

# Language Politics, Language Situations and Conflicts in Multilingual Societies

Case Studies from Contemporary Russia,  
Ukraine and Belarus

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2021

Harrassowitz Verlag · Wiesbaden

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# Languages in Conflict Situations in the Context of the Law of Ukraine “On Education” (2017)

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## 1. Introduction

Following the dissolution of the Soviet Union, Ukrainian nation building was aided by the system of institutions inherited from the USSR (relatively clear-defined internal and external borders, a parliament, ministries, representation in the UN, etc.) but, at the same time, made difficult by the Russian community living in Ukraine, which became a minority overnight (BRUBAKER 1996, 17). The presence of the sizeable Russian community has been felt primarily in the Ukrainian-Russian language struggles. Researchers (STEPANENKO 2003, 121; PAVLENKO 2008, 275) and specialists at international organisations (e.g., *Opinion* 2011, 7; 2017; UN 2014) have repeatedly pointed out that the question of languages is heavily politicised in Ukraine, and that the fact that it is not clearly settled can lead to the emergence of language ideologies as well as to conflicts between ethnic groups and languages.

The particular characteristics of the geopolitical and geographical position of Ukraine, the variable political, historical, economic, cultural and social development of the regions of its territory inherited from the Soviet Union, the ethnic and linguistic composition of its population, and the fact that the representatives of the titular nations of all neighbouring states are included among its citizens all turn issues of language into matters of internal and foreign policy as well security policy in this country. Paragraph 18 of the *Opinion* of the *Venice Commission* on the Law “On Supporting the Functioning of the Ukrainian Language as the State Language” (*Zakon* 2019b) states: “The use of languages has been for a long time in Ukraine a highly sensitive issue, which has repeatedly become one of the main topics in different election campaigns and continues to be a subject of debate – and sometimes to raise tensions – within the Ukrainian society as well as with kin-States of some national minorities of Ukraine” (*Opinion* 2019).

Independent Ukraine is undergoing the worst crisis in its brief history. In late autumn 2013, protests and unrest broke out in Kyiv, claiming several people’s lives; in March 2014, Russia annexed the Crimean peninsula; an armed conflict has been going on in the eastern part of the country since April 2014. The linguistic division of the country and the Ukrainian-Russian linguistic rivalry have also contributed to the political, military and economic crisis which threatens the security of the entire European continent and sets back the global economy.

Since October 2017, another conflict has been going on related to Article 7 of the Law of Ukraine “On Education” (*Zakon* 2017). In this article we will analyse the basics of this conflict. A feature of our analysis is that we will focus our attention on the perspectives of the Hungarian minority.

## 2. Law of Ukraine “On Education”

Due to the large number of Russian-speaking citizens and the history of the Ukrainian language, the language issue in Ukraine is very problematic (STEPANENKO 2003). The language conflict which arose following the adoption of the new Law of Ukraine “On Education” in October 2017 (*Zakon* 2017) again raised a debate about the language issue in the country but, in addition to the Russian language, this time attention also focused on the Hungarian language.

The representatives of the Hungarian national minority in Ukraine stress that this law restricts the language rights of Hungarians in Transcarpathia and that it is contrary to Ukraine’s international commitments (CSERNICSKÓ / OROSZ 2019; BRENZOVICS ET AL. 2020; CSERNICSKÓ ET AL. 2020). The Ukrainian government and certain researchers, however, claim that the Law “On Education” does not violate Ukraine’s international commitments in any way (MARKOVSKYI / DEMKIV / ŠEVČENKO 2017; TORONCHUK / MARKOVSKYI 2018).

What exactly is Article 7 of this law, which the Hungarian community in Ukraine opposes?

- a. Education in minority languages is limited to pre-school and primary education. In secondary, vocational and higher education this right can only be applied to a limited extent.
- b. The institutional autonomy of minority schools ceases to exist, since teaching in minority languages is possible only in separate classes (even at the level of pre-school and primary education), and educational institutions where there are no groups or classes with Ukrainian as the language of instruction can no longer exist.
- c. The law creates legal uncertainty. No one knows how to interpret the words of the law which state that, “along with the state language”, “one or more” subjects can be taught in “two or more languages”.

In March 2019, the Ministry of Education and Science of Ukraine submitted a draft law on general secondary education to the Parliament. The law was adopted in January 2020 (*Zakon* 2020). According to its promises, this law will solve all the controversial issues raised following the adoption of the framework law. The following four models are visible in the law (Table 1):

*Table 1: The maximum share of the mother tongue in the educational process (in %) in the Law of Ukraine “On Complete General Secondary Education” (2020)*

	Grades 1–4	5 <sup>th</sup> grade	9 <sup>th</sup> grade	Grades 10–12	Who are they?
Persons belonging to the majority*	100	100	100	100	Ukrainians
Indigenous people**	100	100	100	100	Crimean Tatars
Minorities whose languages are official in the EU**	100	80	60	40	Hungarians, Romanians, etc.
Minorities whose languages are not official in the EU**	100	20	20	20	Russians, Belarusians, etc.

\* One foreign language is taught as a subject from grade 1 onwards.

\*\* One foreign language, the Ukrainian language, and Ukrainian literature are taught as subjects from grade 1 onwards.

1. The first group is the majority (Ukrainians): they are not affected by legislative changes, since they can continue to study in their mother tongue at all levels of education.
2. In the educational model for the indigenous peoples (primarily the Crimean Tatars), children can study in their mother tongue (first language) from the 1<sup>st</sup> to 12<sup>th</sup> grades, with “in-depth training” in the state language.
3. The third model is proposed for national minorities whose language is one of the official languages of the European Union. In elementary school, instruction is conducted in the mother tongue of the national minorities (in our case, in Hungarian), with, of course, obligatory learning of the state language. In grade 5, at least 20% of the subjects must be taught in Ukrainian, and the proportion of subjects taught in the state language gradually increases from class to class so that, in grade 9, at least 40% of the subjects must be studied in the state language. At the high school level (grades 10–12), at least 60% of lessons should be taught in Ukrainian.
4. The fourth model was developed for national minorities whose language belongs to the same language family as Ukrainian, and is not an official language in the EU (in practice, this is Russian). They can study in their mother tongue in the lower grades (grades 1–4) and study Ukrainian as a subject. From grade 5, at least 80% of the subjects should be taught in Ukrainian and only 20% in the mother tongue.

On April 25, 2019, the *Verchovna Rada* of Ukraine adopted the Law of Ukraine “On Supporting the Functioning of the Ukrainian Language as the State Language” (*Zakon* 2019b). Article 21 of this law virtually repeats Article 7 of the Law “On Education”. Part IX of the State Language Law postpones the application of Article 21 (and hence Article 7 of *Zakon* 2017, and Article 5 of *Zakon* 2020) with regards to indigenous peoples and a particular group of national minorities (in practice to Russians) until 2020. National minorities whose languages are one of the official languages of the EU must move to education in the Ukrainian language by 2023 (CSERNICKÓ ET AL. 2020).

### 3. The language of education in the spotlight of conflict

Following the adoption of the Law of Ukraine “On Education”, the Hungarian community of Transcarpathia became the focus of attention. Despite the fact that (according to the 2001 census data), Hungarians make up only 0.3% of the population of Ukraine and only 12.5% in Transcarpathia, central television companies, internet portals and newspapers regularly talk about Transcarpathian Hungarians. The main reason for the increased attention was that the Hungarian community (at national and international forums) consistently and loudly expressed their desire to preserve their linguistic and educational rights (BRENZOVICS ET AL. 2020). Although Hungarians can hardly be considered a significant minority in Ukraine, the conflict was elevated from the internal state level to the international arena.

By passing the new education law “that severely violates” the rights of the Hungarian minority “Ukraine stabbed Hungary in the back”<sup>1</sup>, and therefore Hungary, as the ‘kin state’ (FIALA-BUTORA 2020), has stated that it will block the organisation of high-level political meetings between Ukraine and the NATO Council until the Ukrainian government changes legislation which violates the language rights of Hungarians living on its territory. Budapest vetoed the NATO-Ukraine summit, because “it is impossible to support the country’s bid to join the alliance after Kyiv adopted a controversial education law ‘brutally mutilating’ minority rights”.<sup>2</sup> “If you want to become a member of NATO, you must have an obligation to respect human rights,” noted István Íjgyártó, the Hungarian ambassador to Ukraine.<sup>3</sup> Hungary knows well that “This will be painful for Ukraine”.<sup>4</sup> “We ask for no extra rights to Hungarians in Transcarpathia, only those rights they had before,” Hungary’s foreign minister Péter Szijjártó stated at the NATO summit in London, in December 2019.<sup>5</sup>

For Ukraine, rapprochement with NATO has become a paramount aim since the spring of 2014: in March 2014, Russia occupied the Crimean peninsula, which is a part of Ukraine, and in the Donec’k and Luhans’k districts in the East there is still an armed conflict between the central government and Russian-backed separatists. Ukraine considers accession to the European Union and NATO to be such a strategic issue that a law passed on February 7, 2019 (*Zakon* 2019a), amending the Constitution of Ukraine (*Constitution* 1996), required the Parliament (Article 85 of the Constitution), the President (Article 102) and the government (Article 116) to aspire to join the EU and NATO.

This brought Kyiv into conflict with another neighbour – after Russia – over language issues (FIALA-BUTORA 2020). Ukraine’s mistaken language policy undoubtedly played a role in the ‘eruption’ of the political, military and economic crisis, threatening the security of the whole of Europe and hindering the economic development of the narrower and wider region. Linguistic conflicts have been used as an excuse for the occupation of Crimea and for the outbreak of the armed conflict which continues to devastate the eastern regions of Ukraine, with thousands of deaths (FEDINEC / CSERNICKÓ 2017).

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1 *Hungary today* (08.09.2017), Hungarian Foreign Minister: “Ukraine Stabbed Hungary In The Back”. Available at: <https://hungarytoday.hu/hungarian-foreign-minister-ukraine-stabbed-hungary-back-79260/>

2 *Russia Today* (28.10.2017), Budapest vetoes Ukraine-NATO summit, says Kiev’s new law a ‘stab in the back’. Available at: <https://www.rt.com/news/408080-hungary-ukraine-nato-bid/>

3 *Emerging Europe* (29.11.2019), Hungary continues to block Ukraine-NATO talks despite supporting Kyiv’s NATO bid. Available at: <https://emerging-europe.com/news/hungary-continues-to-block-ukraine-nato-talks-despite-supporting-kyivs-nato-bid/>

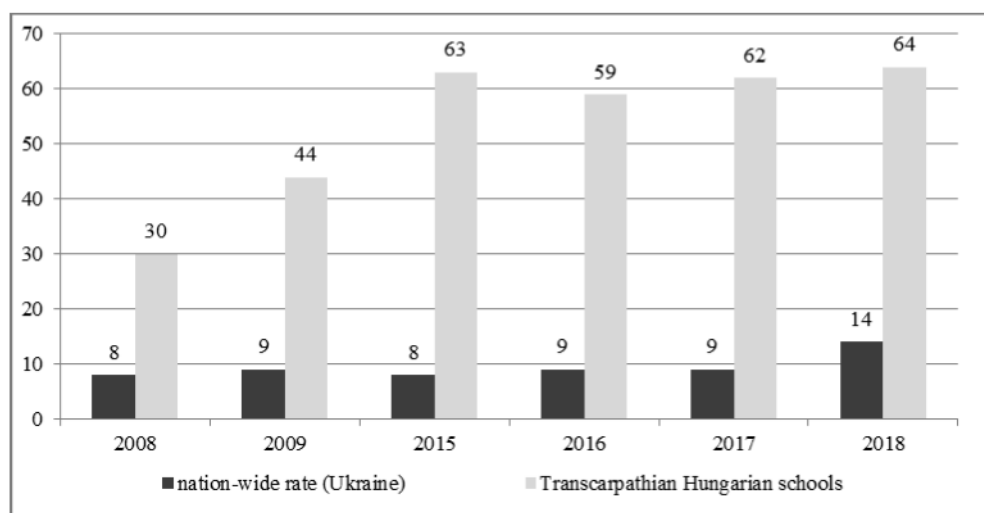
4 *Website of the Hungarian Government* (26.09.2017), This will be painful for Ukraine. Available at: <https://www.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/this-will-be-painful-for-ukraine>

5 *Reuters* (04.12.2019), Hungary to block Ukraine’s NATO membership over language law. Available at: <https://www.reuters.com/article/us-ukraine-nato-hungary/hungary-to-block-ukraines-nato-membership-over-language-law-idUSKBN1Y823N>

#### 4. Governmental arguments in favour of the Law “On Education”

The Ukrainian government justifies the transfer of education from the mother tongue to Ukrainian primarily by the argument that, in schools with instruction in the languages of national minorities, pupils cannot master the state language, thus impeding their social integration. Since examinations in ‘Ukrainian language and literature’ in the form of the External Independent Testing (EIT) became mandatory in Ukraine (in 2008 for those wishing to continue their studies in higher education, and then, from 2017 for all graduates), the Ukrainian political elite has gradually referred to the results of the EIT in support of these arguments. If one looks at this data, it seems that Ukrainian officials and politicians are right (Fig. 1).

*Fig. 1: Ratio of examinees who failed the EIT in ‘Ukrainian language and literature’ (i.e., did not obtain the minimum score needed to be admitted to tertiary education) in Ukraine (all schools) and in Transcarpathian Hungarian schools (in %)*



However, the EIT in ‘Ukrainian language and literature’ does not measure the level of proficiency in the language, but requires knowledge gained from studying two school subjects (‘Ukrainian language’ and ‘Ukrainian literature’). If the argument of the Minister of Education and Science of Ukraine that the poor results of graduates of Hungarian schools in independent testing are proof that Hungarians in Transcarpathia do not know Ukrainian were true, then it should be concluded that thousands of graduates of schools with Ukrainian as the language of instruction also do not know the Ukrainian language. In 2018, among graduates of schools with Ukrainian as the language of instruction, 8% at the national level, and close to 28% in Transcarpathia, received very low scores on the same tests on the Ukrainian language (Fig. 2). If we believe the words of the Ministry, one could conclude that all of them, despite the fact that they graduated from schools with Ukrainian as the language of instruction, do not speak Ukrainian, their native language.



*Fig. 2: Share of graduates who, in 2018, did not overcome the threshold (i.e., did not reach the minimum number of points) in the EIT in 'Ukrainian language and literature' (Ukraine and Transcarpathia) (in %)*

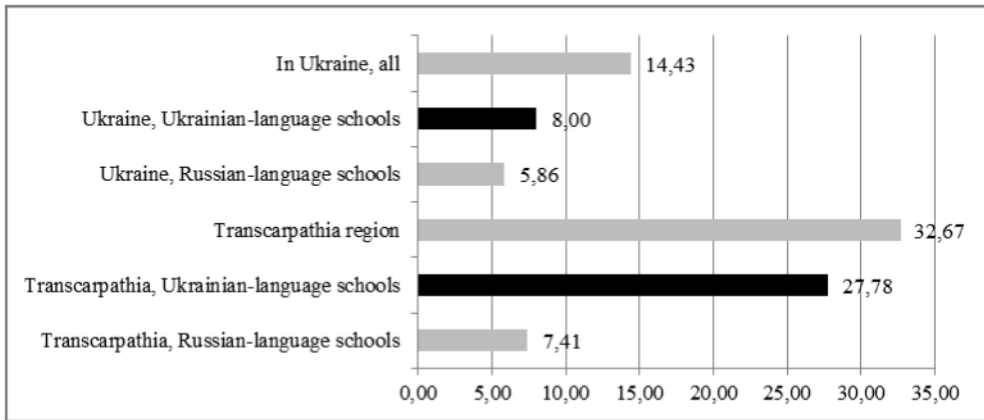


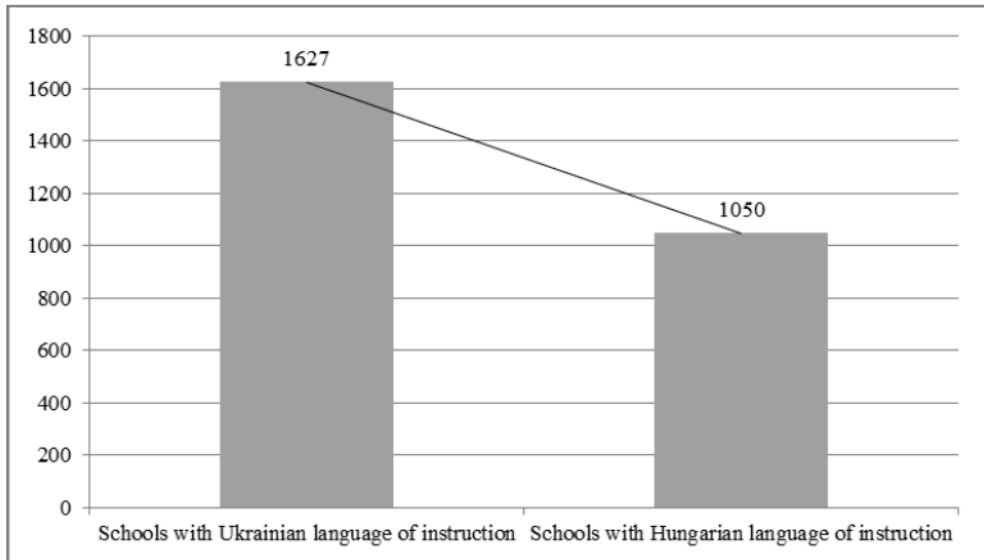
Figure 2 also shows that the share of failures in the EIT in 'Ukrainian language and literature' among students in Russian-language schools is lower than among graduates of Ukrainian-language institutions. If we proceed from the logic of the Ministry of Education and Sciences that, in order to increase the level of proficiency in the state language, it is necessary to switch to teaching a number of subjects in Ukrainian, we could even suggest, based on the results of the examinations, that some subjects should be taught not in Ukrainian, but in Russian. Let's face it: this is absurd.

The results of the EIT in 'Ukrainian language and literature' are clearly visible: the results of graduates of schools with Ukrainian and Hungarian as the language of instruction are far from each other. This raises the question: why?

One of the components of the answer is that the educational policy in Ukraine treats the concept of 'equal opportunities' rather specifically: despite the fact that the EIT in 'Ukrainian language and literature' places the same requirements on all participants, youngsters go into the tests with different chances and opportunities.

All schools in Transcarpathia with Hungarian as the language of instruction (SHLI) teach three languages: Hungarian, as the mother tongue of the learners, Ukrainian, as the state language and a foreign language, usually English. In SHLI all school subjects are taught in Hungarian, except for Ukrainian language and literature and the foreign language. In fact, the teaching materials for the different Ukrainian language teaching contexts (schools with Ukrainian as the language of instruction and SHLI) differ from each other in that both teachers and learners use different textbooks for studying Ukrainian language and literature. However, at the end of their studies, learners have to take the same examination in the form of the EIT, and are expected to meet the same requirements. We find this unfair, since minority children are seriously disadvantaged in the EIT (HUSZTI / FÁBIÁN / BARÁNYNÉ KOMÁRI 2009).

*Fig. 3: Number of hours for the discipline ‘Ukrainian language’ in schools with Ukrainian and Hungarian as the language of instruction (for those students who graduated from grade 11 in 2017)*



Even more problematic is the number of hours allocated for the study of the Ukrainian language. It has repeatedly been necessary to pay attention to the fact that Ukrainian-language schools (SULI) have more hours for this discipline than schools with Hungarian as the language of instruction. Figure 3 summarises how many hours the Ministry of Education and Science of Ukraine provided for pupils of Ukrainian and Hungarian schools who started studying on September 1, 2006, and who graduated from grade 11 in 2017 (CSERNICKÓ 2018). For 11 years, pupils of schools with Ukrainian as the language of instruction had 1,627 hours in ‘Ukrainian language’, while in schools with Hungarian as the language of instruction, this figure was only 1,050 hours, that is, 577 fewer lessons. However, after graduating from secondary school, everyone, regardless of which school they went to, is expected to solve the same tasks at the EIT.

The differences between the results of graduates of schools with Ukrainian and Hungarian as the language of instruction in the EIT in ‘Ukrainian language and literature’ are largely explained by the factors above. If we add to this the following factors which are detrimental to the effective and efficient teaching of the Ukrainian language in schools with Hungarian as the language of instruction (inadequate curricula, poor textbooks, a shortage of specialised teachers, etc., see HUSZTI / CSERNICKÓ / BÁRÁNY 2019), it is not surprising that the results of students at such schools are so weak.

Conducting the EIT in this form and under such circumstances is a clear form of discrimination (CSERNICKÓ 2017, 2018). Since 2008 (that is, since the introduction of EIT), Transcarpathian Hungarian organisations have regularly drawn attention to the negative discrimination taking place against Hungarians and other minorities. However, only in 2019 did the Ukrainian government allow different minimum points to be set for students of Hungarian-

language schools and students of Ukrainian-language schools. On November 14, 2018, the government issued Decree № 952 (*Postanova* 2018), which classified students of non-Slavic-medium schools, including Hungarians, as having special educational needs. Based on this government decree – for the first time in the history of the Ukrainian EIT system, organised since 2008! –, a lower pass score was set for students graduating from non-Slavic-medium schools in the assessment of the ‘Ukrainian language and literature’ exam. As a result, the proportion of students successfully passing the compulsory ‘Ukrainian language and literature’ examination has significantly increased in all Hungarian-language schools (BRENZO-VICS ET AL. 2020, 39–42).

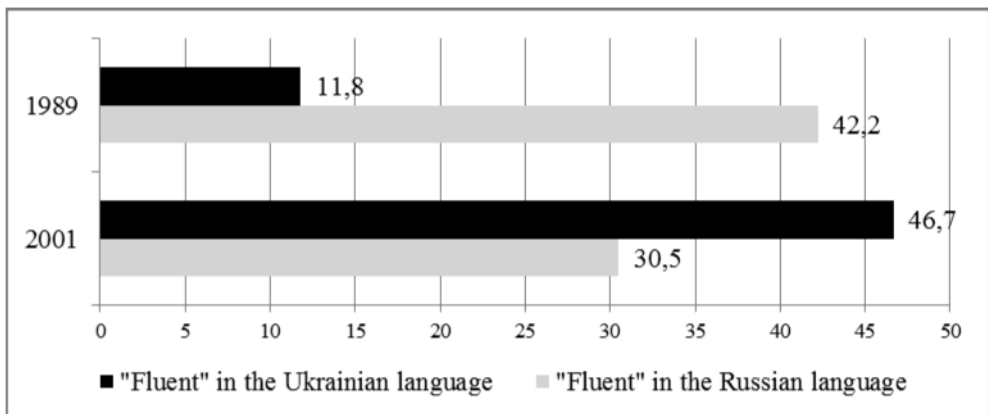
The basis of the arguments of the Ukrainian authorities to enact Article 7 of the Law “On Education” is therefore lost.

## 5. Is it true that the Hungarians of Transcarpathia do not speak Ukrainian?

It is not true that the Hungarians of Transcarpathia do not speak Ukrainian. According to official data from the last Soviet and the first Ukrainian census, in the 12 years between 1989 and 2001, the share of Hungarians in Transcarpathia who are “fluent” in Ukrainian increased almost fourfold (Fig. 4).

In 2016, a sociological survey was conducted in Transcarpathia. In total 1,212 respondents were polled. We asked our informants to rate their language skills on a six-point scale. The research data shows that the language skills of Transcarpathian Hungarians are extremely diverse. Only 5% stated that they did not understand the Ukrainian language at all and did not speak this language at all. 13% understood the state language, but did not speak Ukrainian. However, 82% of Transcarpathian Hungarians speak Ukrainian. 57% of Hungarian respondents in Transcarpathia were satisfied with their level of knowledge of the Ukrainian language, but 43% would like to improve their knowledge of the state language (CSERNICKSKÓ / HIREŠ-LÁSZLÓ 2019).

*Fig. 4: The share of those “speaking fluently” in Ukrainian and Russian among the Hungarian population of Transcarpathia (according to the census data of 1989 and 2001)*



These data show that a significant percentage of Transcarpathian Hungarians are properly integrated. Those who have a job and social relations that requires this are well versed in the Ukrainian language, but those whose life and environment do not depend on their knowledge of the state language are obviously at a lower level. If Kyiv is not satisfied with this and expects knowledge of the Ukrainian language as a native language from Transcarpathian Hungarians, this is not about integration, but rather about waiting for assimilation.

In our understanding, the question is not simply about what language to teach children. Adequate teaching of the Ukrainian language does not necessarily require the teaching of most subjects in the Ukrainian language. The state has other, more effective methods to achieve its goal. An international expert on minority education, SKUTNABB-KANGAS (1990, 17), states: “It becomes abundantly clear from the analysis, that *which language should a child be instructed in, L1 or L2, in order to become bilingual?* poses the question in a simplistic and misleading way. The question should rather be: *under which conditions does instruction in L1 or L2, respectively, lead to high levels of bilingualism?*”

## 6. Why do Hungarians insist on schools with their mother tongue as the language of instruction?

The question arises: why do Hungarians insist on schools with mother-tongue-medium (MTM) education, if Kyiv constantly repeats that the Ukrainian language is the key to integration? There are several reasons for this. One of them is that schools not only transfer knowledge, but are also important institutions for the reproduction of identity. If we consider the degree of language assimilation among 6 national communities in Ukraine, we find very important correlations. In those communities that have a full-fledged network of schools with MTM education, there is a high proportion of those who have retained their native language. For those who have only some schools with mother tongue instruction, or for whom instruction in their mother tongue is conducted only at a lower level of education, the proportion of those who have preserved the language of their ancestors is much lower. And the communities that have no schools with MTM education in Ukraine have stepped onto the path of assimilation and language shift (Table 2).

*Table 2: Ethnicity, native language, and MTM instruction data for 6 communities in Ukraine (2001 census data)*

	Number (by ethnicity)	Native language and ethnicity the same (%)	Do they have MTM education?
Hungarians	156,566	95.44	Yes
Rumanians	150,989	91.74	Yes
Belarusians	275,763	19.79	Partly
Polish	144,130	12.95	Partly
Greeks	91,548	6.37	No
Jews	103,591	3.10	No

“Mother tongue medium education enables [a minority] group to continue to exist as a group” (KONTRA / LEWIS / SKUTNABB-KANGAS 2016, 224). Thus, when Kyiv narrows the level of education in the native language of minorities, it does not support the social integration of minority groups, but actually increases the chances of language assimilation. Education in the state language develops subtractive bilingualism and does not support the native language of minorities.

As shown by data from various kinds of sociological research, the absolute majority of Hungarians in Transcarpathia (75–85% of them) send their children to schools where instruction is conducted in their native language (CSERNICSKÓ 2013, 419–420).

Therefore, there is a demand for learning in the Hungarian language. We know well from research that the attractive power and prestige of a language increases when this language is symbolically or practically associated with an economically and politically more-developed world (GAL 1979). The peoples of Transcarpathia know this very well. At present, the economic benefits of Hungarian, Slovak and Romanian are high in Transcarpathia. This is evidenced, for example, by the fact that, in 2017 in Transcarpathia, Hungarian language courses were held in 52 settlements, with more than 10,000 people studying the Hungarian language. While Ukraine is in such an economic and political state, thousands of Ukrainian parents choose kindergartens and schools for their children with Hungarian as the language of education and training. For example, in the 2018/2019 school year in Transcarpathia, 12% of children attending kindergarten with Hungarian parenting language were Ukrainians by nationality, and almost 20% of children had one Ukrainian parent (FERENC / NÁNÁSI-MOLNÁR 2018).

At the same time, it is true that several Hungarian parents choose a school with Ukrainian as the language of instruction for their child, since they consider this to be correct (CSERNICSKÓ 2013, 411–424). There is nothing wrong with this. The right to change languages, to language assimilation, is an important human right (SKUTNABB-KANGAS 2000, 502). The right to choose the language of instruction must be respected. This right is important not only for members of minorities, but also for the majority. Until the adoption of the Education Law of 2017, Ukrainian laws had defined the right to choose the language of instruction as an inalienable right of citizens. Article 7 of the new Education Law, Article 21 of the State Language Law of 2019, and Article 5 of the Law on Complete General Secondary Education abolished the right of citizens to choose the language of instruction. This right had been guaranteed in the present-day Transcarpathia since the end of the 19<sup>th</sup> century by all the states to which this region belonged. The right to MTM education used to be provided to the citizens of Ukraine during the existence of the Soviet Union, and was also granted to the citizens of independent Ukraine from 1991 to 2017 (CSERNICSKÓ / TÓTH 2019). Therefore, the new provisions are a significant step back in the field of using regional or minority languages in education. The restriction of the right of choice causes conflict.

## 7. Language conflict in Ukraine

At first glance, the recent conflict that has arisen in connection with Article 7 of the Law “On Education” concerns the language of education. It seems to be a debate over whether Ukraine can partially change the language of education of minorities on its own territory. However, this is not about the internal affairs of Ukraine, but about the problem of linguistic human rights. “If an educational system is organized so that all teaching (except possibly Indigenous/Tribal or minority/minoritized children’s mother tongues as subjects) happens through the medium of the dominant language and the teachers are monolingual in it, we have a submersion learning situation, and the school’s *structure* reflects linguicism” (SKUTNABB-KANGAS 2019, 69).

The narrowing of people’s linguistic rights (be they representatives of the majority or of minorities) creates a conflict situation. “Lack of linguistic rights is one of the causal factors in certain conflicts, and linguistic affiliation is a rightful mobilizing factor in conflicts with multiple causes where power and resources are unevenly distributed along linguistic and ethnic lines. Thus, not granting linguistic and cultural human rights is today a way of supporting what has been called ethnic conflict” (SKUTNABB-KANGAS 2000, 430).

Ukraine today is an example of this in Europe. Political instability and economic problems in combination with an armed conflict and the geopolitical interests of different parties make linguistic human rights into a significant, essentially, political problem. But this need not be so.

It is not surprising that the problem with the language issue caused a conflict in Ukraine. After all, we know that the language problem was one of the main reasons behind the outbreak of the armed conflict in eastern Ukraine. “The most recent example of a global crisis caused to a large extent by language conflict is the situation in Ukraine. [...] The linguistic aspect of the conflict seems to me to be underestimated in foreign politics and in the media” – WEYDT (2015, 138) argues. It may be worth trying to apply a language policy that does not give rise to conflicts. ROTER / BUSCH (2018, 165) state:

In Ukraine [...] the exclusive nation-building (the so-called Ukrainisation) is very clearly aimed at promoting the Ukrainian language as the sole legitimate language in the public domain, at the expense of other languages, especially Russian, but also other minority languages. Their use may have been affected as a ‘collateral damage’ of the process of Ukrainisation as anti-Russian policies, but it is not less painful for the speakers of those languages. This has been demonstrated in Ukraine’s new 2017 Law ‘On Education’ (Article 7).

In the context of the Law of Ukraine “On Education”, there was a sharp debate between the representatives of the central government and the Hungarian community in Transcarpathia over whether Article 7 of the new law regulating the language of education complied with Ukraine’s international obligations. Previously, both the Advisory Committee on the Application of the *Framework Convention for the Protection of National Minorities* in Ukraine and the Expert Committee on Monitoring the Implementation of the *European Charter for Regional or Minority Languages* have made a number of comments on the issue of education

in the language of minorities, suggesting that Ukraine is not completely fulfilling its commitments. As the new Law of Ukraine “On Education” significantly reduces the use of minority languages in public education in comparison to the earlier one, the new regulation will make Kyiv even less able to fulfil the obligations committed to by the ratification of the *Framework Convention* and the *Charter* (CSERNICSKÓ 2019; NAGY 2019). In its *Opinion* (2017), the *Venice Commission* strongly condemned discrimination against national minorities on the basis of whether or not their mother tongue is an official language in the EU. This position was emphasised by the international legal body not only in connection with the Education Law but also in its – undoubtedly negative – *Opinion* (2019), issued in connection with the State Language Law (*Zakon* 2019b).

The conflict around the Law “On Education” has become a sad reminder that issues related to linguistic human rights and language rights of minorities can lead to serious tensions between European countries. The absence of generally accepted European mechanisms to protect the linguistic rights of minorities not only undermines the goal of international human rights instruments, but also undermines the goal of conflict prevention mechanisms, creating perverse incentives to present minority issues as a security issue.

We have little chance to change international human rights law overnight, but this is what we must strive towards. How, then, to resolve the conflict between the two neighbouring countries? Since this is an internal Ukrainian law, the key to the decision is in Kyiv:

1. Ukraine should follow the recommendations of the *Venice Commission’s Opinions* (2017, 2019);
2. Article 7 of the Law “On Education” should be amended;
3. The rights of citizens to choose their language of instruction should be preserved;
4. The bilingual education model should be proposed as an additional model;
5. It is necessary to change the quality and effectiveness of teaching Ukrainian as a state language, and there is no need to change the language of instruction.

In the legislative process, the legislator should consult all interested parties, in particular representatives of national minorities and indigenous peoples, since it is they who are and will be directly affected by the implementation of legislation. We have to understand: this controversy concerns linguistic human rights. In the future, the consequences of this protracted discussion can play a crucial role in interpreting the rights of European minorities to education in their mother tongue. This crucial issue is not only a problem for Ukraine and Hungary: all countries must find a balance between supporting the state language and using minority languages in education.

## 8. Conclusions

Ukraine became an independent state in 1991 following the collapse of the Soviet Union. BLOMMAERT / VERSCHUEREN (1992, 373) explain the radicalism of newly independent states in their language policy with the long oppression suffered by them before. This seemingly applies to Ukraine as well. In recent years, Ukraine has attempted to move towards a balanced ‘nationalisation of the state’ (BRUBAKER 2011). Nationalist patriots consider Ukraine to be

an unrealised nation-state (BRUBAKER 1996, 4; ROTER / BUSCH 2018, 158). This is accompanied by a readiness to ‘correct’ the supposed deficiency and to make the state what it really should be (according to their wishes): a true, homogeneous national state of real Ukrainians.

However, this does not take into account the fact that a part of the country’s population does not believe in the homogenous national state, but wants to establish the rule of law, and build a Ukraine which is home to all its citizens, regardless of their political conviction, nationality, mother tongue or religion. At the same time, patriotic nationalists do not realise that Europe means diversity, multilingualism, pluralism.

TARAS (1998, 79) has drawn attention to the paradox that, although Western European states which were previously insensitive to multilingualism increasingly recognise the linguistic rights of minorities at the regional level, at the same time, the new elites of national successor states to former polyethnic empires are supporters of monolingualism. KYMLICKA (2015) also indicates that most Western European countries are currently monolingual in principle, but that, at the regional level, many minority languages have official status not only in Switzerland, Belgium, Spain or Finland, but also in Germany, Italy, etc. At the same time, he also emphasises that international law is lagging behind the practice of a number of Western European states: no international document insists on the recognition of the official status of minority languages, and in international law there is little enforceable positive law related to the linguistic rights of minorities (DE VARENNE / KUZBORSKA 2019; SKUTNABB-KANGAS 2017). However, we must understand that, in the modern world, national minorities no longer claim rights for themselves based on the goodwill of the state and the majority society, but on the basis of common human rights and equality of people (KYMLICKA 2015, 10).

A more or less satisfactory resolution to the linguistic conflict in Ukraine could only be possible if the political leadership were to give up its goals of Ukrainisation, centralisation and homogenisation and find the desired unity in diversity. Kyiv has to hand over some of its power – especially over education, language rights, and the development of the economy – to the regions (KULYK 2008, 328–329). Local residents are often better versed in relation to the regional language situation and language policy, as to how to control the use of languages as much as possible with a minimum of prohibition. In addition to the decentralisation of political decision making and economic development, a certain degree of decentralisation in the field of language policy may be required (SHOHAMY 2015, 169). Perhaps the tension on language policy could be reduced by transferring the adoption of certain decisions to regional levels in the development of language policy. The country’s government has to recognise the fact that many of Ukraine’s present-day regions have long standing historical, cultural, political, and economic traditions as well as ethnically, linguistically, and denominationally diverse populations (KARÁCSONYI ET AL. 2014). Regardless of which political party and power will lead Ukraine and how it divides the country administratively, its political elite will have to face the fact that Ukraine’s population is ethnically and linguistically heterogeneous. The linguistic rights situation in the country will have to be normalised accordingly – and this is in the common interest of Ukrainians, Russians, and the other minorities. At the national level, it is expedient to maintain and strengthen the status of the Ukrainian state language. However, regions must be given much more rights and opportunities to determine the language regime according to local conditions.



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