

Language Policy and Minority Rights in Ukraine

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Abstract

Ukraine de jure is a monolingual state, but de facto it is bi- or multilingual. Due to the high ratio of the Russian-speaking people, it is not surprising that the main problem of the ethnic and language policy in Ukraine is the status of the Russian minority and language.

On August 8, 2012, the president of Ukraine, Viktor Yanukovich, signed the Law 5029-VI entitled “The Fundamentals of the State Language Policy”, which offers the opportunity of using the national minority languages in administrative units (counties, districts, etc.) where the number of their speakers reaches or exceeds 10%. The power of the law would comprise the languages of 18 national minorities. Though, in the present political situation, the change of legal language status in the country seems to be impossible.

Ethnic and Linguistic Otherness in Ukraine

Some experts consider that Ukraine’s population is made up of 3 linguistic ethnic groups:¹

- Ukrainian speaking Ukrainians (about 40–45% of the country’s population);
- Russian speaking Ukrainians (about 30–34% of the country’s population);
- Russian speaking Russians (about 20%).²

However, according to the 2001 national census (which focused not only on Ukrainian and Russian speakers, but also on other small linguistic groups), the population of Ukraine can be divided into the following groups on the basis

¹ Arel, Dominique – Khmelko, Valeriy (1996): The Russian Factor and Territorial Polarization in Ukraine. The Harriman Review, Vol. 9/1–2, pp. 81–91.

² Хмелько, Валерій (Khmelko, Valeriy, 2004): Лінгво-етнічна структура України: регіональні особливості й тенденції змін за роки незалежності (Linguo-Ethnic Structure of Ukraine: Regional Features and Tendencies of Changes During the Years of Independence). Наукові записки НАУКМА 32. Соціологічні науки, pp. 3–15.

of people's native language (see Figure 1):

a) people who speak Ukrainian as their native language, including:

– Ukrainians (by nationality) whose native language is Ukrainian (85% of those who claimed to be Ukrainians);

– Russians whose native language is Ukrainian (4% of those who claimed to be Russians)

– national minorities whose native language is Ukrainian (e. g. 71% of the Poles and 42% of the Slovaks who live in Ukraine);

b) people who speak Russian as their native language, including:

– Russians whose native language is Russian (96% of those who claimed to be Russians);

– Ukrainians whose native language is Russian (15% of those who claimed to be Ukrainians);

– national minorities whose native language is Russian (e. g. 62% of the Byelorussians);

c) national minorities whose ethnicity and native language coincide (e. g. 95% of the Hungarians, 92% of the Romanians);

d) national minorities who speak the native language of another minority group (e. g. 62% of the Romas in Transcarpathia consider Hungarian to be their native language, this group constituting 18% of all Romas in Ukraine).³

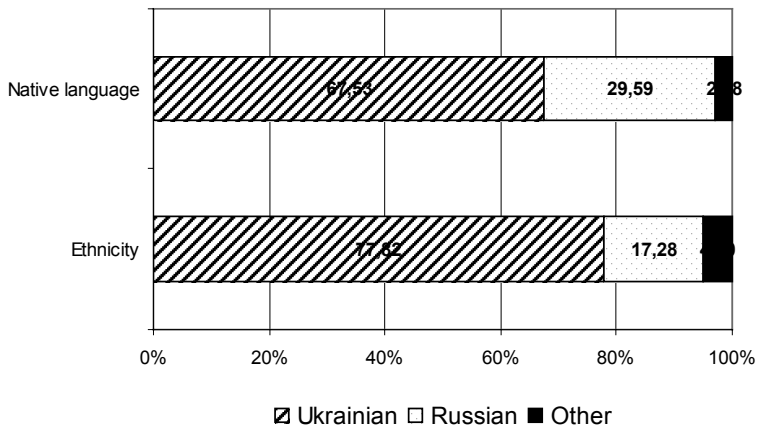


Figure 1. The coincidence of native language and ethnicity in the case of the population of Ukraine (%)

³ Braun, László – Cserniczkó, István – Molnár, József (2010): Magyar anyanyelvű cigányok/ romák Kárpátalján (Hungarian Speaking Gypsies/Romas in Transcarpathia). Ungvár, PoliPrint Kiadó, pp. 24–25.

On the base of the above division and the examination of the census data shown on Figure 1, we can state the following:

- the ratio of people whose ethnicity is Ukrainian is higher than the ratio of people who speak Ukrainian language;
- the ratio of people who speak Russian is higher than the ratio of people who has Russian ethnicity;
- the linguistic variety is not so vivid as the ethnic variety, because a lot of minority groups have begun to speak Russian or (less frequently) Ukrainian.

Near half of the country's population use the Russian language in everyday practice,⁴ 30% of them have Ukrainian as their mother tongue.⁵

Based on sociolinguistic researches,⁶ it is also evident that both Ukrainian and Russian languages are widely used in Ukraine. Significant part of the society uses both languages every day.⁷

On the other hand, it is commonly thought that the census results oversimplify the real linguistic landscape of the country. If we take into account not only the census data, but also the data of a sociolinguistic survey based on a national representative sample, the language make-up of the population will show a very different picture. The sociolinguistic research took place between 1991 and 2003 and examined continuously the usage of languages among the adult population of Ukraine, based on a representative sample from approximately 173 thousand interviews, which were conducted to yield comparable

⁴ Besters-Dilger, Juliane (ed., 2009): *Language Policy and Language Situation in Ukraine: Analysis and Recommendations*. Frankfurt am Main: Peter Lang.

⁵ Майборода, Олександр – Шульга, Микола – Горбатенко, Володимир – Ажнюк, Борис – Нагорна, Лариса – Шаповал, Юрій – Котигоренко, Віктор – Панчук, Май – Перевезій, Віталій (MaYboroda, Oleksandr – Mykola Shulha – VolodYmYr Gorbatenko – Boris Azhniuk – Larysa Nagorna – YuriY Shapoval – Viktor Kotygorenko – May Panchuk – VitaliY PereveziY et al., eds., 2008): *Мовна ситуація в Україні: між конфліктом і консенсусом (Linguistic Situation in Ukraine: Between the Conflict and Consensus)*. Київ: Інститут політичних і етнонаціональних досліджень імені І. Ф. Кураса НАН України, pp. 49–85.

⁶ Залізник, Ганна – Масенко, Лариса (Zalizniak, Hanna – Masenko, Larysa, 2001): *Мовна ситуація Києва: день сьогоднішній та майбутній (The Linguistic Situation in Kiev: the Day We Live and the Day to Come)*. Київ: Виданичий дім „КМ Академія”.

⁷ Алексеев, Владимир (Alekseev, Vladimir, 2008): *Бегом от Европы? Кто и как противодействует в Украине реализации Европейской хартии региональных языков или языков меньшинств? (Running from Europe: Who and How Hinders the Realization of the European Charter for Regional or Minority Languages in Ukraine?)*. Харьков: «Факт».

data.⁸ This study revealed that from the point of view of ethnicity and native language, we can find different language situations in the different regions of Ukraine. In the five large regions identified by the author, the percentage of those who speak Ukrainian or Russian as their native language, or use a contact variety of the two languages (the so called “surzhyk”) is very high (see Figure 2).

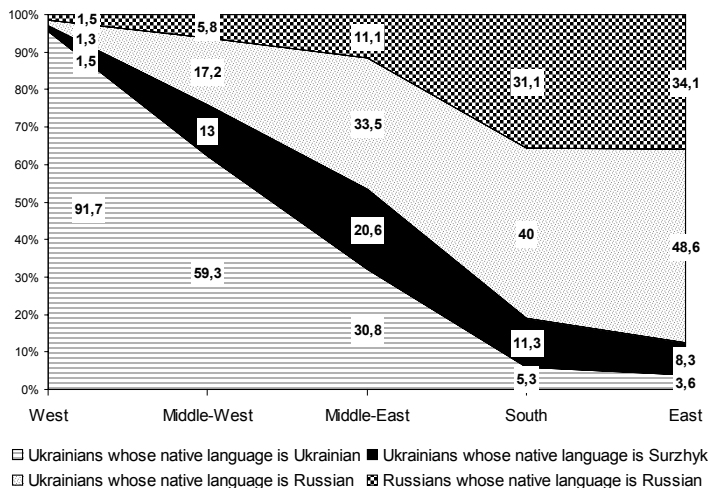


Figure 2. The distribution of the adult population of Ukraine according to their ethnicity and native language in different regions in 2003 (%)

“Surzhyk” (Ukr.: «суржик», originally meaning ‘flour or bread made from mixed grains’, e. g., wheat with rye) is currently the mixed language or sociolect. It is a mixture of Ukrainian substratum with Russian superstratum.

On August 8, 2012, the president of Ukraine, Viktor Yanukovych, signed the Law 5029-VI entitled “The Fundamentals of the State Language Policy”, which offers the opportunity of using the national minority languages in administrative units (counties, districts, cities, towns and villages) where the number of their speakers reaches or exceeds 10%. According to the paragraph 2 of clause 7, the power of the law comprises the languages of the following 18 national minorities: Russians, Byelorussians, Bulgarians, Armenians, Crimean Tartars, Jews, Gagauzes, Moldavians, Germans, Greeks, Poles, Romas, Roma-

⁸ Хмелько, Валерій (Khmelko, Valeriy, 2004): Лінгво-етнічна структура України: регіональні особливості й тенденції змін за роки незалежності (Linguo-Ethnic Structure of Ukraine: Regional Features and Tendencies of Changes During the Years of Independence). Наукові записки НаУКМА 32. Соціологічні науки, pp. 3–15.

nians, Slovaks, Hungarians, Rusyns, Karaims and Krymchaks.⁹ Though, at present the change of legal language status in the country seems to be nearly impossible for the following reasons:

- the draft of the language law was introduced before the October election campaign and almost all political parties have used it in their own interests;
- both the parliamentary opposition and the intellectual elite of the western and central parts of the country had protested against the draft;
- whichever way will the state language policy move in Ukraine (i. e. strengthening the positions of the Ukrainian language or raising the status of the Russian), this provokes the opposition of about one half of the local society.

Minorities and Their Languages in the Ukrainian Legislation

From a linguistic perspective, we can find gaps between the regions of Ukraine.¹⁰ These gaps have political dimensions too. On the occasion of presidential elections in 2004 and 2010 (and on every occasion of country-wide elections) Ukraine practically had split into two parts. In general, the mainly Ukrainian-speaking western, northern and central regions stand for the one, and the Russian-dominant eastern and southern parts stand for the other political power.¹¹

Thus, the political situation in Ukraine is explosive and unstable, governments are changing quickly. In the 450-member Parliament the majority often depends on a few votes. The language question has already been a campaign topic at the very first elections in the history of independent Ukraine and saved its importance until now.¹²

⁹ Fedinec, Csilla – Cserniczkó, István (2012): *Nyelvtörvény saga Ukrajnában: a lezáratlan 2012-es fejezet* (Language Law Saga in Ukraine: the Unclosed 2012 Chapter). Manuscript.

¹⁰ Кулик, Володимир (Kulyk, Volodimir, 2008): Мовна політика та суспільні настанови щодо неї після помаранчевої революції (Language Policy and Its Social Regulation After the Orange Revolution). In: Besters-Dilger, Juliane (ed., 2008): *Мовна політика та мовна ситуація в Україні* (Language Policy and Language Situation in Ukraine), Київ: Видавничий дім „Києво-Могилянська академія”, pp. 11–54.

¹¹ Мельник, Світлана – Черничко, Степан (Melnik, Svitlana – Cserniczkó, István (2010): *Етнічне та мовне розмаїття України. Аналітичний огляд ситуації* (Ethnic and Linguistic Vividness of Ukraine. Analytic Overview of the Situation). Ужгород: ПоліПрінт, pp. 72–78.

¹² Заремба, Олександр – Римаренко, Сергій (Zarembo, Oleksandr – Rymarenko, Serhiy, 2008a): *Механізми політичної мобілізації мовних груп: антрепренери, гасла, заходи* (Mechanisms of Political Mobilization of Linguistic Groups: entrepreneurs, slogans, provisions). In: Mayboroda et al. (eds., 2008): *Мовна ситуація в Україні: між конфліктом і консенсусом* (Linguistic Situation in Ukraine: Between the Conflict

Sociological researches proved that in the western part of the country with evident Ukrainian dominance people are afraid of the possibility of the Russian language becoming the second state language. In their opinion, this would wound up the Ukrainian statehood, and the Ukrainian language and nation would be imperiled. On the other hand, in the almost exclusively Russian-speaking south and east people think, that the Ukrainification policy endangers the Russian language and national identity of the Russians living in Ukraine.¹³ This complex linguistic and political situation has to be handled by the Ukrainian politics. The political powers, whatever position they have during the campaign on the language issue, later try to balance between the linguistically split regions of the country. After winning the elections, they do not stick to realize their promises.¹⁴

These kinds of tactics were followed by the first president of the independent Ukraine, Leonid Kravchuk as well, who successfully managed to preserve his position from the communist system. Kravchuk did not urge Ukrainification, however, gave several positions to the national elite, which resulted in considerable achievements in widening the usage of the Ukrainian language in the public administration. The second president, Leonid Kuchma, was a real master of the same kind of politics during his 10-year mandate. In contrast with Kravchuk, he followed the course of a national rhetoric in the campaign of the presidential elections of 1994, and won the elections with a promise of strengthening connections with Russia and giving official status to the Russian language. On the occasion of the 1999 presidential elections Kuchma had to face the Russophile communist, Petro Simonenko. At that time he proclaimed: "Ukraine should have only one state and official language, the Ukrainian."

and Consensus). Київ: Інститут політичних і етнонаціональних досліджень імені І. Ф. Кураса НАН України, pp. 235–257.

¹³ ЗАРЕМБА, ОЛЕКСАНДР – РИМАРЕНКО, СЕРГІЙ (ZAREMBA, OLEKSANDR – RYMARENKO, SERHIY, 2008b): Роль зовнішніх чинників у політизації мовних проблем (The Role of Exterior Factors in Politization of Linguistic Problems). In: Мауборода et al. (eds., 2008): Мовна ситуація в Україні: між конфліктом і консенсусом (Linguistic Situation in Ukraine: Between the Conflict and Consensus). Київ: Інститут політичних і етнонаціональних досліджень імені І. Ф. Кураса НАН України, 258–280.

¹⁴ КУЛИК, ВОЛОДИМИР (KULYK, VOLODIMIR, 2008): Мовна політика та суспільні настанови щодо неї після помаранчевої революції (Language Policy and Its Social Regulation After the Orange Revolution). In: Besters-Dilger, Juliane (ed., 2008): Мовна політика та мовна ситуація в Україні (Language Policy and Language Situation in Ukraine), Київ: Видавничий дім „Кієво-Могилянська академія”, pp. 53–54.

After the orange revolution (2004), the most important aim of the Ukrainian language policy became to practically enforce the state language status of Ukrainian. However, in the eastern and southern regions of the country (where the Russian language dominates) the national politics have provoked resistance. As a result, on the occasion of the presidential elections in 2010 the 'orange' elite was overthrown. Viktor Yanukovich won the elections, who in his campaign promised to arrange the status of the Russian language. Though, when he came to power, he quickly realized that keeping on strengthening the status of the Russian language will result in confrontation with the western and northern regions. Thus, in a short time he gave up on making the Russian language the second state language in Ukraine.

As it can be seen, the language issue in Ukraine is highly polarized and emotionally loaded. A political power that wants to change the present-day status quo in any case will confront with nearly one half of the country's population. It is not accidental that in Ukraine in the last 15 years no law was accepted that directly focuses on the status of minorities or languages. The ratification of two international documents (the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages) was the only exception.

To summarize the situation in language policy in Ukraine, the following statements can be made:

- the codified state language of Ukraine is Ukrainian;
- Russian (according to both the Constitution and the Language Law of Ukraine), compared to other minority languages, is in pole position;
- though the documents do not forbid the use of minority languages, they do not specify explicitly where and under which conditions these languages can be used;
- the definition of some terms used in the wording of laws is often omitted or is not obvious;
- the state does not apply positive discrimination in the case of the minority languages.

Conclusions

On the surface a lot of rights are guaranteed for the minorities, however, only symbolic rights are realized in practice. Ukraine tries to keep its international undertaking of obligations, endeavors to rearrange its own legal system according to the international recommendations and norms. However, the legal harmonization does not go smoothly due to the inner political conflicts and complex linguistic situation. This frequently makes the practi-

cal implementation of the language rights difficult or even impossible. All the more, the political elite of the country does not make genuine efforts to foster the real protection of minority languages, what is radically contrary to the declared intentions and the spirit of international agreements, recommendations.

Thus, basically there are two visions of language policy in the country:

- a) Ukraine could have only one official and state language, the Ukrainian; the positions of the Ukrainian language are threatened by the Russian;
- b) Russian language should get the status of state language (or at least the status of official language).

Behind the two language policy conceptions we can find almost the same extent of political and social power. So, from linguistic and political points of view the country has been torn into two parts.

On this basis, it is evident that the Ukrainian language policy almost exclusively focuses on the Ukrainian–Russian dimension of jockeying for ethnic, linguistic, social and economic positions. The problems of other minorities appear in public discussion only shallowly. The linguistic question has become so strongly politicized that it makes it impossible to adopt the new version of the outdated minority and language law, and to carry out the expert and conformable settling of the situation of ethnic and linguistic minorities.

The Ukrainian political elite is interested in maintaining the social order by preserving the linguistic status quo.

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