Whose Ukraine? Language and Regional Factors in the 2004 and 2006 Elections in Ukraine

I. Introduction

Throughout the 1990s, Ukraine's ethnic issues tended to be viewed through the prism of majority-minority relations. Indeed, because of their number, territorial concentration and the interest of the kin-state, the position and rights of Russians in Ukraine constituted a significant ethnic challenge to post-Soviet Ukraine. However, the role of the Russian minority in political developments in Ukraine does not represent a majority versus minority dichotomy. As the 2004 presidential and 2006 parliamentary elections demonstrated, the line of political contestation is not ethnic but regional, as the titular majority itself is strongly polarized in terms of political behaviour. Nevertheless, even though political differences divide the eponymous majority itself, the presence of the Russian minority plays a pivotal role in what constitutes a 'Ukrainian-Russian nexus'. This nexus, which includes a profound lack of consensus on the interpretation of Russia's influence on the history and foreign policy of Ukraine, as well as the position of the Russian minority, culture and language in Ukraine, represents a profound challenge for post-Soviet Ukraine.

The divergent cultural and linguistic profiles of Ukraine's regions, allied to differences in people's interpretations of the Ukrainian-Russian past, are factors that are readily exploitable by politicians. This was evidenced during the 2004 and 2006 elections, when eastern Ukrainian elites sought to rally the support of voters in east Ukraine by focusing on Kiev's disregard for the specificity of these industrial and predominantly Russian-speaking areas of Ukraine. In 2004, this strategy involved raising the spectre of separatism and, in 2006, the status of the Russian language was used as an instrument of political pressure on Kiev. These developments have been driven by the interests of political elites competing for power and have little to do with any actual concern for citizens' rights.

Elections in post-Soviet Ukraine are characterized by the tendency to bring to the fore long-standing regional differences. The 2004 and 2006 elections exposed the

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The persistent and deepening nature of this polarization, primarily owing to its expediency. Thus, paradoxically, the reinforcement of genuine political competition in Ukraine as a result of the so-called 'Orange Revolution' in late 2004 exacerbated the political divisions within Ukraine. As things stand, the continuation of this regional political contestation is self-sustaining: the more the eastern Ukrainian elites have been determined to gain influence in national politics, the more they have been likely to rely on their regional distinctiveness and strengths to bolster their position at the national level. This may come across as counterintuitive if influencing national politics is understood as winning elections, then the regional elites' strategy would require downplaying their regional distinctiveness in order to widen their electoral base geographically. However, since 2004, the eastern Ukrainian elites' strategies have centred on preventing opposition forces from venturing into their geographical powerbase—namely, eastern and southern Ukraine. Their overarching aim was to retain their sway in the densely populated eastern Ukraine, rather than to widen their geographical base. This strategy was successfully replicated in 2006. Thus, demographics and the 'Ukrainian-Russian nexus' dictated the electoral strategy of the eastern Ukrainian elites. This means that the future prospects for overcoming regional polarization depend not only on Kiev's strategies and policies but also on the role that eastern Ukrainian elites play in national politics. At the same time, the non-transparent relations between the capital and the regions and, especially, the unresolved issue of the status of the Russian language in Ukraine help to make them convenient vehicles for political bargaining in Ukraine.

In order to give the necessary background to the developments of 2004-06, the first part of the chapter offers an analysis of the ethnic composition of Ukraine and the legal framework pertaining to minority rights and language politics. The second part deals with the presidential and parliamentary elections of 2004 and 2006. It aims to explain why and how regional diversity and language policy became so salient during the 2004 and 2006 elections.

II. THE ETHNIC COMPOSITION OF UKRAINIAN SOCIETY

Ukraine's ethnic composition reflects the country's complex history and its oft-mentioned 'borderland' location. Various ethnic groups had coexisted on the territory of today's Ukraine for centuries prior to its incorporation into the Soviet Union. As the first federation based on ethnic principles in the world, the Soviet Union elevated ethnicity to a fundamental social category that determined the political organization of society. This was achieved by ascribing nationality at the level of the individual and granting national-territorial units to some of the ethnic groups. Ukrainians were one of those groups who gained the highest level of political recognition through the creation of the Ukrainian Soviet Socialist Republic (UkrSSR), even though it was defined as a multiethnic republic in its 1978 Constitution.

Post-Soviet Ukraine adhered to the Soviet-era notion of nationalities, recognizing nationhood as a state-constituting factor, while at the same time pursuing what could be defined as an inclusive, bureaucratic approach to managing the country's multiethnic composition. The territorial definition of Ukrainian citizenship adopted on the eve of independence in autumn 1991 reflected a non-ethnic notion of the political community and citizenship was granted automatically to almost everyone who was living in Ukraine at the time the law was passed (the so-called 'Option Zero'). As no category of the population was formally excluded from the political community, citizenship based on ipot solidnitsa became one of the fundamental attributes of the new state.

Even though ethnicity has not been recorded in post-Soviet Ukrainian passports since 1998, officially, every citizen of Ukraine possesses a fixed nationality. One's nationality may differ from one's citizenship. However, only nationalities sanctioned by the state (130 in total in 2001) are recognized; no other national, ethnoreligious or ethnolinguistic identities, such as, for example, Rusyns in Transcarpathia or Russophone Ukrainians, have a formally recognized status. In line with the Soviet-era practice, the national census only includes information on those ethnic groups that have been recognized as nationalities since Soviet times. In other words, only individuals belonging to one of the officially recognized nationalities can have the status of a minority. The opposite is also true: individuals belonging to a recognized non-titular nationality are regarded as a minority even though their ascribed nationality may not coincide with their cultural and linguistic identity. For example, Belarussians, who do not form a distinct self-organized ethnocultural group in post-Soviet Ukraine, are nevertheless defined and recognized as a minority. Moreover, as will be argued below, the national census data then informs administrative efforts to ensure congruence between the ethnic composition and provisions for the use of various languages of ethnic groups in the public sphere.

According to the first post-Soviet survey in December 2001, Ukrainians account for 77.8% of the population and form a statistical majority in all regions except Crimea. Moreover, Ukrainians constitute more than 80% of the population in 18 regions out of 27, mainly in western and central Ukraine. However, in Crimea, Ukrainians are the minority, accounting for only 25% of the population. Overall, the next most populous nationality are Russians at 17.3%; other ethnic groups account for 4.9% (see Table 1).

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2 Oleksandr Hrytsenko, "Imagining a Community: Various Perspectives on Ukraine's Ethnocultural Diversity", NP (forthcoming 2008).

3 Ukraine is divided into 27 territorial units: 24 regions (oblasts), the Autonomous Republic of Crimea and two cities with a special territorial status (Kiev and Sevastopol).

4 The regions where Ukrainians comprise over 80% of the population include Vinnytsia, Volyn, Zhytomyr, Ivano-Frankivsk, Ivano-Frankivsk, Zaporizhia, Kherson, Chernihiv, and Chernivtsi.

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1 The multiple (religious, cultural, ethnolinguistic and political) divisions running through Ukrainian society have been the subject of numerous studies. See, for example, Lowell W. Barrington and Erik S. Herron, "One Ukraine or Many Regionalism in Ukraine and Its Political Consequences", 38(1) NP (2004), 35-80.
Table 1. Ethnic Composition of Ukraine According to the 2001 National Census of Ukraine

<table>
<thead>
<tr>
<th></th>
<th>Total number (in thousands)</th>
<th>As % of the population of Ukraine</th>
<th>2001 as % of the population of Ukraine</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1989</td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>Ukrainians</td>
<td>3754.7</td>
<td>72.7</td>
<td>77.8</td>
</tr>
<tr>
<td>Russians</td>
<td>8534.1</td>
<td>22.1</td>
<td>17.3</td>
</tr>
<tr>
<td>Belarusians</td>
<td>275.8</td>
<td>0.9</td>
<td>0.6</td>
</tr>
<tr>
<td>Moldovans</td>
<td>258.8</td>
<td>0.6</td>
<td>0.5</td>
</tr>
<tr>
<td>Crimean Tatars</td>
<td>248.2</td>
<td>0.0</td>
<td>0.5</td>
</tr>
<tr>
<td>Bulgarians</td>
<td>204.6</td>
<td>0.5</td>
<td>0.4</td>
</tr>
<tr>
<td>Magyars</td>
<td>156.6</td>
<td>0.4</td>
<td>0.3</td>
</tr>
<tr>
<td>Romanians</td>
<td>125.0</td>
<td>0.3</td>
<td>0.3</td>
</tr>
<tr>
<td>Poles</td>
<td>144.1</td>
<td>0.4</td>
<td>0.3</td>
</tr>
<tr>
<td>Jews</td>
<td>103.6</td>
<td>0.9</td>
<td>0.2</td>
</tr>
<tr>
<td>Armenians</td>
<td>92.9</td>
<td>0.1</td>
<td>0.2</td>
</tr>
<tr>
<td>Greeks</td>
<td>91.5</td>
<td>0.2</td>
<td>0.2</td>
</tr>
<tr>
<td>Turks</td>
<td>71.3</td>
<td>0.2</td>
<td>0.2</td>
</tr>
<tr>
<td>Roma</td>
<td>47.6</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>Azeris</td>
<td>45.2</td>
<td>0.0</td>
<td>0.1</td>
</tr>
<tr>
<td>Georgians</td>
<td>34.2</td>
<td>0.0</td>
<td>0.1</td>
</tr>
<tr>
<td>Germans</td>
<td>33.3</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>Cossacks</td>
<td>31.9</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>Other</td>
<td>177.1</td>
<td>0.4</td>
<td>0.4</td>
</tr>
</tbody>
</table>


The locations and concentrations of minorities reflect Ukraine's history, insofar as Ukraine's constituent regions formed parts of other states at some stage in the past. Thus, most minorities are concentrated in regions where they constitute a sizable part of the local population. However, with the exception of Crimea, in no region does any minority group constitute a majority. This factor, as will be seen later, is of crucial importance for Ukrainian minority and language policies.

The presence of Russians, who migrated to eastern and southern parts of today's Ukraine during the rapid industrialization process in the twentieth century, is by far the most important and visible legacy of the Soviet nationality policy in today's Ukraine. In 1989, their number was almost three times as high as in 1926, heavily concentrated in eastern Ukraine and Crimea. They make up almost 40% of the population in the region of Donbas (made up of the Donetsk and Luhansk oblasts) and 58% in Crimea. In contrast, in western Ukrainian oblasts, ethnic Russians constitute less than 5% of the population; in central oblasts, their number does not exceed 8%.

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6 Hrytsenko, op.cit. note 2.

7 However, by far the most significant decline affected the Jewish minority, which experienced a five-fold decline between 1989 and 2001 due to emigration, mainly to Israel.

nure", in particular, the link between the Ukrainian natsiia and the state emanates from constitutional norms in regard to the state language and symbols. Thus, in Conner's terms, Ukraine was conceived of as a "unihomeland, multinational state": inhabited by many ethnie groups but homeland of the titular majority, the Ukrainians.

The constitutional conception of the political community does not imply that political and ethnic identities have to be congruent and hence allows divergence between ethnic identity and citizenship. Thus, while emphasizing the role of the titular majority through language and symbols, the Constitution also granted collective minority rights to indigenous people (korini narodi) and national minorities: "the state ... guarantees ethnic, cultural, linguistic and religious self-preservation (samoshnornict) of all indigenous nations and national minorities of Ukraine." Article 10 states that the free development of "Russian [and] other languages of the national minorities" is guaranteed in Ukraine and the right to education in minority languages are stated in Article 53. Moreover, in places of compact residence of indigenous people and national minorities, the state administrations are to "ensure that programmes for their national and cultural development are implemented." The constitutional provisions were based upon the Law of Ukraine on National Minorities, adopted in June 1992, which offered a broad palette of individual and collective rights, including the use of minority languages alongside the state language in places where a minority formed a majority of the population. However, the Constitution unambiguously placed the Russians and the Russian language on a par with other national minorities and their languages. This has been a controversial issue, not only because of the large size of the Russian minority but, most importantly, because of its traditionally privileged status, its perceived commonality of historical fate and religion with the Ukrainian majority and because of the linguistic similarity between Ukrainian and Russian, which obtains to the extent that, outside western Ukraine, Russians tend not to be viewed as alien from the titular majority and Russian is widely used by members of the eponymous majority.

The concept of the 'Ukrainian people' incorporates both civic/territorial and ethnic criteria, the weight of respective elements in this precarious but not untypical juxtaposition has remained open to interpretation and has been contested (see below). The degree of inclusion and accommodation of various ethnic and linguistic groups in society can be determined by analyzing the operationalization and implementation of constitutional norms.

Importantly for minority rights, the Constitution stipulated that international treaties ratified by the Ukrainian Parliament form part of national legislation. Among such treaties are the Framework Convention for the Protection of National Minorities (FCNM) which was ratified in 1997 and, more significantly for domestic politics, the European Charter for Regional or Minority Languages (EChRML), which Ukraine ratified in 2003.

Within the above constitutional framework, post-Soviet Ukraine adhered to the Soviet notion of nationality and pursued what could be defined as a bureaucratic approach to dealing with the country's multiethnic composition. On the one hand, this entailed striving for a formulaic compliance between ethnic composition and state policies at a regional level, regardless of actual dynamics and local specificities. On the other hand, however, flexibility has been maintained by diverse interpretations of the often imprecise legislation and, especially, by lax and selective enforcement of legislation at the regional and local level. The lack of precision in the legal framework, alongside the ambivalent position of political elites and weak enforcement of formal rules by the state, has, to a large degree, allowed for accommodation of local specificities across Ukraine, so that minority and linguistic issues have rarely stirred controversy and conflict within society. However, this does not mean that conflict potential around minority issues is absent, as evidenced by ongoing disputes over the status of the Russian language in Ukraine.

IV. LANGUAGE POLITICS IN UKRAINE

A. Statistics on Language Identification and Use

The statistics on language identification in Ukraine appear to confirm the view of Ukraine as a country in which the Ukrainian (and Ukrainian-speaking) titular nation coexists with (Russian-speaking) national minorities. In the 2001 national census, 67.5% of Ukraine's population claimed Ukrainian as their native language, while 29.6% indicated Russian. This means that nearly 15% of people who declared themselves to be Ukrainian said that Russian was their mother tongue. Besides Russians, there are several ethnic groups that are predominantly Russophone (such as Belarusians, Jews, Greeks, Volga Tatars and Germans). Few minorities are Ukrainophone; the Poles display the highest level of linguistic Ukrainization with 7% declaring Ukrainian to be their mother tongue. In absolute terms, it is Russians who are the most numerous Ukrainophone minority: 328,000 Russians stated that Ukrainian was their native language (3.9% of all Russians). Clearly, Ukrainian and Russian predominate in terms of usage in Ukraine: the total share of all other languages spoken is just 2.9% (less than the size of non-Russian minorities).

14 Article 19(3), Constitution of Ukraine, at <http://www.rada.gov.ua/const/conengl.htm>. Moreover, Article 138(9) refers to the "the development and implementation of state programmes for the return of deported peoples", which was particularly aimed at the Crimean Tatars, the largest group of indigenous people in Ukraine.
16 For an excellent, comprehensive review of minority rights issues in Ukraine up until 2001 see Kulyk, op. cit. note 5.
Table 2. Language Identification in Ukraine According to the 2001 National Census of Ukraine

<table>
<thead>
<tr>
<th>Language of their nationality</th>
<th>Ukrainian language</th>
<th>Russian language</th>
<th>Other language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ukrainians</td>
<td>85.2</td>
<td>14.8</td>
<td>0.0</td>
</tr>
<tr>
<td>Russians</td>
<td>99.0</td>
<td>0.9</td>
<td>0.1</td>
</tr>
<tr>
<td>Belarusians</td>
<td>19.8</td>
<td>75.2</td>
<td>5.0</td>
</tr>
<tr>
<td>Moldovans</td>
<td>70.0</td>
<td>27.6</td>
<td>2.4</td>
</tr>
<tr>
<td>Crimean Tatars</td>
<td>92.0</td>
<td>7.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Bulgarians</td>
<td>64.2</td>
<td>35.3</td>
<td>0.5</td>
</tr>
<tr>
<td>Mogyor</td>
<td>95.4</td>
<td>4.6</td>
<td>0.2</td>
</tr>
<tr>
<td>Romanians</td>
<td>97.7</td>
<td>2.3</td>
<td>0.0</td>
</tr>
<tr>
<td>Poles</td>
<td>12.9</td>
<td>76.0</td>
<td>11.6</td>
</tr>
<tr>
<td>Jews</td>
<td>3.1</td>
<td>13.4</td>
<td>83.0</td>
</tr>
<tr>
<td>Armenians</td>
<td>50.4</td>
<td>5.8</td>
<td>43.2</td>
</tr>
<tr>
<td>Greeks</td>
<td>5.4</td>
<td>4.8</td>
<td>89.8</td>
</tr>
<tr>
<td>[Volgo] Tatars</td>
<td>35.2</td>
<td>4.5</td>
<td>58.7</td>
</tr>
<tr>
<td>Roma</td>
<td>44.7</td>
<td>7.4</td>
<td>48.1</td>
</tr>
<tr>
<td>Avaria</td>
<td>53.0</td>
<td>9.1</td>
<td>36.9</td>
</tr>
<tr>
<td>Georgians</td>
<td>36.7</td>
<td>6.2</td>
<td>57.1</td>
</tr>
<tr>
<td>Germans</td>
<td>12.3</td>
<td>22.1</td>
<td>64.7</td>
</tr>
<tr>
<td>Cossacks</td>
<td>7.5</td>
<td>3.5</td>
<td>90.0</td>
</tr>
<tr>
<td>Other</td>
<td>32.6</td>
<td>12.5</td>
<td>55.0</td>
</tr>
</tbody>
</table>


However, language identification in Ukraine differs from language use to a much greater extent than the census data suggest. This is due to historical factors. Upon its launch, the official Soviet nationality policy prescribed the fullest possible correspondence between language and ethnicity but, in the 1930s, this policy was reversed and replaced by support for Russian as a language of interethnic communication. As a result of the interplay between the urbanization process and language policy in Soviet Ukraine, linguistic boundaries began to diverge significantly from ascribed ethnic ones. In particular, Russian was adopted en masse by members of the eponymous nationality, especially in urban centres undergoing rapid industrialization, which experienced a massive influx of migrants from both the Ukrainian-speaking countryside and Russia. As a result, in many regions of Ukraine, Ukrainian ethnicity was embedded in Russophone and culturally Russian urban milieux. As Russian functions as the primary language of many social practices in many areas of Ukraine, language use is not synonymous with ethnic self-identification in Ukraine.

By the mid-1990s, according to Arel and Khmelko, it was not ethnicity but ethnolinguistic criteria that became the best predictors of political behaviour in Ukraine. They argued that the ethnolinguistic spectrum in Ukraine comprised three nominal groups: Ukrainian-speaking Ukrainians (44%), Russian-speaking Ukrainians (30%), and Russian-speaking Russians (22%).18 However, even though identifiable in public opinion surveys, no mutually exclusive and self-conscious groups of Russophone and Ukrainophones emerged in Ukraine19 and there has been no large-scale mobilization of these groups on language issues. This is not only due to the marginality of ethnicity in the identities of many people in Ukraine20 but most of all due to the fact that the actual language use of many Ukrainian citizens defies easy categorization. Instead, there is a continuum of language use in many areas, with individuals using either Ukrainian or Russian or a mix of both, according to context. For example, a hybrid Russian–Ukrainian (zarubin) is widely spoken within Kiev. The fluidity and erosion of the linguistic and cultural boundaries between Ukrainians and Russians, aided by the deliberate policies of the Soviet authorities (despite the preservation of "official" nationality as recorded in the national census), has been an enduring feature of Soviet and post-Soviet Ukraine.21

The complex patterns of linguistic behaviour have been compounded by Soviet-era legacies in regard to language identification. Even though as many as 30% of ethnic Ukrainians use Russian in everyday life, approximately half of them continue to claim Ukrainian as their mother tongue, in line with the Soviet practice that it is nationality, rather than personal preference, which determines an individual's mother tongue. The 2001 data confirmed the extent to which many Russophone Ukrainians see mother tongue as linked to their official nationality rather than actual language use. At the same time, however, the apparent symbolic attachment to the Ukrainian language, which characterizes many Russophone Ukrainians, does not preclude them from supporting

18 66% of ethnic Ukrainians cited Ukrainian as their mother tongue in the 1989 census. However, when the category 'language of convenience' was used in surveys, it was found that in eastern and southern Ukraine 81.5% of the population uses Russian as their language of convenience. See Dominique Arel and Valerii Khmelko, "The Russian Factor and the Territorial Polarisation in Ukraine", 9 The Harriman Review (1996), 81–91.


the status of the Russian language. Public opinion surveys indicate the support of around 50–55% of the population for making Russian an official language of Ukraine.22

B. The Legal Framework and State Policies

The Law on Languages in the Ukrainian SSR (hereinafter, "Law on Languages"), which was adopted by the Supreme Soviet of the UkrSSR in 1989, established Ukrainian as the sole state language and stipulated that Ukrainian was to be introduced in higher education and state administrative bodies within 10 years.23 In 1989, the passage of the law was a symbolic gesture towards the Ukrainian cultural intelligentsia in order to subdue the rising tide of protests about linguistic Russification during perestroika. As the law did not specify the mechanisms for its implementation, however, the law has not been systematically implemented.24

In the 1996 Constitution of Ukraine, Ukrainian was declared to be the sole state language, while Russian (despite being explicitly referred to) was essentially demoted to the language of the Russian minority. According to Article 10: "the free development, use of and protection of Russian, [along with] other languages of national minorities of Ukraine is guaranteed".25 The same article stipulates that the state "ensures the comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the entire territory of Ukraine".26 Thereby, the Constitution defined the aims of the state in the sphere of language as a progressive Ukrainianization of public life. Thus, the status of Ukrainian was enshrined in the Constitution as a key element of affirmative action, in order to strengthen the position of Ukraine after decades of discrimination under Tsarist and Soviet rule. The shifting of the highly contentious issue of language policies into the sphere of constitutional obligations was intended to take it above day-to-day politics at the level of central and, especially, regional governments.

While the ethnic diversity of Ukraine has been recognized, linguistic diversity has been only partially acknowledged in the Constitution. In particular, ethno-linguistic categories that cut across constituent ethnic communities, such as, for example, Russian-speaking Ukrainians, have not been granted constitutional recognition. Such a construction of the political community has diverse implications for various groups in society, especially those that do not fit into any of the categories of the constituent communities sanctioned in the Ukrainian Constitution. Because they cannot be regarded as a minority, Russophone Ukrainians, who account for approximately one third of the population, were not granted the constitutional right to demand provisions to ensure the use of Russian in the public sphere.27 However, the recognition of this group is hampered by the fact that approximately half of Russophone Ukrainians still identify with the mother tongue of their nationality rather than the language they use on an everyday basis. Given these complexities, the preferences and rights of Russian-speaking Ukrainians are difficult to define in legal terms.

The above legal framework has not led to the elimination of Russian from the public domain in Ukraine. The implementation of the Constitution and the Law on Languages has been characterized by a lack of consistency and commitment to linguistic and cultural Ukrainianization. Official support for the linguistic Ukrainianization of public life has continued under each president of Ukraine (Krivchuk, 1991–1994, Leonid Kuchma 1994–2004 and Viktor Yushchenko 2005–present) but has been pursued in an arbitrary and inconsistent manner in the media, bureaucracy and educational sphere. For example, the number of Ukrainian language schools has increased most significantly in Ukrainian-speaking regions, whereas Ukrainianization has made only limited inroads in some predominantly Russian-speaking areas,28 where, overall, the percentage of schools where Russian is the language of instruction has not decreased at nearly the same rate as the share of Russians in the population. Moreover, in line with Soviet traditions, official statistics do not often accurately reflect actual practice in educational establishments.

Indeed, the 2001 census data confirm the limited impact of the policy of progressive linguistic Ukrainianization since independence. Between 1989 and 2001, there was only a 2.8% increase in the number of people claiming Ukrainian as their mother tongue. The widespread use of the Russian language in public and private in eastern and southern regions of the country makes Ukraine an essentially bilingual country.29 With the partial exception of the educational sphere, the process of Ukrainianization has not threatened the position of the Russian language. As Kulyk argues, the use of Russian in the public sphere, far from being demoted to the level of a minority language, remained virtually unchanged or even increased in several areas in comparison to the Soviet era (in the realm of popular culture, such as magazine and book publishing and cinema production, Russian prevails and Ukrainian exists as a minority language across Ukraine).30

22 According to a nationwide survey conducted in June 2005 by the Razumkov Centre, 55% of the Ukrainian public supported making Russian the second state language, whereas 36% opposed it. See Razumkov Centre, "Assessment of the Authorities, Socio-political and Electoral Preferences of Citizens of Ukraine: Results of a Public Opinion Survey", Razumkov Centre Press Release, June 2005, at <http://www.ucgps.org/eng/index/>. 23 The Law of the Ukrainian SSR on Languages in the Ukrainian SSR, (No.8312-XI), 28 October 1989 (including subsequent amendments). 24 See, for example, Jan C. Jannas, "Language Politics in Education and the Responses of the Russians in Ukraine", 27(3) NP (1999), 475–502. 25 Article 10, Constitution of Ukraine, at <http://www.tada.gov.ua/const/conent.html>. Article 13 in the Ukrainian language original text actually reads "the free development, use of and protection of Russian, other languages of national minorities of Ukraine, is guaranteed". The awkward wording was adopted as the right-wing parties would not allow an ‘and’ between the word ‘Russian’ and the phrase ‘other minority languages’, as this, in their opinion, would indicate the special status of Russian in Ukraine, whereas they wanted to emphasize its ‘minority status’, whereas the left-wing parties insisted on an explicit reference to the Russian language.

26 Ibid., emphasis added.

27 Admittedly, at the time of the adoption of the Constitution, there was no cohesive or mobilized Russophone Ukrainian group demanding recognition. Making Ukrainian the sole state language did not provoke any organized protests on the part of the Russophones in general and Russian-speaking Ukrainians in particular during the mid-1990s.

28 Jannas, op.cit. note 24.

29 On the linguistic rights of the Russian minority in Ukraine see Kulyk, op.cit. note 5.

In these circumstances, the fact that Ukrainian is defined as the sole state language has more to do with elites' interests rather than citizens' rights and duties. In particular, Shevchuk argues that support for making Ukrainian the sole state language has been dictated by the elites' agenda of creating a discursive distance from Russia in order to legitimize the emergence of independent Ukraine: “Ukrainian language, the language of the titular majority, proposed itself as an organic instrument to articulate the state-building project called 'an independent Ukraine'”. This explains why the officially-defined status of the Ukrainian language has not reflected a concern for the rights of Ukrainian-speaking citizens, despite them being in a linguistic minority in many oblasts of eastern and southern Ukraine.

Despite the fact that, on the ground, language issues rarely stir controversy, the vagueness of the constitutional provisions and the discrepancies between the legal framework and state policies, on the one hand, and people's identification and actual language use, on the other, has paved the way to a radically different assessment of the position of the Russian language in Ukraine. Various bodies in Ukraine, including central authorities, regional and local self-government and judicial organs, base their positions on the language issues on the basis of often diverse arguments and often conflicting evidence. Given the precarious balance between the Ukrainian and Russian languages in Ukraine and the conflicting assessments of the situation, it is hardly surprising that the issue of language has considerable potential to be highly politicized.

As was pointed out above, fiding the status of the Ukrainian language in the Constitution meant that any change in the status of the Russian language required a constitutional amendment, which was subject to more stringent requirements than normal legislative acts. This lifts the resolution of the formal status of languages beyond political contestation at the national and subnational levels.

Because of this, those seeking to upgrade the status of Russian have focused on Ukraine's international obligations as a way of bypassing domestic constitutional impediments. This became apparent during the process of ratification, interpretation and implementation of the ECHRML. Upon joining the Council of Europe in January 1995, Ukraine took on the obligation of signing and ratifying the ECHRML. Following the signing of the ECHRML in May 1996, the ratification process has been marred by political and legal controversies. The Verkhovna Rada ratified the ECHRML in December 1999 but the law was declared unconstitutional by the Constitutional Court on the basis of procedural irregularities during its adoption. Yet the underlying reason for filing the petition to the Constitutional Court by the right-wing deputies was the fact that the ratification law envisaged application of the ECHRML to the Russian language. After two more attempts (in 2001 and 2002), the ECHRML was finally ratified in May 2003, because the Ukrainian authorities were keen to meet at least some demands of the Council of Europe, which heavily criticised the Kuchma administration for breaches of democratic standards and human rights. However, numerous technical shortcomings became apparent soon after the ratification. According to Vasilenko, the ECHRML was translated into Ukrainian from a Russian translation of the original text, rather than from one of the original languages of the ECHRML. Indeed, in the Ukrainian translation the term 'minority languages' was translated as 'languages of minorities'. The Law of Ukraine on Ratification of the European Charter for Regional or Minority Languages of 15 May 2003 (hereinafter, "Ratification Law") interprets the term 'minority' as 'national minorities': "the law shall apply to languages of the following national minorities in Ukraine: Belarusian, Bulgarian, Cossack-Ukrainian, Crimean Tatar, Moldovan, German, Polish, Russian, Romanian, Slovak and Hungarian." At the same time, other languages, such as Roma, Karaim and Armenian, even though they appear to conform to the 'minority language' definition under the ECHRML, are not listed in the ratification law. Many observers questioned the application of the ECHRML to the Russian language on the grounds that, being spoken by the majority of the population of Ukraine, it does not fall under the definition of a 'minority language'. The key issue with Russian in Ukraine is not its protection as a 'national minority language' or a language of the Russian minority but rather with the definition of the linguistic rights of Russophone citizens of Ukraine who do not belong to the Russian national minority. The cornerstone over the ratification law within the Ministry of Foreign Affairs resulted in a two-year delay in sending the ratification documents to the Council of Europe. In 2005, the Ministry of Justice of Ukraine started to prepare amendments to the ratification law, including a revised list of languages protected under the ECHRML. However, it was precisely because of the ECHRML's perceived power to elevate the status of Russian to a regional language that made the deputies ratify the ECHRML in 2003.

The contestation over the mutual position of the Ukrainian and Russian languages overshadows the issues surrounding other languages. Indeed, as argued above, concern for other languages was of marginal significance during the ratification process of the ECHRML. This is despite the fact that no sufficient legal framework on languages has been developed in Ukraine. For example, Article 53 of the 1996 Constitution, which stipulates that "citizens who belong to national minorities are guaranteed in accordance with the law the right to receive instruction in their native language, or to study their native language in state and communal educational establishments and through national cultural societies", has not been developed into national legislation.

32 For example, in a highly controversial ruling in December 1999, the Constitutional Court stepped into language policy when it ruled that state officials were obliged to use the Ukrainian language in the conduct of their duties, something that has not been endorsed within the state apparatus. The ruling has not been implemented. See Kateryna Wolczuk, The Constitutional Court in Ukraine: the Politics of Survivial, in Wojciech Saluski (ed.), Constitutional Justice, East and West (Kluwer Law International, The Hague, London New York, 2002), 327-348.
34 The Law of Ukraine on the Ratification of the European Charter for Regional or Minority Languages (No. 802-IV) of 15 May 2003, emphasis added.
The contestation of language status has taken place mainly amongst the political elites and not at the popular level. However, even though language rarely generates conflict or even stirs controversy in everyday life, the discrepancy between the formal status of Ukrainian as the sole state language and the actual dominance of Russian in many spheres of life, especially in the eastern part of Ukraine, means that the ethnic principle, which nominally guides the language policies of the state, ignores the ethnolinguistic specificity of this part of Ukraine. This situation turned the language question into a source of periodic contention between Kiev and eastern provinces of Ukraine. Particularly during electoral campaigns, the issue of language has turned into a potent symbolic device via which regional elites seek to increase their electoral appeal and/or exert pressure on Kiev. As will be argued below, challenges of this type have little to do with concern for the linguistic rights of Russophone and Ukrainophone citizens and more to do with political elite-level interests and strategies.

V. WHOSE UKRAINE? THE 2004 PRESIDENTIAL AND 2006 PARLIAMENTARY ELECTIONS

Following independence, contestation along the so-called ‘Ukrainian-Russian nexus’ took on an ideological character, even though regional differences were manifested in preferences for geographically polarized political parties in Ukraine. However, since 2004, this contestation has acquired a more regional character, in that the main protagonists are not divided by ideological platforms but by highly regionalized patterns of electoral support, which encourages them to emphasize, rather than downplay, regional differences. In particular, as eastern Ukrainian elites found themselves ‘under siege’ as a result of the ‘Orange Revolution’, they resorted to issues of nationalism, separatism and language as instruments of political struggle. Paradoxically, the opening of political space since the demise of the Kuchma regime and the intensive political competition that followed have fuelled a confrontation that carried a risk of political instability. In order to understand the dynamics of this phenomenon, this paper will examine the key role that political actors have played since independence, prior to a discussion of the 2004 and 2006 elections.

A. SETTING THE SCENE: THE NATIONAL DEMOCRATS VERSUS THE LEFT IN THE 1990S

In the first decade following independence, the key protagonists were the so-called national democrats and the left-wing parties. In the 1990s, the left wing was represented by the Communist Party of Ukraine (Komunistichna Partiya Ukrainy (KPU)), which attracted the votes of eastern Ukrainian voters, as well as some ‘centrist’ parties, representing regional business interests, and non-affiliated candidates. Ideologically, the KPU adhered to the Soviet-era ideological blueprint and defined the ideological community of Ukraine as the territorial, supraethnic community ‘the people of Ukraine’ (narod

Ukraine). The party opposed breaking ‘the people’ down into subcomponents (that is, the eponymous majority and national minorities) on the grounds that “it was discriminatory and would practically exclude the tens of millions of citizens of Ukraine of other nationalities who build and support their state—Ukraine.” In particular, they opposed defining Russians in Ukraine as the national minority. The attributes of the political community—language and symbols—were to reflect and respect the multiethnic composition of Ukraine. While all languages could develop freely, Russian was to become the state language or at least the official language of Ukrainians in Ukraine, although the meaning of ‘official’ as opposed to ‘state’ language remained unclear. Yet apart from getting some minor concessions, the communists failed to shape the constitutional provisions on language, minorities and state symbols.

Since the late 1990s, the KPU has gradually lost its position as the biggest political party. In 1998, the Communists obtained nearly a quarter of all votes cast for all political parties (24.7%), while the second largest party, Rukh, only obtained 9.4%; 50% of seats were elected according to the proportional representation system during this election. The KPU faction in Verkhovna Rada was three times bigger than the next one. In the 2002 elections, which were held under a similar mixed electoral system, their share was reduced to 20%, only to decline to 3.7% in the 2006 elections, which were held under the fully proportional representation system. A new wave of parties has now taken over the mantle of representing the eastern Ukrainian electorate. In 2006, the strongest of these was the Party of Regions (Partiya Rehioniv). Even though the party was created as a vehicle for promoting the business interest of the Donbas elites, it acquired national prominence when one of its leaders, Viktor Yanukovych, became the prime minister under Kuchma and the chosen successor of the Kuchma regime.

Opposing the Communists at the beginning of the 1990s were the so-called national democrats, who championed the assertion of the position of the titular majority in the Ukrainian state as a distinctive ethnocultural and linguistic collectivity. In particular, the national democrats opposed including reference to Russian alongside Ukrainian as a state or official language in the Constitution on the grounds that it would perpetuate the dominant position of Russian in Ukraine and impede the reversal of the discrimination of the Ukrainian language. Within their ideological platform, cultural and language issues took priority over other areas such as the economy, democracy and corruption.

Throughout Kuchma's second term in office, the power elites grouped around the presidency successfully marginalized both the left- and right-wing parties by depicting them as dangerous radicals. In particular, while presiding over the moderate pace of Ukrainianization of public life, the president depicted any comprehensive Ukrainianization of Ukraine, as advocated by the national democrats, as a way of destabilizing the country. Against such a backdrop, Kuchma presented himself as a respectable alternative and a source of stability in the country. However, this scheme of framing political actors outlived itself with the decline of the national democratic parties.

37 For convenience, 'eastern Ukraine' refers to ten territorial units of Ukraine (including eight eastern and southern oblasts, the Autonomous Republic of Crimea and the city of Sevastopol), in which Yanukovich and the Party of Regions won in the 2004 and 2006 elections, respectively.

38 Kommunist, No. 11, March 1996, at 3.
39 See Wolczuk, op.cit. note 10, 227–231.
During the 2002 parliamentary election campaign, the Our Ukraine (Nasha Ukraina) bloc emerged as the most prominent successor force to the national democratic platform in Ukraine but with radically different priorities. The post-national democratic parties represented in Our Ukraine gave up their emphasis on language and cultural issues and focused on the economy, democracy, corruption, and the malfunctioning of the state—that is, the issues that generated the greatest concern for voters. Culture and language played a minor role in the platform of Yushchenko and the Our Ukraine bloc during the 2002, 2004, and 2006 elections, thereby invoking connotations with western Ukrainian collaboration with the Nazi regime against the Soviet Union.

As Wilson argues, the technologists devised the strategy of "directed conflict" by stirring up "animosity between Ukrainians from east and west; between Poles and Ukrainians; between Ukraine's various churches; and between Slavs and Crimean Tatars." The government-controlled media presented the contestation between Yushchenko and Yanukovych as a conflict between eastern and western Ukraine. The depiction of Yushchenko as a nationalist capitalized on preexisting negative stereotypes of western Ukrainians—as anti-Russian radical nationalists—held by those in the eastern part of the country. Yulia Mostova, editor of the Ukraine's most influential weekly, Zerkalo Nelidi, referred to it as "a technology of civil war." According to the Ukrainian historian Hrytsak, this highly successful framing of Yushchenko as a nationalist strongly affected the general mood of the electorate in eastern Ukraine and resulted in an axiomatic rejection of Yushchenko. This prevented Yushchenko from becoming a genuinely national candidate. Regional differences in Ukraine cannot be negated but they can be amplified (as was the case during the 1994 presidential elections) or downplayed at will (as happened during the 1999 presidential elections when both western and eastern Ukraine voted for Kuchma). In 2004, Yanukovych and his party chose to exacerbate these regional differences, while Yushchenko sought to minimize them, although "Yushchenko ... lost this battle." Most observers agree that the conflict was more apparent than real. "The radical west Ukrainian nationalism [of Yushchenko] that Yanukovych claimed to be fighting against in 2004 was a paper tiger, and Yushchenko had been carefully stirring the 'national-democratic' movement in a more centrist direction since 1999." The use of the 'nationalist card' to discredit Yushchenko did not prevent the voters in central Ukrainian oblasts, who support closer ties with Russia, from voting for him but it succeeded in east Ukrainian oblasts. There, Yushchenko's alleged radical nationalist agenda turned voters away, even though the level of dissatisfaction with living standards under the Kuchma regime and, by extension, the mood for change, was strong too. The primary divide was not ethnic or linguistic but political: western and central Ukraine were determined to oust the Kuchma regime, whereas eastern Ukraine preferred the status quo under Yanukovych over the accession of the 'nationalist' Yushchenko to power and regarded reforms advocated by him as a threat to the political, ethnic and economic stability in eastern Ukraine. In this context, the electoral contestation acquired a regional dimension by pitching western and central Ukraine against the eastern part of the country.

B. The Electoral Campaign, Candidates and the 'Nationalist Card'

The high stakes of—and resulting tensions around—the presidential elections of 2004 stemmed from the fact that the most powerful position in the country was being contested. Incumbent President Leonid Kuchma, did not stand for re-election. However, he sought to ensure that the secretive, corrupt and inept regime that he had presided over would continue, by nominating Viktor Yanukovych as his successor, even though Yanukovych's public profile was damaged by revelations about criminal convictions in his youth. This was to be 'arranged' by legitimate and illegitimate means. This handover was challenged by an opposition, which united behind Viktor Yushchenko, a former banker and prime minister, as a presidential candidate. From the start, the electoral campaign effectively boiled down to a contest between Yanukovych, the prime minister, and Viktor Yushchenko, the former prime minister and leader of the opposition. Many people in the country regarded the election as the most important political event since Ukraine's independence in 1991.

Confronted with the popular Yushchenko, the authorities attempted to discredit him by playing the so-called 'nationalist card' in the elections—that is, bringing up the contentious issue of attitudes towards Russia and the Russian language in Ukraine. When Yanukovych failed to overtake Yushchenko in public opinion surveys, despite his heavy reliance on the state apparatus (the so-called administrative), the state-controlled media and intimidation, the issue of the Russian language and dual citizenship were raised by Yanukovych, even though it had not featured in his original manifesto. In addition, the strategy, guided by the so-called Russian political technologists, was to depict Yushchenko as a radical nationalist of the western Ukrainian type, even though Yushchenko's origins were in the Semyk oblast, northeast of Kiev. The state-controlled mass media portrayed Yushchenko as a 'naziist' (a play on the similarities between the words 'Nazi' and 'Nazi', as in the name of Yushchenko's Our Ukraine, Nasha Ukraina).

41 As Wilson argues, one of the provocations included supporting four virtual nationalists in Yushchenko's team who preached xenophobic ideas. Andrew Wilson, Ukraine's Orange Revolution (Yale University Press, New Haven and London, 2005), 91.

42 Wilson, op.cit. note 41, 90.


46 Wilson, op.cit. note 41, 177.
C. The 'Orange Revolution' and the Spectre of Separatism

The first round of the elections took place on 31 October 2004 and, according to the official results, with 39.96% Yushchenko had had a half percent lead over Yanukovych. Since neither candidate won the required 50% of the vote, the election proceeded to a second round contest between Yanukovych and Yushchenko on 21 November. The results of that round indicated an almost 3% victory of Yanukovych over Yushchenko (see Table 3). The polling on 21 November 2004, however, was marred by reports of falsification from the OSCE and other international and domestic observers. Examples of this include turnout exceeding 96% in the eastern Ukrainian city of Donetsk—the powerbase of Yanukovych—a figure that is statistically nigh on impossible to achieve and certainly improbable.

<table>
<thead>
<tr>
<th>Name of the Candidate</th>
<th>First Round 31 Oct 2004</th>
<th>Second Round 21 Nov 2004</th>
<th>(Repeateed) Second Round 26 Dec 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>% Number of votes</td>
<td>% Number of votes</td>
<td>% Number of votes</td>
</tr>
<tr>
<td>Viktor Yushchenko</td>
<td>39.37 11,188,675</td>
<td>46.61 14,223,289</td>
<td>51.59 15,115,712</td>
</tr>
<tr>
<td>Viktor Yanukovych</td>
<td>39.32 11,088,221</td>
<td>49.45 15,045,691</td>
<td>44.19 12,948,528</td>
</tr>
</tbody>
</table>


The opposition immediately challenged the result and called for mass protests. Unprecedented, large-scale demonstrations in the centre of Kiev ensued and became known as the ‘Orange Revolution’ (named after Yushchenko’s electoral campaign colour). Within a couple of days, despite domestic and international disquiet, Yanukovych was pronounced the official winner by the Kuchma-controlled Central Electoral Commission (CEC) and, in response, the opposition pledged to keep the protesters on the street until the authorities backed down. Despite fears of violence against the protesters, the law enforcement agencies did not move against the demonstrators, although the reasons for this restraint remain unclear. The conflict became internationalized when the US and the EU refused to accept the results, in contrast to President Putin of Russia, who congratulated Yanukovych on his victory. As the mass protests (including a blockade of government buildings) persisted in Kiev, the authorities held talks with the opposition with the mediation of representatives from the EU, some key member states and Russia. Tensions were raised when calls for secession started to emanate from eastern Ukraine (see below). 47


In a striking act of judicial independence, on 3 December 2004, the Supreme Court, after considering the evidence of electoral irregularities presented by the opposition, declared the results of the second round invalid and ordered a re-run by 26 December. The decision was a major victory for the opposition and a setback for the authorities. Kuchma, however, insisted on changes to the Ukrainian Constitution, transferring significant powers from the president to the prime minister and parliament. The opposition agreed to compromise and changes to the electoral law and the Constitution were ratified simultaneously on 8 December 2004.

While the tensions were still at their peak in late November, the regional dimension of the contestation became especially pronounced when the question of separatism and federalism in eastern Ukraine was reopened. 48 On 28 November 2004, a conference of eastern Ukrainian leaders in Donetsk called for a referendum on the federalization of Ukraine. While Yevhen Kushnarov, the head of the presidential administration of the east Ukrainian oblast of Kharkiv, made the most radical statements, the event was dominated by the elite from the city of Donetsk, Yanukovych’s native city, and was marked by the presence of some prominent Russian politicians. While reviving the old and vague ideas of autonomy for eastern or southeastern regions of Ukraine (dating back to the early twentieth century) and thereby emphasizing the historical legitimacy of the demands, 49 the initiative was a direct response to the protests in Kiev. Calls for separatism by the eastern Ukrainian regional elites were made to counteract the effects of the demonstrations challenging Yanukovych’s victory. However, despite alarmist media coverage at the time, Ukraine was not in fact vulnerable to direct confrontation between supporters of Yushchenko and Yanukovych or mass support for separatism in eastern Ukraine. Even though both electorates differed in their preferences, there was no support for separatism at the popular level anywhere in Ukraine prior, during or after the ‘Orange Revolution’.

Resorting to the ‘separatist card’ represented an attempt by the eastern Ukrainian/ elites to strengthen their bargaining position during the disputed elections. Once a compromise was reached between the two sides had been agreed in early December 2004, which paved the way for the repeat of the second round, the suggestion of a referendum was taken off the agenda. However, the reaction of the nationalist agenda demonstrated not only how easily regional differences could be exploited but also the continued readiness of some Russian politicians to support such initiatives within Ukraine. Despite Kiev’s threats to bring perpetrators to justice for undermining Ukraine’s territorial integrity, no court case was subsequently initiated against any regional official. Undoubtedly, any prosecution would be fraught with difficulties and would carry a risk of fuelling further anti-centre sentiments in eastern Ukraine.

Yushchenko emerged from the repeated second round, which was regarded as free from intimidation and fraud, as the winner with almost 52% of the vote, as opposed to Yanukovych’s 44.2%. The electoral contest resulted in a realignment of political power in Ukraine. Despite the widespread use of state-controlled resources, the Kuchma regime lost its near monopoly of power due to the strength of popular support for the opposition candidate, judicial intervention and international pressure.

48 Wilson, op. cit. note 41.
49 See Wolczuk, op. cit. note 10, 29–58.
The results of that round confirmed the regional split within Ukraine. Yushchenko won in 16 oblasts and in the city of Kiev (comprising 52% of the population in total) with 80% of the vote. Yanukovych came first in eight east Ukrainian oblasts, Crimea and Sevastopol (comprising the remaining 48% of the population), where he carried approximately 75% of the vote. As Arle put it: "Orange conquered only half the country and this half is highly concentrated geographically." At the same time, however, while the political split deepened, its nature changed too. Central Ukraine came to resemble western Ukraine in its political profile, rather than eastern Ukraine as it once used to.

That the elections polarized Ukraine to such an extent can be directly attributed to the electoral strategies chosen by the candidates. Mass mobilization and non-violent protests were a successful strategy of the opposition. Unable to mobilize his "Blue" electorate (named after the colour of his electoral campaign) on a similar scale, Yanukovych and the eastern Ukrainian elites who backed him resorted to first playing the nationalist card and then the separatist scenario. These developments resembled the early 1990s, when eastern Ukrainian elites used a similar means of applying pressure on the authorities in Kiev. When in the mid-1990s these elites were drawn into competition for power and resources on a national level and thus less inclined to provoke a protest on a regional level, the potential for conflict was rendered dormant. While advancing democracy, the 2004 presidential elections and the 'Orange Revolution' renewed the incentives for reactivating this policy; however, the unpopularity of the Kuchma regime and the popularity of the opposition leader Yushchenko prompted the electoral strategy of Kuchma's successor. When he failed to overtake Yushchenko in the polls, he basically fenced off his geographical powerbase from external incursions.

In this context, the ultimate win of Yushchenko and the coming to power of 'Orange' elites were perceived as a humiliating defeat ('stolen elections') by Yanukovych's electorate. This has instilled a sense of exclusion from 'Orange-controlled' political processes in eastern Ukraine. The electorate that stayed loyal to Yanukovych throughout the presidential elections has refused to accept the popular uprising in Kiev, the results of the repeated round and the legitimacy of the new 'Orange' authorities. As far as they were concerned, Yushchenko did not—and could not—represent them.

D. The 2006 Parliamentary Elections and the 'Language Card'

The 2006 parliamentary elections were generally regarded as 'free and fair' by domestic and international monitoring bodies, thereby underscoring the democratic achievements of the Orange Revolution. Headed by Yanukovych, the Party of Regions gained a plurality of votes with 32.15% (see Table 4). However, the 'Regions' (even when allied with another 'anti-Orange force', the Communist Party of Ukraine) did not win a majority. Not only did the overall balance between the 'Orange' and 'Blue' forces remain broadly the same as during the 2004 presidential elections but so did their respective geographical powerbases. As the eastern Ukrainian electorate remained staunchly anti-Orange, the 2006 parliamentary elections were characterized by the continuation of the regional split within the country.

| Table 4. | Results of the March 2006 Parliamentary Elections in Ukraine |
|---|---|---|
| 1 | Party of Regions | 32.15 | 8,646,745 |
| 2 | Bloc of Yulia Tymoshenko | 22.29 | 5,652,876 |
| 3 | Our Ukraine Bloc | 13.95 | 3,593,140 |
| 4 | Socialist Party of Ukraine | 5.69 | 1,444,224 |
| 5 | Communist Party of Ukraine | 3.66 | 929,391 |
| 6 | Bloc of Natalia Usenko 'People's Opposition' | 2.93 | 743,204 |
| 7 | People's Bloc of Lytvyn | 2.64 | 619,305 |
| 8 | Ukrainian People's Bloc of Koshenko and Plyushch | 1.87 | 476,155 |
| 9 | Party 'Vel' | 1.74 | 441,705 |
| 10 | Civic Bloc of PORA and Party and Reform Party | 1.47 | 371,678 |
| 11 | Opposition Bloc 'NOTAK' | 1.01 | 267,106 |


Note: parties that passed the 3% threshold are marked in bold.

The elections reconfirmed the regional profile of most Ukrainian parties, with Yulia Tymoshenko's bloc enjoying the widest geographical spread of support, winning in the largest number of regions (13 oblasts and the city of Kiev) and coming either first or second in all but three territorial units of Ukraine (Crimea, Luhansk and Donetsk). The fact that it won in central Ukraine confirmed the significant shift in Ukraine's geographic politics—central Ukraine increasingly resembles western Ukraine rather than eastern Ukraine as was the case till 2002. The Party of Regions won in ten geographically concentrated units (Kharkiv, Donetsk, Luhansk, Dnipropetrovsk, Zaporizhzhia, Mykolai, Odesa and Kherson oblasts, as well as in Crimea and the city of Sevastopol), the same regions in which Yanukovych had won in the 2004 presidential elections. With the Party of Regions winning with an average of 55% in nine geographically concentrated regions (oblasts) of eastern Ukraine, regional polarization has persisted. This reflects the situation in Ukraine where, as Protsyk has pointed out: "The fortunes of the main political parties of Ukraine are much more dependent on parties' abilities to cater to regionally concentrated voters than on their success in advancing political programmes based on universal ideologies."

After eliminating the distorting effects of the fraud and manipulation prevalent during the Kuchma era, the 2006 election evidenced the consolidation of the anti-

51 Ibid.
52 Kulyk, op.cit. note 5.
53 However, despite being number one on the electoral party list, Yanukovych is only the official face of the party, which mainly represents the business interest of the Donbas elites.
Orange electorate. The Party of Regions capitalized on—and indeed fuelled—the sense of exclusion from the 'Orange project' prevailing in eastern Ukraine, something that the 'Orange coalition'—preoccupied with internal conflicts—had failed to counteract. If anything, Yushchenko's rhetoric further alienated the eastern Ukrainian electorate, as he consistently used the term 'narod' whenever he spoke about the 'Ukrainian people', despite the fact that 'narod' has strong ethnic connotations in Ukraine. Yushchenko's systematic use of this term in his speeches may be easily interpreted as an attempt to emphasize the ethnic underpinnings of the 'Ukrainian people' and thereby deliberately shift the discourse and practices towards Ukrainization, although more likely it reflects his lack of appreciation of the contested nature of the very concept of 'people' in Ukraine.

The Orange coalition forces, especially Yushchenko's Our Ukraine, rallied around the Maidan (the central square in Kiev and the main site of protests), which has subsequently become the symbol of the battle of democratic forces against authoritarianism, political pressure and rigged elections, which was embodied in the Party of Regions. However, the Party of Regions once again successfully 'defended' itself in eastern Ukraine by framing the contest in terms of irreconcilable differences between different regions of Ukraine. The party once more highlighted the supposed fault line that exists between western and eastern Ukraine, in terms of foreign policy orientation towards Europe versus integration within the former Soviet Union, Ukrainian language use versus Russian and the lack of industrialization in western and east Ukraine versus the industrial might and potential of eastern Ukraine.55 The framing of electoral contestation between the political forces in Ukraine perpetuates the regional division of Ukraine along the lines of language, history and foreign policy orientation, thereby confirming the undiminished divisive potential of the 'Ukrainian-Russian nexus' in Ukraine.

If the 2006 elections brought the spectre of separatism, the 2006 elections reintroduced 'the language card'—a backlash against the status of Ukrainian as the sole state language in Russian-speaking regions of Ukraine. As pointed out above, the language issue has been regularly and conveniently raised during electoral campaigns only to be put on the backburner after the elections. As Shevchuk argued, the 'protection of the Russian language' became a mandatory attribute of the political platform of the opposition in post-Soviet Ukraine.56 The difference between 2006 and previous elections was the unprecedented prominence of the 'language question'.

Significant tensions occurred in the Autonomous Republic of Crimea (ARC), where the situation started to resemble the efforts to instigate separatism in Crimea in the mid-1990s. As noted above, the Crimean peninsula is the only region of Ukraine with an ethnic Russian majority; it also has strong historical links with Russia.57 During the 2006 parliamentary campaign, Crimean elites challenged central authorities' power over the republic in the realm of language. The Party of Regions collected 300,000 signatures demanding a local referendum on the status of the Russian language. Following that, in February 2006, the parliament of the ARC adopted a resolution on a non-binding referendum to be held concurrently with legislative elections on 26 March 2006 to determine the degree of popular support for making the Russian language a second official language. The 1998 Constitution of the ARC followed the 1996 Constitution of Ukraine in defining Ukrainian as the state language but, at the same time, proclaimed that "the functioning, development, utilization, and protection of Russian, Crimean Tatar, and the languages of other nationalities shall be assured".58 Despite a nominal reference to Ukrainian as a state language, Russian has remained the de facto language of bureaucracy and education on the peninsula.59 The resolution was immediately criticized in Kiev as "illegitimate and aimed at destabilizing the situation in the country", on the grounds that "no problem with using the Russian language" exists.60 The Central Electoral Commission banned the Crimean authorities from holding the referendum on the same day as the elections.

Even though the Crimean referendum was cancelled, a string of decisions on upgrading the status of Russian were adopted by the authorities in a number of eastern Ukrainian cities and oblasts, including Kharkiv (oblast), Sevastopol (city), Yalta (city), Kryvyi Rih (city), Donetsk (oblast), Luhansk (oblast), Dnipropetrovsk (city), Zaporizhzhia (city) and Mykolayiv (city), either prior to or soon after the elections.

These resolutions have in common not only a temporal factor but also a number of other characteristics. First, they all occurred in predominantly Russophone cities and but after Ukraine's independence the belonging of Crimea became a hot political issue. In recognition of Crimea's distinctive profile and history, already on the eve of Ukrainian independence in the spring of 1991 the status of the Autonomous Republic of Crimea was renewed by the Supreme Council of Ukraine. However, these measures failed to placate the Crimean elites and, after the 1991 Ukrainian referendum on independence, separatist tendencies intensified, exacerbated by support from Russian political elites, who viewed Crimea as rightfully belonging to Russia. In 1994, these separatist tendencies peaked with the election of the pro-Russian Crimean President Yury Meshkov. This surge of separatist and pro-Russian attitudes in Crimea resulted in a concerted effort by Kiev to bring Crimea 'under control'. A compromise solution was found in the Constitution of the Crimean Autonomous Republic of 1998.

55 "Forming a Coalition Means Forming an Opposition", 14(318) IPS Newsletter, 17 April 2006.
56 Shevchuk, op. cit. note 31.
57 Crimea was incorporated into Ukraine in 1954 as an administrative-territorial unit (oblast) after the Crimean Autonomous Soviet Republic was abolished in 1945 (following the deportation of the Crimean Tatars in 1944). The change of administrative subordination of Crimea as a result of giving it to the Ukrainian SSR did not matter much at the time, since it remained part of the Soviet Union and, in practice, it preserved its 'Russian' character.
58 Part I of Section 10, Constitution of the Autonomous Republic of Crimea.
59 Out of nearly 600 schools in Crimea, Ukrainian is the language of instruction in seven (the language of the Crimean Tatars is used as a language of instruction in another 15), whereas in all remaining schools the language of instruction is Russian. The limited extent of Ukrainian reflects the lack of support for the Ukrainian language within Crimea. See "Pro Referendum u Krymu I Komu To vyhido?", Analis, BBC Ukrainian Section, 22 February 2006, at <http://www.bbc.co.uk/ukrainian>. Around the time of the elections, however, the issue attracted public attention when people's names (regardless of their ethnic background and preference) were recorded in Ukrainian on voting lists, something that was subsequently explained by the lack of training and experience of language students employed to compile the lists.
60 "Pro Referendum u Krymu I Komu To vyhido ..."
oblasts, which have not undergone systematic Ukrainization and where the Russian language remains dominant in public life. However, as argued above, precisely because of the attempted restriction of the role of Russian to that of the language of the Russian minority, according to the existing legal framework in Ukraine, these regions’ sense of vulnerability and of being at Kievan’s whim has been heightened. Second, the resolutions were adopted in localities where the Party of Regions enjoyed the strongest support and won in the March 2006 parliamentary and local elections. Undoubtedly, the local elections held on the same day as the parliamentary elections encouraged oblast and municipal councilors to increase their popular appeal by taking the decision to upgrade the status of Russian. The fact that the Party of Regions is well represented at the local level and not only supported the decisions but promised to raise the issue during the first session of the new parliament creates a direct link between the national and substate level political developments. Third, most of the resolutions refer to the ECHR as a basis for approving decisions designating the Ukrainian language as regional. Regional Council Deputy Vladimir Alexeyev in Kharkiv argued that: “We are not giving any status to the Russian language. It has existed since the ratification of the charter by [parliament] anyway.” In other words, regional and municipal councils recognized Russian as a regional language in their territorial units (but without any references to other languages listed in the ratification law).

The central authorities, while unwilling to clamp down on the dissenting regions, did not intend to leave these regional initiatives unchallenged. The Ministry of Justice of Ukraine criticized the resolutions and, in particular, their reliance on the ECHR as two grounds. Firstly, according to Ukrainian legislation, the regional and municipal authorities have no authority to adopt normative acts in the sphere of language as, according to the 1996 Constitution, this matter is the exclusive prerogative of the legislature. Secondly, the Ministry raised the issue of the incorrect translation of the ECHR, which accounted for an interpretation that differs from that intended in the document (see above).

The question of authority has been particularly contested. The Party of Regions argued that the Ministry of Justice exceeded its authority by issuing a statement that the decisions of the municipal councils of Kharkiv, Sevastopol and Luhansk oblast were unconstitutional on the grounds that in accordance with Article 147 of the Ukrainian Constitution, the Constitutional Court is the only institution of constitutional jurisdiction in Ukraine able to offer an official interpretation of the Constitution and the laws. However, the Constitutional Court could not provide a binding ruling due to the fact that the parliament had failed to appoint some of the judges. The Party of Regions was one of the parties that had blocked the appointment of judges in 2005, rendering the Constitutional Court inoperational until the summer of 2006.

If during the 1998, 1999 and 2002 national elections the language issue played a minor role, it was brought back on the political agenda in 2004 and, especially, in 2006. During previous elections, other than the Communist Party of Ukraine, only marginal groups and candidates campaigned for the official status of Russian. During the 2006 elections, the frontrunner—the Party of Regions—not only made elevating the status of Russian a key promise but also supported a number of resolutions in eastern Ukrainian regional and municipal authorities on this issue. This suggests that the opposition parties, supported in the east, can readily resort to the language issue to mobilize their electorate and/or exert pressure on the authorities in Kiev, owing to the discrepancy between the de jure and de facto statuses of the Russian language in Ukraine.

The greater salience of the language issue during the 2006 parliamentary elections was undoubtedly related to the tensions and uncertainties surrounding the formation of a new parliamentary coalition and government, the result of the compromise between the Kuchma regime and the opposition during the ‘Orange Revolution’ (see above). According to constitutional amendments, the government is nominated by and accountable to the parliamentary coalition. This meant that control over the cabinet was not determined by the voting results alone but ultimately depended on coalition negotiations, from which the ultimate ‘winner’ and ‘loser’ of the electoral contest emerged. In March 2006, five parties crossed the 3% threshold required to obtain seats in the Verkhovna Rada (see Table 4). However, none of them achieved the majority needed to form a new government under the amended constitutional rules. Even though the Party of Regions obtained a plurality, its result (186 seats out of 450) was insufficient to form a majority, even after adding the seats held by the KPU (21 seats). With 244 seats, the post-Orange coalition could command the simple majority (226 votes) needed to adopt most decisions within the Rada. Coalition negotiations following the elections have been protracted and cumbersome, as post-Orange forces have argued bitterly over the distribution of posts. To increase pressure on the bloc of Yulia Tymoshenko (Bloq Yuli Tymoshenko) and the Socialist Party of Ukraine (Sozialistyczna Partiya Ukrainy), Our Ukraine started parallel negotiations with the Party of Regions, thereby keeping their options open as long as possible. In the meantime, the Party of Regions kept the language issue as one of the means of exerting pressure on the ‘Orange elites’.

61 Interfax-Ukraine, 3 June 2006.
62 "Legal Interpretation of the Ministry of Justice Concerning the Decisions of Certain Organ of Local Administration (Kharkiv City Council, Sevastopol City Council, and the Luhansk City Council) with Respect to the Status and Rules Governing the Use of the Russian Language within the Boundaries of the City of Kharkiv, Sevastopol, and Luhansk oblast" of 10 May 2006, at <http://www.minjust.gov.ua/>.
65 One of the leaders of the ‘Orange’ parties (a native of Dnipropetrovsk), and a candidate for prime minister (and thus a strong opponent of the Party of Regions), Yulia Tymoshenko, has condemned the Kharkiv Regional Council for giving Russian the status of a regional language in a characteristically bold manner: "I strongly oppose the anti-constitutional decisions on language issues. The spread of language separatism across Ukraine means that our very statehood is at issue and that an anti-constitutional mutation is under way and should be stopped immediately." Interfax-Ukraine, 6 June 2006.
context, the initial emergence of the new 'Orange coalition' in June and exclusion of the parties representing eastern Ukraine from the coalition government in Ukraine carried a risk of continued contestation and emphasis on regional differences, including the language issue, as an instrument of political competition and pressure on national policies. Yet, in June 2006, the painfully created coalition fell victim to clashes of personality, ideas and interests. Following the 'defection' of the Socialist leader, Oleksandr Moroz, to the Party of Regions, the latter had accumulated sufficient parliamentary numbers to command a majority and form the government. After the last minute inclusion of Our Ukraine in the Regions-led coalition, Yushchenko reluctantly agreed to the nomination of Yanukovych as prime minister. The formation of the new broad-based coalition government was preceded by the signing of a Pact of National Unity, containing a list of declarative statements to guide the policy-making of the coalition government. The difficulties that arose in agreeing the text of the Pact of National Unity, including amongst others, on the substance of language issues, means that coherent language policy-making will be difficult to deliver. This is especially the case as, having secured its dominant position in the executive branch, the Party of Regions aspires to acquire national status and widen its appeal without losing its powerbase in eastern Ukraine. Thus, newly appointed Prime Ministers Yanukovych played down the language issue without clarifying the exact strategy of the party:

This question always becomes more pronounced during electoral campaigns. And this is not accidental as the language issue exists not only at the level of politicians but also average people. They feel the various inconveniences created by officials, who, when it comes to using Ukrainian in Russian-speaking regions, go over the top.

However, I would say that in the south-eastern regions of Ukraine, there is no problem for the Russian language. There is a problem for the Ukrainian language. And here for the development of Ukrainian a state programme is needed. And a new language law is needed which would regulate the use of languages.

I can say firmly that as soon as politicians stop ignoring this problem, people will easily find a common language. It is a long time till the next elections and I expect that politicians will not focus their attention on this issue.67

The inconsistencies in proclamations on the language issue thus far suggest that the Party of Regions is keeping all of its options open, in order not to foreclose any avenue that may become politically expedient. Significantly, however, as of September 2006, the 'Regions' lack the required constitutional majority (300 votes) to amend the 1996 Constitution to make Russian a state language.68 In contrast to previous electoral cycles, however, the language issue is unlikely to lose its political salience after the 2006 Ukrainian elections.

VI. Conclusion

A simplistic minority-majority nexus does not offer an appropriate framework for the analysis of ethnic relations in Ukraine. Due to the size, history and beliefs of the Russian ethnic group in Ukraine, they do not perceive themselves—and are not regarded by most representatives of the titular majority—as a minority. Even though Ukraine's legislation on minority rights has attracted international criticism on the grounds of discrimination against the Russian minority (apart from such criticisms emanating from Russia), the very act of defining Russians and the Russian language as a minority and minority language, respectively, has undoubtedly meant a demotion from the Russians' former privileged status. Yet, outside Crimea, ethnic Russians have not emerged as a self-conscious and politically mobilized group within Ukraine. This can be explained not only in terms of the lack of systemic discrimination against ethnic Russians, despite the pursuit of an active, albeit slow, process of Ukrainization, but also in terms of the close links between the titular majority and ethnic Russians, especially in Russian-speaking regions of Ukraine, to the extent that ethnicity does not constitute a significant factor in social and political interactions. The presence of a significant number of predominantly or solely Russian-speaking members of the titular majority diminishes the sense of difference between the majority and largest minority.

Despite these non-conflictual ethnic relations (with the exception of Crimea), the issue of the Russian language and position of the Russian-speaking regions (where the Russian minority is concentrated) within Ukraine has turned into a salient political issue during the 2004 and 2006 elections. This is because the regional nature of the political divide has encouraged those regionally-based parties that are in opposition to exploit regional differences as a ‘bargaining card’ in national politics. In particular, eastern Ukrainian elites have emphasized the distinctiveness of their part of Ukraine in order to counteract the weakening of their standing at the national level. This was significantly facilitated by the ongoing controversies regarding the formal status of the Ukrainian and Russian languages, state policies and population’s actual preferences.

As a result, the broadly defined east-west polarization of Ukraine did not fade away with the demise of the ideological parties, the communist and national democratic parties, whose opposing ideological platforms fuelled political confrontation in the 1990s. Rather than diminishing, the confrontation has metamorphosed into a different political configuration of parties and elites. While there is no clear single cleavage, the political contest in Ukraine is still fought along geographical, linguistic and cultural lines, rather than along the lines of socioeconomic welfare or corruption, despite the unifying potential of these issues according to most public opinion surveys. Ukraine emerged from the Soviet Union with strong regional differences but the rami-

66 The coalition was meant to consist of the Bloc of Yulia Tymoshenko, Our Ukraine and the Socialist Party of Ukraine.
67 Interview with Victor Yanukovych for BBC Ukrainian, 22 August 2006.
68 Interfax-Ukraine, 16 August 2006.