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Conference on Security and Co-operation in Europe

CSCE Communication No. 23/94

Prague, 14 June 1994

**RELEASE OF DOCUMENT**

Recommendations to the Government of Ukraine

Upon the decision of the 27th Meeting of the Committee of Senior Officials taken on 13 June 1994, the above mentioned letter of the CSCE High Commissioner on National Minorities to the Minister of Foreign Affairs of Ukraine, dated 15 May 1994 as well as the letter of reply, received 7 June 1994 (CSCE Communication 23/1994) has been released to the public.

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# C S C E

High Commissioner  
on National Minorities

His Excellency  
Mr Anatoly Zlenko  
Minister for Foreign Affairs  
252018 KIEV  
Ukraine

Reference :  
No 2415/94/L

The Hague  
15 May 1994

Dear Mr Minister,

May I first of all express my sincere thanks to you and to your government for the assistance which was provided to me during my visits to various parts of Ukraine and to Kiev. This generosity greatly facilitated my task.

I consider it as a very positive aspect of the present situation in Ukraine that there are presently no significant ethnic tensions between Ukrainians and Russians. Another positive element is that the Ukrainian legislation concerning minority questions complies, in general, fully with the international obligations Ukraine has entered into.

On the other hand, your government is faced with a number of demands from regions where Russians constitute a strong minority, such as the eastern Ukrainian oblasts, or constitute a majority, as in Crimea. Failure to find mutually acceptable solutions for these questions might have a negative effect on inter-ethnic relations.

As I found during my visit to Donetsk, the language question is clearly a sensitive issue in this region. In my view, it is fully understandable that, after such a long period of neglect, a special effort is being made to restore the Ukrainian language to its rightful place, and that Ukrainian is now one of the compulsory subjects in the curriculum of Russian schools. It is thus possible to create a steady increase of the knowledge of the Ukrainian language without in any way curtailing the position of Russian schools and the position of Russian as the language of education in these schools. Even though present Ukrainian legislation does not provide grounds for such fear, it would seem advisable, however, to make it clear to the Russian population in the east that for those who have not had the opportunity to learn the Ukrainian

language in the schools, this will have no negative consequences for their job opportunities, and that there are no reasons for them to fear a process of forced Ukrainisation.

In the consultative poll coinciding with the recent parliamentary elections in the Donetsk Oblast about 89% of the population pronounced itself in favour of Russian as an official language in their region. As more than 70% of the population participated in the poll and the percentage of the voters favouring such a step exceeds the percentage of persons of Russian origin in this region, it must be assumed that apart from the Russian population a considerable group of Ukrainians voted in favour of such a step. Article 8 of the Law on National Minorities states: "In the work of state organs, public organisations, enterprises and institutions situated in places where the majority of the population constitutes a national minority, its language can be used alongside the Ukrainian language." It seems to me that the scope of this article could be widened somewhat more, for instance, by allowing the same formula in places where the national minority constitutes a substantial part of the population without necessarily reaching the level of 50%.

Unfortunately, considerable differences have arisen between the Ukrainian government and the Crimean administration. They will not be easy to solve, but in my view they are certainly not unsolvable.

In the Trilateral Agreement between Ukraine, the Russian Federation and the United States concluded in February of this year, the parties reaffirm their commitment, in accordance with the CSCE Final Act, to respect the independence and the sovereignty and the existing borders of the CSCE member states, and recognise that border changes can be made only by peaceful and consensual means. In my view this text is highly relevant in considering the problem of Crimea, even more so because as far as I am aware no CSCE state has expressed opinions deviating from it.

On the other hand, it is also of great importance that President Kravchuk has repeatedly expressed the view that the autonomous Republic of Crimea ought to have considerable latitude in the economic field. For instance, in the spring of 1992, he expressed his willingness to leave to Crimea the control of all "territorial property" on the peninsula. He also stated that Crimea ought to have "all the necessary political and legal opportunities to realise its special potential".

It is my view that the present difficulties between the central government and the Crimean administration could be resolved if a settlement could be reached, which would, on the one hand, reaffirm the need to maintain the territorial integrity of Ukraine but which, on the other hand, would contain a complete programme of steps to solve various issues concerning the implementation of the formula of substantial autonomy for Crimea, especially in the economic field. Urgent action is required, also in order to ensure that the differences between the central government and the Crimean administration will not lead to ethnic discord. Considering the extremely complicated and delicate issues involved, I suggest that your government explore the possibility of the CSCE providing assistance, for instance in the form of a team of constitutional and economic experts who could, after investigation of the issues in dispute, provide some suggestions for solutions. The experts could also give their

advice on the question to what degree the demands for greater economic latitude expressed by some oblasts in eastern Ukraine could be met.

I am aware that your government is making efforts to contribute to the solution of the problem of the resettlement of the Tatars in Crimea. The difficult economic situation has, however, put limits to the scope of your efforts. It is my view, which I shall also express when I report to CSCE organs on my mission, that there is a clear need for international assistance. The way funds made available for this purpose would have to be spent ought to be the subject of consultation with the Tatars.

It is important that Tatar representatives have been allotted 14 seats in the present Crimean parliament. It is, however, necessary to ensure that this arrangement will be continued when the new parliament is elected. Furthermore, it is essential, in order to avoid potentially dangerous tensions, that an institutionalised dialogue be established between the Crimean government and the Tatars.

I hope, Mr Minister, that the suggestions and recommendations I have made in this letter can have the approval of your government. I look forward with great interest to your reply.

Yours sincerely,

[signature]  
Max van der Stoep  
CSCE High Commissioner  
on National Minorities

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*Unofficial translation*

7 June 1994

Sir,

Let me express my sincere gratitude for your letter of this 15 May.

The Government of Ukraine highly appreciates your efforts aimed at assisting in the settlement of the problems that have arisen in the Crimea and Eastern regions of Ukraine. However since your last visit to Ukraine the situation around the Crimea has sharply aggravated.

On May 20, 1994, the Verkhovna Rada (Parliament) of the Republic of Crimea adopted the Law 'On Renewal of the Constitutional Basis of the Statehood of the Republic of Crimea' which resumed the sections of the Constitution of the Republic of Crimea of May 6, 1992, aimed at changing the legal status of the autonomous Republic of Crimea as an integral part of Ukraine. By this act, the legislative body of the autonomous Republic of Crimea which is an inalienable part of Ukraine has violated the Constitution of the Ukraine, its legislation in force, including the Law of Ukraine 'On the Delimitation of Powers between the State Power

Authorities of Ukraine and the Republic of Crimea' of April 29, 1992.

This illegal decision provoked by the irresponsible policy of the present leadership of the Crimea and aimed at undermining the constitutional order of Ukraine and its territorial integrity, cannot be qualified other than an obvious attempt by separatist forces to put the internal political stability in Ukraine at risk and provoke tension in the relations between Ukraine and Russia. Actions of the Verhovna Rada of the Republic of Crimea contradict basic principles of the Helsinki Final Act, violate the right of states to their territorial integrity and inviolability of borders, set forth therein. Such actions pose a threat to peace and stability in the region and in the whole Europe, which may have far-reaching negative consequences.

I hope, Mr. High Commissioner, for your personal understanding and support of the legitimate actions of the Ukrainian Government in averting eventual negative consequences of the anticonstitutional decision adopted by the Verkhovna Rada of the Crimea. Ukraine reserves the right in the event of further escalation of the situation as a result of the irresponsible steps by the extremist forces in the Crimea, to take all necessary measures to ultimately ensure the state's territorial integrity as provided for by its Constitution and laws in force, in accordance with rules of international law.

Mr. Max van der Stoep  
the CSCE High Commissioner on  
National Minorities  
The Hague  
The Netherlands

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In respect of the proposals and recommendations expressed in your letter I would like to note that they have been examined carefully by the Government of Ukraine and are in general acceptable.

As to the issue of granting wide powers to the Government of Crimea in the economic sphere to stabilize the economic situation in the region it should be noted that a number of bills, resolutions of the Verkhovna Rada and the cabinet of Ministers, decrees of the President of Ukraine aimed at expanding the powers of the government of the Crimea in the economic sphere have been adopted, prepared and are now being finalized. The aforementioned measures are sufficient to implement economic reforms in the region and they are going to be expanded in the future. In particular, the issue is being considered on setting up a state commission of experts from the ministries and departments concerned to elaborate the mechanisms of the realization of powers of the open economy regime in the territory of the Republic of the Crimea.

At the same time, ambitious aspirations of certain Crimean politicians contradict the good will of Ukraine in promoting the comprehensive social, economic and cultural development of the Crimea. Our balanced and reasonable position is being used by leadership of the Crimea for further intensification of its separatist activity, gradual separation of the Crimea from Ukraine under the pretext of ensuring its 'economic sovereignty'. In this context we support your proposal as to the invitation to Ukraine of a group of CSCE experts to provide the Government of Ukraine with expert assistance on constitutional and economic matters, and to

elaborate specific recommendations with regard to the solutions of the existing problems.

We hope that the CSCE will ensure full objectivity and impartiality of such experts. Mandate of this group of experts shall be based on CSCE and UN rules and principles, primarily those relating to the preservation of sovereignty, territorial integrity and inviolability of Ukrainian borders.

At the same time, taking into account ongoing complex and dangerous processes in and around the Crimea, we would be thankful for your consideration as to the possibilities to provide a long term presence of the CSCE in Ukraine in the form acceptable to the CSCE (mission, agency, bureau, etc.).

We are also concerned about language issues in Eastern areas. Ukrainian Constitution, its legislative machinery and governmental national policy, in order to establish harmonious inter-ethnic peace, provide for the protection of rights not only of national minorities, but also of Ukrainian ethnos weakened during the centuries of forcible Russification.

Yet we deal with the bilingual problems bearing this fact in mind. Ukrainian legislation does not establish limitations on the use of other languages equally with the state Ukrainian language. Article 8 of the Law of Ukraine 'On National Minorities in Ukraine' stipulates that in the work of state organs and organizations situated in places where a certain national minority constitutes the majority of the population, its language can be used alongside with the state Ukrainian language.

In addition, Ukrainian Law 'On the languages in Ukraine' provides the possibility to use Ukrainian alongside with other languages acceptable for the whole population not only in places where a certain national minority constitutes the majority of the population, but also in such administrative-territorial units, human settlements, where no nationality what to ever constitutes the majority of the population of a given area (Article 3). Article 4 of the Law stipulates also that languages of inter-ethnic communication in Ukraine are Ukrainian, Russian and other languages.

All this testifies to the fact that the Ukrainian legislation has settled the problem of use, alongside with the state Ukrainian language, of other languages spoken not only by the major part of the national minorities residing in the cities or other administrative-territorial units. Taking into consideration, the abovementioned in particular provision of the Ukrainian Law 'On Languages in Ukraine', we do not deem it necessary to revise Article 8 of the Ukrainian law 'On National Minorities in Ukraine'.

At the same time we are ready to put into practice your idea about motivation activity among Russian-speaking population. To this end, we consider it necessary to widely explain provision of the Part ii of the Article 8 of the Law of Ukraine 'On Languages in Ukraine', which provides for, in particular, that not-knowing of the Ukrainian language should not be a ground for rejection the employment of a citizen.

We would be fully interested in the realization of your proposal to render to Ukraine financial support in order to create conditions for the organized voluntary return to Ukraine of Crimea Tatar people. However it should be noted that similar assistance is also necessary to deportees of other nationalities. We should be very grateful if you could inform us about your vision of the practical mechanism for the organisation of such assistance. Perhaps this initiative might become a part of your report to the Committee of Senior Officials on the results of your visit to Ukraine before the international community.

I hope, Mr. High Commissioner, that the position stated in this letter with

regard to the aggravation in the Crimea as well as considerations about the issues you have put forward will find an adequate response from your side as well from the side of the international community, including the CSCE. It will accelerate the process of settling problems our state faces.

Sincerely yours,

A.M. Zlenko

Minister