Law Shall be Amended", *Ukrinform*, 27 May 2020. Retrieved 20 February 2021, <https://www.ukrinform.ua/rubric-politics/3034084-razumkov-vvazae-so-zakon-pro-movu-treba-zminuvati.html>.

43 President Volodymyr Zelenskyi's visit to Warsaw in August 2019 and Foreign Minister Dmytro Kuleba's visit to Hungary in May 2020 are meant here.

2.3 *Support for Advancements of the Institutional Framework*

The minority-inclusive political discourse was supported by the government's measures for remedying the existing institutional gaps. While the decision to establish a designated body on ethnic affairs, the State Service on Ethnic Affairs and the Freedom of Conscience, dates back to the last months of the Groisman government,⁴⁴ the following two cabinets confirmed the state's commitment to maintain this agency and endorse its *modus operandi*. This therefore was the second attempt of the post-revolutionary elites to improve the inclusivity of minority politics through the advancement of the state's related institutional capacities. In comparison to the short-lived Cabinet's appointee enacted at the beginning of Poroshenko's presidency, the new agency was set up as an autonomous body. Although the agency operated under the auspices of the Ministry of Culture and Information Policy, it was assigned a separate budget, a regional network of offices, and ca. 60 staff members. With such a structure, the designated body was effectively mirroring the composition of a small ministry. This institutional advancement had a symbolic meaning too, as it established a direct high-level interlocutor for minority representatives and presupposed that respective consultative channels would be in place.

It is worth noting that, while implementing institutional advancements in minority affairs, Zelenskyi retained the institutional mechanisms dealing with the protection of the state language. For example, the institute of the State Language Protection Commissioner, despite an early change of leadership,⁴⁵ became operational in summer 2020. The Commissioner's institute grew in staff, announced the establishment of regional offices, and established a self-designated media profile of "a watchdog" vis-à-vis the application of the state language in different dimensions of public life. Therefore, one should emphasize that the president supported institutional improvements in both general minority affairs and affairs related to the state language. Thus, at least based on their positions on the institutional question, one can conclude that the authorities stopped perceiving support to minority languages as an obstacle to the promotion of the state language. Overall, this was a major step forward in balancing the political elites' approach to linguistic policy, considering the discrepancies created by the previous administration.

44 Cabinet of Ministers of Ukraine, *Decree on "The Establishment of the State Service of Ukraine on Ethnic Affairs and the Freedom of Conscience"*, 12 June 2019, Kyiv. Retrieved 10 June 2021, <https://zakon.rada.gov.ua/laws/show/503-2019-n#Text>.

45 In November 2019, Tetiana Monakhova was appointed the first Plenipotentiary for the Protection of the State Language. Upon Monakhova's voluntary resignation in May 2020, the Cabinet appointed an ex-member of Parliament Taras Kremin for this post.

2.4 *Political Impetus for a New National Minority Law*

President Zelenskyi behaved consistently in urging the adoption of a new national minority bill, despite remaining hesitant to drastically contest his predecessor's nationalistic policies. To initiate a more straightforward review of the Poroshenko-era linguistic legislation could have made Zelenskyi pay a high political price, potentially amplifying criticism of his allegedly pro-Russian ties among the patriotically inclined groups. Therefore, the improvement of the national minority was a 'win-win' solution. On the one hand, the law was a handy instrument for satisfying minorities by finally regulating the use of their languages. On the other hand, the idea of this law was neutral enough to allow Zelenskyi to avoid criticism regarding his lack of support to Ukrainian as the only state language.

The development of a new national minority law was a necessary step in order to remedy the legal vacuum emerging from some of the Poroshenko-era policies. On different occasions, Zelenskyi reiterated his support for a new national minority law. In autumn 2020, the designated parliamentary committee⁴⁶ established a working group to develop a provisional text of the law in consultation with experts and civil society. Although the bill was not approved by the end of Zelenskyi's second year in office, noticeable progress was achieved in terms of concept and draft text. Throughout this period, the president publicly welcomed efforts of parliamentarians in taking the lead, urged all sides to arrive at a consolidated document, and paid particular attention to the topic, including through the facilitation of a high-level inter-agency liaison.⁴⁷

At the same time, there were some attempts by the 'Sluga Narodu' parliamentary faction to test the conduciveness of the political climate for a more comprehensive revision of Poroshenko's policies in particular on education.⁴⁸ This was however not successful, instead receiving public criticism for the initiatives. The initiatives were also not clearly representative of a parliamentary majority position⁴⁹ and were not granted proper parliamentary consideration.

46 Full name is Parliament Committee on Human Rights, De-occupation and Reintegration of Temporarily Occupied Territories in Donetsk, Luhansk Regions and the Autonomous Republic of Crimea, the City of Sevastopol, National Minorities, and Inter-ethnic Relations.

47 President of Ukraine, *Legislative Initiative on Regulating Legal Status of National Minorities Discussed at a Meeting Chaired by the President of Ukraine*, Kyiv, 2021. Retrieved 19 February 2021, <https://www.president.gov.ua/news/zakonodavchu-iniciativu-shodovregulyuvannya-pravovogo-statu-66641>.

48 Parliament of Ukraine, *Draft Bill of Ukraine "On Amendments to Some Legislative Acts of Ukraine Regarding Instruction in the State Language at Education Establishments"*, Kyiv, 2019. Retrieved 15 February 2021, https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=67249.

49 "#OneStatelanguage: Part of the 'Servants' States that the Buzhanskyi's Draft Bill Splits the Society", *Ukrinform*, 14 July 2020. Retrieved 10 March 2021, <https://www.ukrinform.ua/rubric->

In addition, some reforms of the new majority were pursued without changing ideological course at all. For example, during the first six months, the Parliament agreed on quotas for the scope of instruction in the state and minority languages.⁵⁰ The legislation in question was in line with the education bill of 2017,⁵¹ which served as a trigger for some of Ukraine's neighbors to start referring repeatedly to the violations of the rights of minority groups in the context of their access to mother tongue-based instruction.

3 Conclusion: Was Inclusivity Achieved?

Overall, in seven post-revolutionary years, the Ukrainian government failed to drive inclusive minority politics. Considering the three key parameters used here for judging a government's inclusivity in minority politics – institutional frameworks, dialogue mechanisms, and non-discriminatory policies – Ukrainian authorities were either providing impetus only on an ad hoc basis or not at all. On the level of policy approaches, even regression can be observed. This is especially due to the formalization of a politically-justified differential treatment of speakers of different languages introduced through some sectoral reforms. One could of course argue that president Zelenskyi's consistency in supporting the corresponding institutional strengthening and urging for a policy improvement, i.e. the development of a new national minority law, can be assessed as a hopeful signal towards more inclusivity. However, to monitor the continuity of his approach, one would need to analyze his complete presidential term. Collectively therefore, the underlying cause for the state not succeeding in achieving inclusive minority policies is that the two administrations had predominantly divergent motives for addressing this topic. This resulted into a poor implementation of some inclusivity-oriented measures and the politicization of the domestic minority-related discourse.

In Poroshenko's case, the more comprehensive vision of inclusivity fell victim to his short-term political horizon resulting into the policy's poor implementation. Hence, the realization of the generally inclusivity-oriented institutional and policy frameworks was of a selective nature and treated predominantly through a lens of political risks and benefits. Only a short-lived

politics/3062927-edinaderzavna-castina-slug-zaavlae-so-zakonoproekt-buzhanskogorozkolue-suspilstvo.html.

50 Parliament of Ukraine, *Law of Ukraine "On Full General Secondary Education"*, Kyiv, 2020. Retrieved 15 January 2021, <https://zakon.rada.gov.ua/laws/show/453-20#Text>.

51 Parliament of Ukraine, *Law of Ukraine "On Education"*, Kyiv, 2017. Retrieved 20 January 2021, <https://zakon.rada.gov.ua/laws/show/2145-19#>.

attempt to establish inclusive minority policies could be observed in the early phase of Poroshenko's presidency. However, once the immediate risk for the country to fall apart vanished and, with the prospect of increasing his reelection prospect, Poroshenko decided to give his presidency a more nationalistic outlook. Consequently, the authorities gave up on their earlier support for new institutional and dialogue channels in order to ensure that the latter would not disturb the president's overall new course to politicize along ethno-linguistic lines. Therefore, inclusivity clearly suffered from the lack of continuity in the political establishment's support to institutional, consultative, and policy frameworks. Minority-related institutional frameworks were not the only victim of the president's decision to shift to a more nationalistic course: Poroshenko even pursued a policy of 'nationalizing' minorities. The president pushed the narrative that the political support to minority languages and improving the status of the state language are mutually exclusive and irreconcilable aims. As a result, the education reform introduced provisions narrowing the operational space for minority languages. Such polarized minority agenda was, among other things, instrumental for Poroshenko in constructing a 'success story' of top-down nation building over a short period. It is worth noting that in his attempts to bring the nation together by virtue of a single shared language, Poroshenko could have lobbied the adoption of targeted measures to strengthen the state status of Ukrainian at the earliest possible moment in his presidential career. Moreover, he could have pursued this intention without establishing a conjunction between Ukrainian and minority languages. Making the topic of minorities and their languages salient domestically instead became a fast track for the president to amplify his patriotic-nationalistic profile.

During his first two years in office, Volodymyr Zelenskyi managed to drive minority politics in a more technical, de-politicized manner than his predecessor. The rationale for taking such a position is two-fold. Firstly, Zelenskyi entered politics in many ways as Poroshenko's opposite, and distanced himself from Poroshenko's attempts at politicization in his rhetoric on matters of identity and language. On the one hand, he drove forward certain important institutional and policy improvements that could have contributed to better inclusivity. Enabling the mandate of a designated body, the State Service for Ethnic Affairs and Freedom of Conscience, is clearly among Zelenskyi's key institutional achievements. Zelenskyi also needs to be given credit for initiating a nation-wide dialogue on the vision for state language policy and, recently, for starting consultations with all stakeholders on a new national minority law. On the other hand, despite targeting separate inclusivity-oriented measures, Zelenskyi has not launched a comprehensive revision of the

nationalistic policies endorsed by the previous administration. Rather, as far as policies are concerned, the new president decided for a more cautious and incremental approach and refrained from nation-building notions in his public statements. Secondly, and perhaps most importantly, the underlying cause for such an approach may actually be the absence of a clear-cut strategic vision of such policies on national minorities and languages. The more technical and de-politicized approach can of course serve as a hopeful start to more inclusive and consistent minority politics in the foreseeable future, but it is unlikely to bring sustainable results, unless complemented by the political will to revisit the approach of viewing minorities through the security lens.

Even though the post-revolutionary presidents failed to develop a sustainably inclusive minority course, there are some useful lessons to consider from this period. The primary take-away is that the lack of solid institutional, consultative, and policy frameworks easily enabled politicization along ethno-linguistic lines. One of the ways for the current president to overcome the politicization challenge would be through enhancing his capacities to engage into a meaningful dialogue with national minorities. Strengthening of the channels for a meaningful dialogue with the ethnic communities, including through formalized platforms under the auspices of the president's office, would have the potential to establish a continual dialogue between different stakeholders and, in the long-run, yield better inclusivity. This is particularly important considering the ongoing external aggression the country faces and the attention the "aggressor-state" pays to the issue of minorities in this context.

Author bio

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