



Degree Program in International Relations

**UKRAINIAN INSTITUTIONS AND LANGUAGE  
POLICIES: IMPACT ON RUSSIAN-SPEAKING  
MINORITIES BETWEEN 1991 AND 2004**

**MAJOR: INTERNATIONAL RELATIONS**

**RESEARCH FOCUS: REGIONAL ORGANIZATIONS**

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**YEAR OF SUBMISSION: 2025**

# Acknowledgements

This thesis would not have been possible without the generous support and guidance of several people.

I am especially thankful to my supervisor, Professor Song Tianyang, for his unvaluable advice and mentorship.

To Anastasia, my girlfriend, thank you for standing by me with endless support and care.

And to my parents, thank you for giving me the opportunity to study abroad and pursue this path.

## Declaration

I hereby declare that this thesis is my original work, and it has been written by me in its entirety. I have duly acknowledged all the sources of information which have been used in the thesis.

This thesis has also not been submitted for any degree in any university previously.

15<sup>th</sup> of September 2025,

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## Abstract

This study examines the evolution of Ukrainian institutions and language policies in addressing Russian-speaking minorities interests, focusing on minorities representation and minority language rights during the first decade of independence (1991-2004). This period is crucial, as it was the first moment in history when Ukraine could craft its political institutions and language policies, having to balance between the interests of its large Russian-speaking population, its necessity to build a state, and the contradictions between these two goals. Addressing a gap in existing literature, this research reveals that despite the unclear codification of the Russian language, the Ukrainian state's language policies had limited efficacy in altering the established linguistic practices of the Russian-speaking minorities. Moreover, this study demonstrates that the interests of Russian-speaking minorities were relatively well represented within Ukrainian institutions during this period, with the Russian language remaining a significant means of expression and only experiencing limited politicization.

Future research should investigate the impact of the 2004 political instability on language policies and minority representation. Comparative studies with other post-Soviet states and in-depth analyses of the specific mechanisms of minority representation in the early Ukrainian parliament are also recommended.

**Keywords: Post-Soviet studies; Language policy; National identity; Russian-speaking minorities; Institution building; Ukrainian language; Minority rights.**



# Chapter 1: Introduction

This study examines how Ukrainian institutions and language policies have evolved to accommodate Russian-speaking minorities, inscribing this research in the field of nation-building after independence. The challenge of unifying the country under common values and institutions required addressing fundamental issues, such as linguistic divides and contrasting perspectives on Ukraine's institutional framework.

The research aims to analyze how Ukrainian politics approached state-building in the early years of independence, shaping institutions and language policies that directly affected the rights of the Russian-speaking population—the country's largest minority. Specifically, this study seeks to determine whether independent Ukraine's political framework considered the interests of the Russophone population, assuming that their primary concerns were the right to use their language without legal constraints and active participation in national institutions. The analysis will focus on how key institutions—such as the parliament, the presidency, and enacted legislation—either included or excluded this minority from the political system.

Beside its historical and political significance, this study has both theoretical and practical implications. Theoretically, it contributes to discussions on state-building and minority rights within divided societies, offering insights into how institutional frameworks can accommodate or marginalize linguistic minorities. Practically, understanding Ukraine's approach to language and minority policies is essential for assessing broader issues of social cohesion, national identity, and political stability in multiethnic states.



This research is structured as follows: **Chapter 1** provides a historical background about Ukraine, to contextualize the evolution of its institutions and language policies before independence. **Chapter 2** examines Ukraine's institution-building process, focusing on minority representation and the political system's role in addressing cultural and regional divisions. **Chapter 3** analyzes government language policies, ascertaining their contribution in integrating minorities and protecting their linguistic and cultural rights. **Chapter 4** presents the study's findings, discusses their implications, and suggests directions for future research.

## 1.1 Research Question and Methodology

This raises two central questions: How has Ukraine implemented its process of state-building within institutions and language policies? And to what extent has this process balanced the rights and interests of cultural and linguistic minorities?

To make a comprehensive analysis, the study will look at different layers of Ukrainian political life, going from national legislation to legal interpretations of the Ukrainian Constitutional Court, to international agreements signed and constitutional amendments.

This thesis employs a qualitative approach to analyze how Ukrainian institutions and language policies have shaped the rights of Russian-speaking minorities. Given the complexity of language policy and its deep ties to political, legal, and societal structures, this study relies on a combination of legal analysis, discourse analysis, and historical examination of political developments.

Chapter 2 focuses on the institutional and legal framework governing Ukraine. To assess how the state has managed linguistic diversity, this chapter draws on national laws, official government documents, and articles of the Ukrainian Constitution. Particular

attention is given to the 1996 Constitution, which established Ukrainian as the sole state language while providing certain protections for minority languages. By analyzing these legal sources, this chapter evaluates whether Ukraine's institutional framework has succeeded in safeguarding minority rights or whether it has contributed to linguistic marginalization.

Chapter 3 shifts the focus to the political and societal dimensions of language policy, examining how language has been used as a tool for political mobilization and identity formation. This analysis is based on political pamphlets, party manifestos, and public speeches by key political figures. These materials reveal how different political actors have framed the language issue to appeal to specific constituencies, particularly in the context of electoral campaigns. Additionally, historical voting patterns are examined to identify correlations between language preferences and political affiliations. By combining discourse analysis with electoral data, this chapter highlights how linguistic identity has influenced political divisions and policy decisions in Ukraine.

Throughout the thesis, a comparative approach is used to contrast official state policies with their practical implications for Russian-speaking minorities. This is achieved by integrating insights from academic literature, media reports, and historical accounts that provide a broader context for understanding Ukraine's language policies. While this study does not employ quantitative methods, it systematically examines primary and secondary sources to build a comprehensive picture of the legal, political, and societal factors that have shaped the country's approach to linguistic diversity.

By synthesizing legal texts, political speeches, and historical developments, this methodology allows for a thorough assessment of whether Ukraine's language policies and institutions have upheld the rights of Russian-speaking minorities or whether they have

contributed to social and political polarization. By looking at both official policies and political discourse, this approach highlights the tensions between promoting the Ukrainian language and ensuring the rights of Russian-speaking minorities are respected.

## Chapter 2: Literature Review

The period between 1991 and 2004 was characterized by significant steps of state-building in Ukraine. Indeed, following the dissolution of the Soviet Union, Ukraine faced the challenge of establishing a national identity, with language playing a central role. This review will examine scholars' opinions with relation to Ukrainian history, language legislation and institution building, focusing on the tensions between the promotion of the Ukrainian language and the status of the Russian language, as reflected in academic literature.

### 2.1 Pre-independence Ukraine: Diverse Cultural and Language Identity

With relation to Ukrainian history, extensive literature exists discussing how the country inherited sizeable cultural and linguistic minorities.

In his history of Imperial Russia, the American scholar Dominic L. discusses some downsides experienced by Ukrainians when the country was part of the Russian Empire, since the imperial nationality-and-language policies hindered the spread of Ukrainian and pushed for the primacy of Russian, while acknowledging that for long time the Russian Empire did not have the means to enforce its strict language policies and therefore a certain level of laxism persisted.<sup>1</sup>

An opposite perspective is offered by the Russian scholar Nikolay Ulyanov, who showed how Russian influence, and the use of Russian language was welcomed positively

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<sup>1</sup> Lieven, Dominic. *Imperial Russia, 1689-1917. vol. 2*, pg.167. New York: Cambridge University Press, 2006.

within Ukrainian population and opposition to Russian influence was mostly confined to Ukrainian ruling classes, in the attempt to gather more power to themselves. Furthermore, Ulyanov discusses some positive sides of Ukrainian integration in the Russian Empire, as it supposedly enjoyed special benefits in terms of protection from foreign invasion.<sup>2</sup>

Polish historian Władysław Serczyk underlines how then-Ukraine was a much smaller territorial entity than today's.<sup>3</sup> Indeed, Polish scholar Łukasz Adamski ascribes to the Soviet era the merits of having brought Ukraine to today's borders, with the incorporation, among others, of previously Polish-controlled lands.<sup>4</sup>

According to Kenez, one of the major scholars of the USSR, an element of criticism about Soviet Ukraine is USSR's language policy, which established the supremacy of Russian and hindered the spread and usage of the Ukrainian language within Soviet Ukraine.<sup>5</sup>

## 2.2 Independent Ukraine: Identity Building in Language Laws & Institutions

Hereafter, key scholarly works will be analyzed, dealing with the evolution of language legislation and its socio-political impact during this era.

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<sup>2</sup> Николай Ульянов, “Происхождение украинского сепаратизма”. Москва: ИНДРИК, 1996.

<sup>3</sup> Serczyk, Władysław A. *Historia Ukrainy*. Wrocław, pg.358: Zakład Narodowy im. Ossolińskich, 1990.

<sup>4</sup> Adamski, Łukasz. “Historia Międzykropelkowa – O Pracy Jarosława Hrycaka „uporać Się z Przyszłością: Globalna Historia Ukrainy”.” *Dzieje Najnowsze* 55, no. 3 (July 1, 2024): 231–52.

<sup>5</sup> Kenez, Peter. *A history of the Soviet Union from the beginning to the end*. Cambridge: Cambridge University Press, 2006.

### 2.1.1 Legal Codification of Russian vs. Ambiguity

Following the opinion of Stepanenko, Ukrainian authorities walked a tight rope between setting one single official language for the country, while tacitly accepting the existence of two main languages (Ukrainian and Russian).<sup>6</sup> Polese explains such ambiguity, stating that Ukrainian officials' laxism in the implementation of language laws was meant to favor higher acceptance by national minorities: therefore outlining a strategy of accommodation by the central government.<sup>7</sup> However, Stepanenko and Polese's discussion on the ambiguous legal codification of Russian still seems to miss the point that after independence and until 2004, every Ukrainian government pushed for the primacy of Ukrainian as a state language, therefore outlining a clearly nationalizing agenda.

Pavlenko challenges the existence of an accommodating attitude on the side of Ukrainian governments and ascribes the lack of legal importance given to Russian to politicians' fear of codifying the Russian language into state legislation.<sup>8</sup> While such perspective centers on the historical legacy of Ukrainian as a secondary language to Russian, and seeks to explain Ukrainian language policies as a sort of necessity in order to incentivize people to use Ukrainian, Pavlenko's viewpoint lacks an analysis of what are the effects of such state-sponsored push for using Ukrainian. A more complete analysis, for the purposes of this research, is offered by Csernicskó, who problematizes on the legal ambiguity of the status of Russian language, showing it has led to political polarization.<sup>9</sup>

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<sup>6</sup> Stepanenko, Viktor. "Identities and Language Politics in Ukraine: The Challenges of Nation-State Building." *European Center for Minority Issues*, 2003.

<sup>7</sup> Polese, A. "Language and Identity in Ukraine: Was It Really Nation-Building?" *Studies of Transition States and Societies* 3:3 (2011): pg.43

<sup>8</sup> Pavlenko, Aneta. "Multilingualism in Post-Soviet Countries: Language Revival, Language Removal, and Sociolinguistic Theory." *Multilingualism in Post-Soviet Countries*, December 31, 2008, pg.52 <https://doi.org/10.21832/9781847690883-001>

<sup>9</sup> Csernicskó, István, and Csilla Fedinec. "Four Language Laws of Ukraine." *International Journal on Minority and Group Rights*, January 2016, 560–82.

In this sense, while showing the impact of the legal ambiguity of the Russian language on voters preferences, Csernicskó lacks an analysis of how the institutions responded to political polarization, and if any attempt were made to garner Russian-speaking minorities a better representation of their interests.

Masenko in turn, downplays the role of laws and language policy, tying the usage of Russian or Ukrainian to social dynamics, rather than having clearly defined legal boundaries.<sup>10</sup> In concrete terms, Masenko tries to link the language issue in Ukraine to social factors, stressing on the mismatch between state-approved language policies and people's attitudes in daily lives: despite his ability to grasp the wider picture around language usage in Ukraine, he lacks a thorough analysis of how these policies have restricted Russian-speaking minorities ability to use their language in their lives.

### 2.2.2 Minority Institutional Representation and the Risks of Exclusionary Policies

Speaking of political representation, D'Anieri offers a positive view of how Russian-speakers' interests have been politically put forward within Ukrainian institutions, and argues for the viability of an independent multicultural Ukraine and the pointlessness of secession or violence for minorities interests to be represented.<sup>11</sup> With the adoption of an optimistic view of the Ukrainian state, D'Anieri correctly points out that Russian-speakers were not marginalized within Ukrainian political life; however, his perspective mostly

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<sup>10</sup> Shevchuk, Yuri. "Language Policy and Language Situation in Ukraine. Analysis and Recommendations." *Nationalities Papers* 39, no. 3 (May 2011): 101–38.  
<https://doi.org/10.1017/s0090599200037284>

<sup>11</sup> D'anieri, Paul. "Ethnic Tensions and State Strategies: Understanding the Survival of the Ukrainian State." *Journal of Communist Studies and Transition Politics* 23, no. 1 (March 2007): 4–29.

neglects the wide political polarization existing in Ukraine and its correlation with the country's language divide.

Azhniuk instead, envisions language in Ukraine as a symbolic legal battle, arguing that, regardless of any political representation of minorities, politically motivated language legislation risks excluding minorities and precipitating societal tensions.<sup>12</sup> Adopting a balanced perspective, Azhniuk expands on D'Anieri's legacy, insisting that Ukrainian social stability can be guaranteed only if minorities language rights are upheld. Similarly, Matviyishyn and Michalski, delve deeper into the necessity of preserving the linguistic diversity of Ukraine, underlining how the push for using the Ukrainian language might be met with resistance by certain parts of the population.<sup>13</sup> In offering an analysis of the recommended steps for Ukraine to be a stable society, Matviyishyn and Michalski do not specify the single effects of each language policies on Russian-speaking minorities, thereby missing the analysis of a fundamental issue.

On a different wavelength, Kulyk credits Ukrainian language policies precisely with the opposite merit, arguing that they have pushed for more societal integration.<sup>14</sup> His insistence on the role of language in unifying a society is however overly optimistic on how the imposition of a single state language in Ukraine has impacted people speaking different languages: therefore, while it is valuable to frame Ukrainian push for a single state language in the framework of state-building, Kulyk lacks a deeper analysis of the language rights issues in implementing a single state language.

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<sup>12</sup> Azhniuk, Bohdan. "Ukrainian Language Legislation and the National Crisis." *Harvard Ukrainian Studies*, 2017, pg.311–29.

<sup>13</sup> Matviyishyn, Yevhen, and Tomasz Michalski. "Language Differentiation of Ukraine's Population." *Journal of Nationalism, Memory & Language Politics* 11, no. 2 (December 1, 2017): 181–97. <https://doi.org/10.1515/jnmlp-2017-0008>

<sup>14</sup> Kulyk, Volodymyr. "The Politics of Ethnicity in Post-Soviet Ukraine: Beyond Brubaker ." *Journal of Ukrainian Studies*, No. 1-2, 26 (2001): 194–221.



Nicole Gallina emphasizes Ukrainian language policies' role in shaping people's identity, underlining how, up until 2004, Ukrainian politicians have not taken a definite stand between imposing a civic or ethnicity-based identity to the country.<sup>15</sup> This points adds on the legacy of D'Anieri, Matviyishyn and Michalski, in showing how in post-independence Ukraine politicians had taken inclusive steps in state-building; nevertheless, the idea of civic and ethnic-based identity displays a rather subjective interpretation for Ukrainian language and institutional policies, and does not properly address how a seemingly civic-oriented policy could still negatively affect linguistic minorities.

## 2.3 Research Gap and Contribution

While existing literature offers valuable insights into Ukraine's linguistic policies and institutional development individually, a significant gap remains in combining in a single analysis both language policies and institution-building to grasp their impact on Russian-speaking minorities. Most studies focus on historical legacies to justify Ukrainian state-building or highlight the discrepancy between language policies and actual language usage, nevertheless fewer analyses address the intersection of the legal uncertainty surrounding the Russian language, minority representation, and national identity formation, which is crucial to fully understanding Ukraine's evolution as an independent state and its capacity to represent the interests of language minorities. Scholars are divided on whether language laws promote integration or marginalize minorities. This study attempts to bridge this gap by combining institutional and language policy analysis, examining the direct impact of state-building on linguistic minorities. Building on previous research, this work will offer a deeper understanding

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<sup>15</sup> Gallina, Nicole. "Ukraine: Nation-Building Revisited - The Ukrainian Presidents and Their Understanding of Identity Politics." *Political Sphere*, no. No.15 (2011).  
[https://doi.org/https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1876652](https://doi.org/https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1876652)

of how state-building affects minorities, using the example of a recently independent state and its approach to integrating minorities within legal and institutional frameworks.

# Chapter 3: Historical Background of Institutions and Language

## 3.1 Early History – Ukraine as a Protectorate

The roots of Ukraine can be traced back to the medieval state of Kievan Rus, constituting a federation of Slavic tribes under the leadership of Kyiv. This initial state form molded the sense of identity and culture of Ukrainians, although it later fell apart in the years, especially because of the Mongol invasion in the 13<sup>th</sup> century.<sup>16</sup>

The emergence of the Cossacks in the 15<sup>th</sup> and 16<sup>th</sup> centuries further contributed to the birth of a Ukrainian identity. Such historical figures became famous because of their prowess to fight against foreign influences, originally Poland and later the Russian Empire. Cossacks even achieved constructing their own independent semi-state form, the Zaporizhian Sich, which covered a great part of current southern Ukraine later in time came to be regarded as an outpost of self-governance and autonomy.<sup>17</sup>

During the 16<sup>th</sup> and 17<sup>th</sup> century, most of Ukraine was split between the Russian Empire in Eastern Ukraine and the Polish Lithuanian Commonwealth in Western Ukraine, however the Polish nobility encountered strong resistance from Ukrainian peasantry, and uprisings ensued, such as the Khmelnytsky Uprising in 1648, thanks to which Ukraine achieved greater autonomy from Polish rule: such events motivated the Russian Empire to tame potential malcontent and concede Ukrainian elites limited rights of self-administration.<sup>18</sup>

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<sup>16</sup> Николай Ульянов (1996)

<sup>17</sup> Николай Ульянов (1996)

<sup>18</sup> Николай Ульянов (1996)

A crucial moment in the existence of an independent Ukraine, in a political sense, was the year 1654, where the Treaty of Pereyaslav with Russia was signed. To protect itself from a Polish aggression, Ukraine had entered a union with Russia, which implied significant Russian influence in Ukraine. Such period was characterized by significant turmoil within the Cossacks: some decided to side with the Russian czar and welcome Russian influence, seen as a more stable element than the Cossack rule, while others declared war to Russian forces and revolted against them.<sup>19</sup>

Eastern Ukraine profited from the Treaty of Pereyaslav, as it helped staving off the threat of invasion from Poland, but the entente between Russians and Ukrainians was to be short-lived. Indeed, in the late 1660's, Ukrainian Hetman Petro Doroshenko attempted a revolt to free Ukraine not only from Polish but from Russian shackles as well: such event pushed a realignment between Moscow and Warsaw, which was followed by more sustained attempt by the two to consolidate control over Eastern and Western Ukraine respectively.<sup>20</sup>

While Moscow and Warsaw envisioned Ukrainian territories as part of their respective dominions and did not show interest in giving those territories more autonomy, the Cossack elite was hard to dominate and was often violently showing its intention to rule Ukraine on their own.

Ukrainian existence under the Russian Empire is to be considered a challenging period according to certain sources. Some American scholars have argued that the Russian empire did not keep into account cultural diversity within their territories, and such idea was with force repelled by tsars and state administration. Oppositely, they normalized the fact that

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<sup>19</sup> Николай Ульянов (1996)

<sup>20</sup> Lieven (2006)

Russian was the predominant culture and religion (Russian Orthodox) throughout the empire. Despite Russian's statesmen narrow-mindedness in enforcing nationality policies, it must be also underlined that they lacked even the necessary tools and the consistency to achieve an effective nationality-policy to alter the culture of territories under the control of the Russian empire, whether through education or violent means.<sup>21</sup>

Modern interpretation of Ukrainian historiography has come to regard tsarist nationality policies as a repression of Ukrainian identity, as there was no recognition for the distinctiveness of Ukraine and any attempt to assert itself was met with accusations of secession.

The events seemed to take a different turn when Ivan Mazepa, Hetman of Ukraine between 1687-1709, betrayed the tsar and decided to side with the Swedish King Charles XII. Such choice later backfired as their coalition lost to the Russians. Following the treason, Russian Tsar Peter the Great made efforts to tighten further control over Eastern Ukraine – however in this same period, most of Western Ukraine remained under Polish or Austro-Hungarian control.<sup>22</sup>

The strong reception of Russian influence on Ukraine was proven by Ukrainian historiographer Mykhailo Hrushevsky who claimed that: "The Great Russian language is [was] widely used, not only in relations with Russian authorities but also influences the language of internal Ukrainian administration, enters private life, and Ukrainian literature."<sup>23</sup> Such an account from a patriotic Ukrainian historiographer determines an admission that with time the employment of Russian language consolidated within the general Ukrainian population.

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<sup>21</sup> Lieven (2006)

<sup>22</sup> Lieven (2006)

<sup>23</sup> Николай Ульянов (1996), *pg. 72*

On the contrary, the relationship between the Ukrainian Cossack leadership aspirations and Saint Petersburg tsars was marked by several highs and lows. At the time of Tsarina Catherine II (1762-1796), her intention was to mold Russia into a centralized political order, which ran directly against the Cossacks' fight to garner Ukraine additional political and administrative rights within the empire. The peak of frictions was reached in 1764 when the Hetmanate, administering Russian-controlled Eastern Ukraine, was completely disbanded following a decision of the Tsarina.<sup>24</sup> Such underlines a dichotomy between the way Russian influence was received within the general population and the way Ukrainian leadership felt it.

After 1815, when the Congress of Vienna partitioned Poland into different parts, Russia was allocated control over "Congress Poland", which included several parts of Western Ukraine and made for an expansion of the Russian Empire domination over Ukraine.<sup>25</sup>

The level of integration between Ukrainians and Russian during the 19<sup>th</sup> century is proven by the fact that within the Russian Empire, there was wide interest for Ukraine and its language: the first books of Ukrainian grammar were published indeed in Saint Petersburg, at the time the capital of the Russian Empire, by the Russian lexicologist Alexei Pavlovsky in 1818. While some of the poetry of Ukrainian intellectual Taras Shevchenko was firstly published in the Russian capital as well.<sup>26</sup>

In the capital of the Russian empire many Ukrainian intellectual figures had received an education. Therefore, a thesis advanced by some Russian historiographer is that the liberal-style Ukrainian nationalism that was coming to the rise in the 19<sup>th</sup> century was merely a minoritarian form of idealization of the past, with overly negative views of

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<sup>24</sup> Z. Kohut, *Russian Centralism and Ukrainian Autonomy: Imperial Absorption of the Hetmanate 1760s–1830s* (Cambridge, Mass.: Harvard University Press, 1988)

<sup>25</sup> Lieven (2006)

<sup>26</sup> Николай Ульянов (1996)

Russian influence on Ukraine.<sup>27</sup> Despite such viewpoint being a clearly short-sighted description for Ukrainian national struggle, it does indeed indicate that Ukrainian historiography is an inherently complex subject, and that several interpretations of it coexist.

After some revolts in Poland, in 1863 Saint Petersburg leadership decided to tighten the implementation of nationality policies in the Western Provinces of the Empire. For example, Ukrainians and Belarusians were not allowed to use their native tongues in schools and censorship prohibited most of publications in those languages. With the words of Petr Valuev, Russian Minister of Interior in a notorious circular of 1863: ‘A separate Little Russian [Ukrainian] language never existed, does not exist, and cannot exist’.<sup>28</sup>

Statements of the kind give a sense of the challenges underwent by Ukrainian-speakers during periods of instability and revolt in the Russian Empire. Owing to growing hostility towards a separate Ukrainian identity, and due to the 1876 Russian ban of publications in Ukrainian within the Russian Empire, several Ukrainian scholars and activists migrated from Kiev to Austrian-controlled Galicia, where a Ukrainian national movement was slowly being born.<sup>29</sup> Such event demonstrates that when Ukraine was part of the Russian Empire, certain Ukrainian intellectuals disagreed with the direction the country was taking and migrated abroad in order to rally support for a different Ukraine.

By looking at the Russian Empire’s push for the primacy of Russian culture and language, some Ukrainian scholars have come to regard tsarist influence in Ukraine as a negative element. As much as it was shown that in part of the Ukrainian population, the process of embracing Russian influence went smoothly, many Ukrainian intellectuals

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<sup>27</sup> Николай Ульянов (1996)

<sup>28</sup> Lieven (2006), 38

<sup>29</sup> Lieven (2006)

prioritized a different imagination for Ukrainian identity. Visibly, in Galicia, soon-to-be Western Ukraine, a national movement was taking shape precisely to counter the process of integration initiated by the Russian Empire.<sup>30</sup>

### 3.2 Pre-Soviet History – Ukraine Occupied and Divided

During World War One, Ukraine experienced a brief period of independence. Indeed, after the collapse of the Russian Empire, the People's Republic of Ukraine was proclaimed: despite such entity's short life, the episode represents the first attempt in modern history to create an independent Ukrainian state, driven by a sense of self-determination and national identity.<sup>31</sup>

With the occupation of parts of Ukraine by the German Army in 1918, the Central Rada did not have margin of action, and a new authority emerged in this vacuum: the Directorate, led by hardliners who strove for a full Ukrainian independence from foreign influences. Such body was led, among many, by Symon Petliura, later to become one of the icons of Ukrainian nationalist movement. Under his leadership, Ukrainian was declared official language within the territory of the Republic.<sup>32</sup>

Despite its initial success, Ukrainian independence ground to a halt when in late 1919, the Bolsheviks regained control and incorporated Ukraine within the Soviet Union.

The borders of Ukraine were smaller than nowadays. Indeed, Galicia and Volhynia in Western Ukraine still belonged to Poland. Some Polish historians lament that the fact of calling these territories “Western Ukraine” is a form of “presentism”, considering that such

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<sup>30</sup> Magocsi, Paul Robert. *The roots of Ukrainian nationalism*, December 31, 2002.  
<https://doi.org/10.3138/9781442682252>

<sup>31</sup> Serczyk (1990)

<sup>32</sup> Serczyk (1990)



territories were incorporated within Ukraine during Soviet times.<sup>33</sup> Such unification of Ukraine favored by Soviet leadership is indeed one of the merits that can be ascribed to the Soviet Union, which favored the process of formation of current day Ukrainian borders.<sup>34</sup>

Following this thread, the recent integration of territories in Ukraine explains one more time the reason behind the cultural and linguistic richness that Ukraine has inherited after its independence, and the necessity to preserve it to keep the country united.

### 3.3 Soviet History: Unified but Linguistically Subordinate

In terms of language policy, from 1938 on the Soviet Union implemented measures to extend the usage of Russian in more aspects of people's lives, even in non-Russian-speaking republics: indeed, the teaching of Russian was made compulsory in every school.<sup>35</sup> All Soviet leaders envisioned the expansion of Russian usage as a major goal, in order to defeat any possible alternative to Russian hegemony within the Soviet Union, conceiving it as the easiest way to modernize and "sovietize" the socialist republics.<sup>36</sup>

Consequently, ethnic Russians in the USSR were in a position of advantage compared to other ethnicities, as their language was the Union's *lingua franca*, and throughout the existence of the Soviet Union, Russian was the dominant culture.

When in 1991 Gorbachev indicted a referendum for voters to decide the future of the USSR, most of the votes were in favor of preserving the Union, but when Yeltsin came to

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<sup>33</sup> Adamski (2024), 252

<sup>34</sup> Adamski (2024), 250

<sup>35</sup> Schiffman, H. Language policy in the former Soviet Union. (2002).  
<https://www.sas.upenn.edu/~haroldfs/540/handouts/ussr/soviet2.html>

<sup>36</sup> Schiffman, H. (2002), 6

power in Russia, the Union seemed to take a biasedly Russian-nationalistic tone, and in some Soviet republics, people began seeking more independence from the USSR.<sup>37</sup>

It was in this period that American President George W. Bush delivered a speech in front of the Ukrainian Parliament, attempting to persuade MP's not to pursue the path of "suicidal nationalism"<sup>38</sup> and to remain in a union with Russia. Despite the President's speech being motivated by noble reasons, as he was afraid that an independent Ukraine would cause ethno-territorial conflicts between different ethnicities, such speech seemed to overlook the widespread longing for independence that existed in 1991 Ukraine.<sup>39</sup> However, the authoritative opinion of an American President shows that Ukrainian independence was met by many with fear of internal conflict and instability, and the situation was indeed delicate in terms of balancing state-building with respect for diversity.

Looking at popular will, however, while in March 1991, during Gorbachev's referendum for the reform of the USSR, Ukrainians had voted 70% in favor of staying in the Union, in August 1991 the Ukrainian parliament voted with a majority of 346 deputies out of 353 for independence. Afterwards, on the First of December 1991, Ukrainian voters were summoned to the polls and voted 90% in favor of independence.<sup>40</sup>

It is hence widely disputed whether Soviet legacy in Ukraine is to be seen as something positive or negative. Surely, Ukraine's heritage from the Soviet period was a multicultural society, a widespread usage of Russian around the country, and a divided memory of the past, with different experiences of Soviet language policies between Russian speakers and Ukrainian speakers.

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<sup>37</sup> Plokhy (2022)

<sup>38</sup> "Public Papers - George Bush Library and Museum." George Bush Presidential Library and Museum. Accessed February 2, 2025. <https://bush41library.tamu.edu/archives/public-papers/3267>

<sup>39</sup> Plokhy (2022)

<sup>40</sup> Plokhy (2022)

In fact, in terms of language, Russian was the *lingua franca* throughout most of the existence of the Soviet Union, its teaching was mandatory in schools and official communications between republics took place in Russian<sup>41</sup>: when the USSR collapsed, a sizeable amount of Russian speakers was scattered throughout all the ex-Soviet republics, but at that moment, they represented a minority within the newly-independent countries, rather than the dominant cultural and linguistic group, as they had been during the Soviet era.<sup>42</sup>

At the outset of Ukrainian independence, the task at stake for state leaders was how to integrate a population that not only had evident cultural differences, with Western Ukraine practicing Eastern Catholicism and Eastern Ukraine, practicing Orthodoxy or agnosticism, but also a population that spoke two different languages (Ukrainian and Russian) and was torn between two visions of its identity – a Ukrainian national one, implying integration within Europe and rejection of Russian roots; and a Ukrainian Russophile one, feeling a common identity with Belarusians and Russians.<sup>43</sup>

## 3.4 Definitions

### 3.4.1 Minority Groups in Ukraine

Following the results of the 1989 Census of Ukraine, carried out when the country was still part of the Soviet Union, Ukrainians declared to be around 66% native Ukrainian-speakers and 31% native Russian-speakers. Speaking of ethnicity, it emerges that 72,7%

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<sup>41</sup> Aronova, Elena. "Russian and the Making of World Languages during the Cold War." *University of Chicago Press* 108, no. 3 (September 1, 2017): 643–50. <https://doi.org/10.1086/694163>

<sup>42</sup> Chinn, Jeff, and Robert Kaiser. *Russians as the new minority: Ethnicity and nationalism in the Soviet successor states*. Boulder, Colo: Westview Press, 1996.

<sup>43</sup> Adamski (2024)

of the population identified as Ukrainian and 22% as Russian, while 5% claimed to belong to other ethnic groups.<sup>44</sup>

According to the most recent nationwide census data collected in 2001, Ukraine has a linguistic composition where Ukrainian native speakers are 67,5% of the total population, while 29,6% are Russian native speakers, and 2,9% speaks other languages. In terms of ethnic composition, self-identified Ukrainians are the largest ethnic group, with 77% of the total country's ethnic composition, and Russians at the second place, being 17% of the total.

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Comparing the two censuses from 1989 and from 2001, it emerges clearly that there was a decline of people identifying their nationality as Russian – from being 22% in 1989 to being 17% in 2001, but there was an increase in Ukrainians who identified Russian as their native language (from 22% to 29%). Therefore, the picture emerging from these surveys is rather unclear:

First, there is a mismatch between ethnicity and native language. Despite most of the population identifying as ethnically Ukrainian, many of them referred to Russian as their native language. Consequently, Russian emerges as an important language not only among ethnic Russians, but among ethnic Ukrainians as well: showing a long-lasting heritage of Soviet language policies.

However, clear limitations of such surveys are the fact that insisting on the centrality of native language overestimates their value for Ukrainians in daily life. Indeed, it is often underlined that some Ukrainians might use both Russian and Ukrainian interchangeably,

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<sup>44</sup> Fournier, Anna. "Mapping Identities: Russian Resistance to Linguistic Ukrainisation in Central and Eastern Ukraine." *Europe-Asia Studies* 54, no. 3 (May 2002): 415–33.  
<https://doi.org/10.1080/09668130220129542>

<sup>45</sup> 2001: General Results of the Census: Linguistic Composition of the Population. Accessed February 25, 2025. <http://2001.ukrcensus.gov.ua/eng/results/general/language/>

depending on the situation: therefore, there is potentially a very high percentage of Ukrainian population who is perfectly bilingual, but which does not emerge from the surveys, which merely insist on one native language.<sup>46</sup>

### 3.4.2 Russian-Speaking Ukrainians

In countries without a legally set national language, such as the United States, it might be felt as indifferent which is a person's native language: learning English is helpful as it is the language that most of the country's population speaks and therefore useful for receiving an education and for working. In other countries, however, such as Ukraine, language can assume a more emotional and historical value and therefore become a meaningful element of the political debate.

As it emerges from previous research, understanding people's view on language is a great predictor of people's views on language policy.<sup>47</sup> However, as argued by some scholars, native language is not the only way people in Ukraine relate language and identity.<sup>48</sup> People can for instance identify themselves with their country based on specific values that this country stands for, or because of the country's history or even because of family ties.

When discussing Russian-speakers in Ukraine it must be underlined that geography plays a major role. Indeed, while Russian speakers represent a minority compared to the overall number of Ukrainian speakers in the country, they are mostly concentrated in a certain part of the country, and in some regions, they even represent a majority: for

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<sup>46</sup> Kuzio, Taras. "Census: Ukraine, More Ukrainian." Jamestown, February 4, 2003.

<https://jamestown.org/program/census-ukraine-more-ukrainian/>

<sup>47</sup> Arel, Dominique. "Language Politics in Independent Ukraine: Towards One or Two State Languages?" *Nationalities Papers* 23, no. 3 (September 1995): 597–622.

<https://doi.org/10.1080/00905999508408404>

<sup>48</sup> Barrington (2022)

example, the American scholar Paul D'Anieri underlines that if singled out, the Ukrainian regions of Donbass and Crimea would count together around 90% of Russian speakers.<sup>49</sup>

In this research it is assumed that the necessity to shape the Ukrainian state around a common sense of identity might have led to institutional and language-law developments that disadvantage Russian speakers: Chapter 2 and Chapter 3 will be devoted to proving or disproving this hypothesis.

### 3.4.3 Risk of internal conflict

At the outset of Ukrainian independence in 1991, the country had experienced centuries of foreign domination. Independence was declared and promoted by those same elites that were ruling and defending the Soviet system in the past.<sup>50</sup> Such event delineates that Ukraine's push for independence was not met with a change in leadership and foresaw the hardships of structurally changing the system and reforming the country, while maintaining elites that had ruled in the older system.

In the first years after 1991, some scholars underlined the main challenges that were unfolding in the country, and among these ones there are "regional and interethnic rivalries... as a challenge to the power and authority of the government in Kiev"<sup>51</sup>: indeed, the American scholar Eugene Rumer had already underlined in 1994 the existence of a dichotomy between the east and the west of Ukraine.

Western Ukraine is the birthplace of Ukrainian nationalism and, as analyzed in the Chapter 1, has become part of the Soviet Union more than 20 years after the rest of Ukraine.

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<sup>49</sup> D'anieri (2007)

<sup>50</sup> Whitmore, Sarah. *State Building in Ukraine the Ukrainian parliament, 1990-2003*. Abingdon, Oxon: Taylor and Francis (2014), 34

<sup>51</sup> Rumer, Eugene B. "Eurasia Letter: Will Ukraine Return to Russia?" *Foreign Policy*, no. 96 (1994): 131. <https://doi.org/10.2307/1149221>

Therefore, Rumer argues that Western Ukraine has a stronger attachment to the Ukrainian language and considers Russian as a foreign domination, as demonstrated by the fierce fights in Western Ukraine before eventual annexation into the Soviet Union. Consequently, this would make for a different national agenda that Western Ukraine has compared to the rest of the country.<sup>52</sup>

After independence, regions of Ukraine would originally be strengthening ties with their neighbors, rather than with the central administration in Kiev. For example, regional leaders in Transcarpathia would be searching for business partners in the neighboring Slovak Republic and Hungary, rather than seeking them in Eastern Ukraine: likewise, regional leaders and industrial managers in the East would be looking at Russia to seek economic development, rather than at Western Ukraine.<sup>53</sup>

Nationalism could hardly be a unifying element to maintain Ukraine together, as the country itself had for most of its history been divided into separate provinces belonging to foreign empires, and an ideology that excludes major ethnic groups in Ukraine could never spark consent across all its different regions.<sup>54</sup>

Once defined the inherent initial contradictions within Ukraine's political landscape and the evident hardship in finding a compromise, it is understandable how several scholars have theorized, in the first years of Ukrainian independence, that there existed a risk of internal conflict, especially in terms of future development of the country. The interest for Ukrainian institutional and language-policy developments originates precisely from the predictions of conflict made by several scholars: the author plans to ascertain

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<sup>52</sup> Rumer, Eugene B. (1994)

<sup>53</sup> Rumer, Eugene B. (1994)

<sup>54</sup> Rumer, Eugene B. (1994)

whether such tensions materialized following specific policies or whether they proved to be wrong.



## Chapter 4: Ukrainian Institutions and Minority

### Representation

After having discussed Ukrainian language policy and cultural history and understood the influence of the Russian language on Ukrainian current linguistical asset, it is important to delve into the development of Ukrainian institutions after independence. Given the features of the country, Ukrainian state-building has proven since the beginning to be a daunting task: a post-Soviet state with recently defined borders and a very short tradition of self-rule, inhabited by several language and cultural minorities to manage is the prototype for uncertainty.

#### 4.1 The Role of Institutions in State-Building

The following paragraph will delve into a short discussion about the importance of institutions for a country's development, offering examples of how multicultural and multilingual countries have crafted their institutions.

Furthermore, institutions are what allows a country to stay united and they defuse frictions between different strata of society. Examples of vital institutions for the functioning of a country are the parliament and the president of a country. Depending on how much authority these institutional figures have, a certain level of satisfaction and legitimacy can be attained within the general population.

In countries with an ethnicity-based identity, highest levels of national unity have historically been reached when parties have either coalesced around common ideas or completely discarded their ethnic identities in the representation of their electorate's interests. The case of Malaysia epitomizes the previous statement: up until the 1960's

Malaysian politics was characterized by government that gathered parties from all the main ethnic groups – Malay, Chinese and Indian. Ethnic pluralism was welcomed: from 1969 onwards the country's politics shifted towards favoritism of the main ethnic group (Malays) and interethnic violence surged right after.<sup>55</sup>

Whereas, in countries with language-based identity, constitutionalists have attempted to make sure every language element, besides cultural, economic and social dynamics, feels represented. It is the case of Belgium, where the parties make sure that all the social cleavages molding society are kept account of when voters go to the polls.<sup>56</sup>

#### 4.1.1 Theoretical Framework: Nation and State Building Theory

In order to offer a meaningful interpretation of Ukrainian institution-building, this chapter will avail itself of a theoretical framework dealing both with institutional building and minorities representation.

Among the most known theories in the framework of institutional development, there is Arend Lijphart's theory of *Consociational Democracy*<sup>57</sup>, which believes that deeply divided societies, whether along ethnic, linguistic, or religious lines, can achieve stability through power-sharing arrangements. In such societies, the political system should ensure that different groups can participate equally in governance. Lijphart is a strong supporter of inclusion of minorities in the decision-making process, often through proportional representation, mutual veto rights, and parliamentary coalitions. In sum, this upholds the

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<sup>55</sup> Brown, David. "Crisis and Ethnicity: Legitimacy in Plural Societies." *Third World Quarterly* 7, no. 4 (October 1985): 988–1008. <https://doi.org/10.1080/01436598508419879>

<sup>56</sup> Toharudin, Toni. "Individualism, Nationalism, Ethnocentrism and Authoritarianism: Evidence from Flanders by Means of Structural Equation Modeling." *Individualism, Nationalism, Ethnocentrism and Authoritarianism: Evidence from Flanders by Means of Structural Equation Modeling*. Thesis; University Library Groningen Host, 2010

<sup>57</sup> Lijphart, Arend. "Consociational Democracy." *World Politics* 21, no. 2 (January 1969): 207–25. <https://doi.org/10.2307/2009820>

principle that all groups, particularly minorities, should have a stake in the political system, which is deemed for maintaining social cohesion.

Positive aspects of Lijphart's theory are its useful framework for analyzing the representation of Russian-speaking minorities in Ukraine. Power-sharing could potentially address the inefficacy of these groups in pursuing their interests, particularly in areas such as language policy and regional autonomy. By institutionalizing minority rights and providing political mechanisms for their inclusion, consociational democracy could offer some useful lenses to understand whether Russian-speaking communities were marginalized within the Ukrainian state-building process.

However, the application of consociational democracy in the Ukrainian presents certain criticalities as well. Ukraine's political landscape, characterized by instability, weak party systems, and fragmented political elites, complicates the implementation of Lijphart's model. Ukraine does not have a unified political elite that can effectively represent the diverse linguistic communities in Ukraine limits the feasibility of a power-sharing arrangement. Moreover, the deep political divisions between the East and the West of the country present further obstacles to the kind of cross-community cooperation envisioned by consociational theory. Thus, while the theory offers a potential pattern for understanding minority representation, its practical application in Ukraine's context is rather limited.

Another valid theory in the framework of institutions is Will Kymlicka's theory of *Neoliberal Multiculturalism*<sup>58</sup>, which promotes the accommodation of minority groups within liberal democracies by recognizing and protecting their distinct cultural identities.

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<sup>58</sup> Kymlicka, Will. "Neoliberal Multiculturalism?" *Social Resilience in the Neo-Liberal Era*, n.d., 99–126. <https://doi.org/10.1017/cbo9781139542425.007>

Kymlicka argues that minority groups should be granted special rights to preserve their language, culture, and traditions, and in some cases, even a degree of political autonomy. The theory stresses the idea that liberal democracies should not impose a uniform national identity but rather support cultural diversity through policies that recognize the rights of minorities to maintain their unique identities.

Kymlicka's theory provides valuable insights for understanding how Ukraine could manage the representation of its Russian-speaking minorities, as it explains which policies Ukraine could have implemented to protect the Russian language, guaranteeing these groups can maintain their minority language. Kymlicka's concept of minority rights could also explain which institutional frameworks recognize and protect the needs of representation of Russian-speaking communities in Ukraine.

Despite its theoretical appeal, Kymlicka's multiculturalism model seems incomplete in the Ukrainian context. Ukraine's focus on creating a cohesive national identity centered on the Ukrainian language and culture would be in direct opposition with the multicultural approach that seeks to promote the coexistence of multiple linguistic identities. The push for a singular Ukrainian identity, particularly in the years following independence, has led to tensions between the state's desire for cultural unification and the recognition of minority rights: the application of Kymlicka's theory to the Ukrainian case might portray Ukrainian institutional development under an overly negative light. Furthermore, the absence of a clear political consensus on how to accommodate Russian-speaking minorities within the national framework makes the practical application of Kymlicka's multiculturalism more difficult. While the theory offers an inclusive vision, its implementation in Ukraine would be hindered by tensions over national identity and political unity.

A third potential theory is Edward Azar's theory on the management of *Protracted Social Conflict (PSC)*<sup>59</sup>, which focuses on the persistence of ethnic tensions in societies where groups feel politically and socially excluded. Azar suggests that ethnic conflict arises when certain groups are systematically denied access to political power, social opportunities, and other essential resources. His theory believes in the need for inclusive institutions that provide all ethnic groups with equitable representation and participation in governance to mitigate conflict and promote social cohesion.

Azar's PSC framework can give meaningful insights about the danger of ethnic conflict in Ukraine, potentially exacerbated by Russian-speaking minorities' lower political representation. The theory highlights how the exclusion of minority groups from political power can lead to an escalation of tensions and foster conflict. Azar's framework vouches for inclusive institutions and its lenses would be useful in understanding whether Russian-speaking communities had access to political representation and were not marginalized within Ukrainian institutions. Furthermore, this approach could explain some of the challenges Ukraine has faced in integrating its Russian-speaking minority into its political institutions.

While Azar's theory provides an important perspective on the causes of ethnic conflict, it does not fully capture the complexities of Ukraine's institutional development. The theory is more concerned with the management of ethnic conflict than with the proactive creation of inclusive political institutions, a challenge that Ukraine faced in its transition from Soviet rule to independence. Ukraine's struggle was not just one of managing ethnic conflict, since Ukraine's societal divides is not based on ethnic lines but mostly on linguistic ones. Azar's framework, therefore, does not fully grasp the nature of Ukraine's

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<sup>59</sup> Azar, Edward E. *The management of protracted social conflict: Theory and cases*. Aldershot, Hampshire, England, Brookfield, Vt., USA: Dartmouth; Gower Pub. Co, 1990

state-building project, which involved not only ethnical but mostly linguistic divides, in which minorities representation was often effective and their political weight was in several instances higher than the weight normally minorities have.

Hence, while the theories of consociational democracy, multiculturalism, and ethnic conflict each provide valuable perspectives, they do not fully capture the specific challenges faced by Ukraine in its post-Soviet transition. The fragmented political landscape, the challenges of shaping a national identity, and the competing interests of different linguistic and cultural groups all present unique obstacles to the implementation of these theories. Alina Mungiu-Pippidi's State-Building Theory, with its focus on institutional development, centralization, and the balancing of national identity with minority rights within a post-Soviet society, offers a more comprehensive lens through which to understand Ukraine's institutional evolution. Pippidi's theory provides a more suitable framework for analyzing how Ukraine dealt with its linguistic divisions, making it the best approach for examining the representation of Russian-speaking minorities in the context of Ukraine's nation-building process.

More specifically, the *Nation and State Building Theory* by Alina Mungiu-Pippidi claims that newly independent post-Soviet states should attempt to centralize the most important state powers, such as the army and the government, while allowing for a limited level of decentralization to give more legitimacy to the state. Pippidi clarifies that no successful post-Soviet has opted for a federalist system, and normally it has been inclusive unitary states who have performed well. Secondly, the theory underlines the importance of pushing for a state language, but recognizes that a functional state should give minority languages also some legal value, to maintain a perception of fairness of the state. Finally, Pippidi upholds the idea that multicultural states should aim at a concrete rather than absolute idea of ethnic neutrality, where the focus is on concrete measures rather than

symbolic ones: abiding to international convention on minority rights, for example, rather than symbolically amending the constitution.

Pippidi's theory offers a valuable lens for interpreting Ukraine's institutional development between 1991 and 2004, particularly its adoption of formal presidentialism and unitary state structure. Her emphasis on centralizing key powers, such as the presidency, aligns with Ukraine's efforts to establish stability and control over critical institutions like the military and government. However, the tension between central authority and regional diversity, especially in eastern and southern Ukraine, reflects Pippidi's warning that excessive centralization risks undermining state legitimacy. Ukraine's unitary system, rather than federalism, mirrors Pippidi's observation that inclusive unitary states tend to perform better in post-Soviet contexts. Additionally, Ukraine's language policy—promoting Ukrainian as the state language while granting limited recognition to minority languages like Russian—illustrates Pippidi's argument for balancing national identity with minority rights. Finally, Ukraine's focus on concrete measures, such as signing international conventions on minority rights, aligns with Pippidi's call for ethnic neutrality through practical steps. These elements of Pippidi's theory help explain Ukraine's struggles and achievements in building functional and inclusive institutions during this period.

Therefore, analyzing Ukraine's early institutional development through the lens of Alina Mungiu-Pippidi's theory of state-building will allow to envision the challenges of transitioning from Ukraine's subordination in the Soviet Union, to independence with powers to shape institutions. She stresses on the long-lasting effects of historical legacies, and the difficulty of creating inclusive institutions in divided societies. Applying this theory, the chapter explores how Ukraine's struggle to balance centralization and decentralization, its weak party system, and its regional divides affected Russian-speaking

minorities. In brief, this section will analyze **how Ukrainian institutional development affected the representation of Russian-speaking minorities** interests, through the parliament and the president of Ukraine.

#### 4.1.2 Institutional Difficulties and Impact on Russian-speaking Minorities

It is therefore expectable that a country with such a diverse ethnic and linguistic compositions like Ukraine, would shape its institutions in a way that anyone, regardless of their group of belonging will feel represented. Indeed, this is crucial for the country's prosperity and for its unity.

Understanding the necessity of creating a political system based on the specific features of a country's people is vital to grasp this necessity in Ukraine. As seen in the previous sections about its minorities, the country presents a quite interesting demographic and linguistic landscape. Saying it with the words of one of the major American experts of current Russian and Eurasian affairs: "Given the diversity of those [Ukrainian] regions and provinces, it would be highly unrealistic for the country to pursue its drive for independence and sovereignty on an ideological platform that alienates major ethnic groups in Ukrainian society."<sup>60</sup>

As summarized by Paul D'Anieri, Ukraine faced the problems of several other post-Soviet countries, which had to reconvert from a system where power is monopolized by one party (the Ukrainian Communist Party) to a system where power is split among different branches.<sup>61</sup> It can be assumed that, depending on its features, there is a more appropriate institutional asset which can allow to a Ukraine to thrive. Designing fitting

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<sup>60</sup> Rumer, Eugene B. "Eurasia Letter: Will Ukraine Return to Russia?" (1994): 140

<sup>61</sup> Kuzio, Taras, Robert S. Kravchuk, and Paul J. D'Anieri. *State and institution building in Ukraine*. New York: St. Martin's Press, (1999)



institutions is consequently fundamental the country to stay peaceful and grow prosperous. Therefore, the theoretical framework that focuses specifically on countries with a past in the Soviet Union is of great help: by classifying stories of successful post-Soviet states based on which ones built functional state institutions, Pippidi's theory offers the right lenses to understand the evolution of Ukrainian institutions with respect to Russian-speaking minorities representation.<sup>62</sup>

## 4.2 The Parliament of Ukraine

The parliament and presidency had a vital role in managing Ukraine's regional and linguistic diversity, deciding how to mold the institutions, thereby shaping Russian-speaking minorities representation. Given Ukraine's historical divide between Ukrainian-speaking western regions and Russian-speaking eastern regions, the Verkhovna Rada offered a space where regional interests were negotiated, particularly on divisive policies like language policies and decentralization. In turn, the presidency had executive powers, often attempting to mediate on contentious issues. In this way, the presidency influenced policies that directly impacted minority rights—such as decisions on regional autonomy and the status of the Russian language. Hence, having these two institutions the final word on institutional reforms, minorities representation, and minority rights demonstrates how the parliament and presidency together shaped Ukraine's post-independence political trajectory.

Ukraine's initial political life was characterized by a struggle to build its own identity. In fact, for the first five years after independence, Ukraine retained its Soviet-era constitution. Soviet political elites in Ukraine were still very influential and hindered

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<sup>62</sup> Mungiu-Pippidi, Alina, and Ivan Krastev. "Nationalism after Communism: Lessons Learned." *Nationalities Papers* 34, no. 4 (2006): 269–81.

political change to maintain their dominance.<sup>63</sup> For the purpose, the parliamentary system of Ukraine was crafted into a multi-party-political system, while having government being formed with majoritarian rule.<sup>64</sup> This initially favored the left and more specifically, the communist party, which was historically strong due to its legacy in the USSR communist system.

The left was mostly in favor of the status quo, the right was in favor of shaping an independent Ukrainian nation with a distinct ethnicity and language-based identity, while the center was more pragmatic and pushing for necessary reforms. In such diverse scenario, drafting a new constitution was a challenging act: a contentious topic was whether Ukraine should be a centralized or decentralized state.<sup>65</sup>

Looking within the Verkhovna Rada, party affiliation was quite weak for the first years of independence: even after the main Soviet-time political force, the Communist party, the independentist force that had gained the upper hand, “Rukh”, quickly disintegrated despite all expectations.<sup>66</sup> Therefore it seems that in the first period of Ukrainian history as an independent country, party affiliation had a marginal role, and politics was dominated by figures with no specific party support. Such circumstance proves Pippidi’s assumption that post-Soviet countries after independence struggle establishing a functional political life, and informal practices rather than parties seem to be fundamental for forming majorities, showing deep institutional weaknesses in post-independence Ukraine.<sup>67</sup>

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<sup>63</sup> Hartwell, Christopher. *Two roads diverge: The transition experience of Poland and Ukraine*. New York, NY: Cambridge University Press, 2016

<sup>64</sup> Hartwell, Christopher. *Two roads diverge: The transition experience of Poland and Ukraine*. 2016

<sup>65</sup> Wolczuk, Kataryna. *The moulding of Ukraine the constitutional politics of State Formation*. Budapest, Hungary: Central European University Press, 2001.

<sup>66</sup> Kuzio, Taras, Robert S. Kravchuk, and Paul J. D’Anieri. *State and institution building in Ukraine*. New York: St. Martin’s Press, (1999)

<sup>67</sup> Mungiu-Pippidi, Alina, and Ivan Krastev. “Nationalism after Communism: Lessons Learned.” (2006)

Weak party affiliation was indirectly promoted by the Soviet-time election law, which prescribed that members of parliament (MP's), even without any party affiliation, merely needed to win in their constituency to make it to parliament<sup>68</sup>: therefore, none of them needed to rely on a nationwide party platform to get elected, and once in government it would be unclear which factions they would side with and which interests they would support. Being Ukrainian parties yet a quite weakly-institutionalized structure, they would often endorse the president not for ideological reasons, but to gain privileged access to resources.<sup>69</sup>

The unreliable nature of Ukrainian political parties would reflect into nationwide polls, such as one carried out in June 1993 where it emerged that only 3,4% of the respondents fully trusted parties, while 60,3% of the people completely distrusted them.<sup>70</sup> In light of these facts, with Ukrainian polity being overtly distrustful of the state institutions, Pippidi would suggest to decentralize few powers to local authorities, so as to give more legitimacy to the state as a whole: what in reality occurred is that the vague framing of the 1996 Constitution in terms of decentralization of powers, simply postponed the eventual decision on whether to decentralize powers or not.<sup>71</sup>

However, going deeper into details, it is visible how certain voters have indeed paid attention to what parties seemingly stood for and have voted consequently. For example, despite Ukrainian-nationalists-led Rukh movement, having never openly argued for adopting policies of ethnic exclusion in issues of language or citizenship, the perception

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<sup>68</sup> Kuzio, Kravchuk, and D'Anieri (1999)

<sup>69</sup> Whitmore (2014)

<sup>70</sup> Whitmore (2014)

<sup>71</sup> "Chapter Seven. Ukraine as a Nation-State: The Conception of Statehood in the 1996 Constitution." OpenEdition Books, January 23, 2013. <https://books.openedition.org/ceup/1744>

that the movement supported these policies influenced many voters, especially in Russian-speaking Eastern Ukraine, not to vote for them.<sup>72</sup>

The country manifested a fracture in terms of voting patterns, with Eastern Ukraine voting heavily for the communists in the 1994 elections, as a form of nostalgia with the Soviet times in which the industrialized East was faring better; the West, instead voted for the nationalist coalition.<sup>73</sup> Consequently, it was challenging for the newly-elected parliament to come to agreements on any issue, given their diametrically different views.

Furthermore, elections in 1994 showed how chaotic such political system could be: with 5800 candidates that ran for elections, only 11% of them belonged to a party: the result was a highly-inhomogeneous parliament which handed all the decisions to the executive (the president).<sup>74</sup> Under this framework, looking at the inefficacy of the legislative compared to the executive, Ukraine resembles a presidential system, despite formally being only a semi-presidential one up until 2004.

#### 4.2.1 Eastern Ukraine vs. Western Ukraine: Preferred Distribution of Powers

The eastern regions were more in favor of a decentralized system, as this could protect more efficiently the rights of Russian speaking populations by giving them more autonomy to rule on cultural or linguistical matters. While Western regions preferred having a centralized state, where a common sense of identity for Ukraine would be easier to shape. When Leonid Kuchma was elected President of Ukraine, he pushed for centralization, while having a parliament dominated by the left, which was in favor of federalism and

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<sup>72</sup> D'Anieri (2007)

<sup>73</sup> Rumer (1994)

<sup>74</sup> Kuzio, Kravchuk, and D'Anieri (1999), 91

decentralization of powers, hence staging a power showdown.<sup>75</sup> After a political stall, a new constitution was finally approved in 1996, with the agreement of both the executive and the legislative: in the 1996 text, regional, district and local councils were instituted, but the nomination of regional governors was still centrally managed by the President.<sup>76</sup>

Following Pippidi's theory, Ukraine's power fight between the executive and the legislative can be seen as a common feature of post-Soviet countries; however, it is positive that Ukraine was able to overcome this struggle between legislative and executive and even approved a new constitution following democratic procedures. This event demonstrates that regardless of the hardship of shaping the country's system, politically elected forces were able to come to agreements and slowly reform the country. While Pippidi legitimizes centralization of powers as a tool for rapid reform of the country, she recognizes the risk of depriving regional and local authorities of their powers as it might reduce the legitimacy of the political system to the eyes of voters. In this case, especially Russian-speaking minorities are not recognized the right to elect their regional governor, which deprives them of the possibility to choose a key authority.<sup>77</sup>

### 2.2.2 Executive vs. Legislative: Efficacy of Distribution of Powers in Ukraine

By using Sartori's classification for presidentialism, it emerges that Ukraine should have: i) a president elected by popular vote; ii) who cannot be exauthorized by the parliament during their time in office; iii) who directs the government that he/she

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<sup>75</sup> Wolczuk (2001)

<sup>76</sup> Wolczuk (2001)

<sup>77</sup> Mungiu-Pippidi, Alina, and Ivan Krastev. "Nationalism after Communism: Lessons Learned." *Nationalities Papers* 34, no. 4 (2006): 269–81.

appoints<sup>78</sup>; under this framework, Ukraine's constitution from 1996 to 2004 in Article 103 foresaw that the President would be elected by the people, but that Parliament could impeach him/her and the Ministers, and the Parliament needed to approve every Minister appointed by the President (Article 106)<sup>79</sup>: hence the ministers would respond to both the executive and the legislative power when operating, while it is always the president who retains the power to choose the people he deems fit for such task.

In this sense, Ukraine could be defined a de-facto presidential system for the first period after its independence, and such would come with certain implications. According to Sartori, in a presidential system, such as the one in the United States, there can be coexistence and cooperation between parliament and the president despite ideological differences if and only if there is: i) ideological unprincipledness; ii) weak and disciplined parties; iii) locality centered politics.<sup>80</sup>

What in reality occurred in Ukraine was that the parliament was unable to perform its tasks and the president was de facto ruling the country.<sup>81</sup> Realizing this, a new electoral law was passed in 1997 that copied the German system: half the representatives would be elected based on party-lists and the other half was elected in single-member districts.<sup>82</sup> The goal was to make Ukrainian Parliament more efficient: the core idea was that by pushing more MP's converge into parties, the creation of a government coalition would be easier than by having, as it was with the previous electoral law, representatives with no party base that acted independently from one another.

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<sup>78</sup> Sartori, Giovanni. "Presidentialism." *Comparative Constitutional Engineering*, 1994, 83–100.  
[https://doi.org/10.1007/978-1-349-23549-0\\_5](https://doi.org/10.1007/978-1-349-23549-0_5)

<sup>79</sup> "Конституція України." Офіційний вебпортал парламенту України. Accessed February 26, 2025.  
<https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text>

<sup>80</sup> Sartori (1994)

<sup>81</sup> Kuzio, Kravchuk, and D'Anieri (1999)

<sup>82</sup> Kuzio, Kravchuk, and D'Anieri (1999)

However, despite the new electoral law, even after 1998 elections, the creation of a parliamentary majority was very challenging, reflecting Ukraine as a deeply divided society. Ukraine, with strongly opposed views between the leftists and the center-right.<sup>83</sup> Given parties' inability to gather enough consent and to come to agreements, the first Ukrainian President, Leonid Kuchma, attempted to centralize powers around himself.<sup>84</sup> This ill-defined constitutional patchwork was the base for an institutionalized inter-branch conflict.<sup>85</sup>

An interesting element to be underlined is that the newly-formed parties, after the approval of the 1997 electoral law, were mostly regionally divided: only 12 of the 111 registered parties had branches all over Ukraine.<sup>86</sup> Such element is a symptom of the divisiveness of society along territorial lines, and it strongly damages the perceived accountability of the majoritarian coalition within parliament, as most of the existing parties do not represent the entire nation. It is a symptom that the issues and views of the country are divided by territorial lines: therefore, it was very challenging for different parties to come to agreements.

In Pippidi's words, having regionally centered parties is not inherently a negative feature: by being centered on more local needs, they are potentially more accountable to their electorate, which in turn increases the country's cohesiveness. However, only if the minoritarian interests would later be represented inside the government coalition, there could be proper legitimacy for the government itself.

Thanks to the new electoral law, 1998 elections, parties based in Eastern and Southern Ukraine contributed significantly to the formation of government, and the same occurred

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<sup>83</sup> Kuzio, Kravchuk, and D'Anieri (1999)

<sup>84</sup> Whitmore, (2014)

<sup>85</sup> Whitmore (2014)

<sup>86</sup> Whitmore, 2014

in the 2004 elections.<sup>87</sup> Such is a demonstration that Eastern and Southern regions, home to most of the Russian-speaking minorities, gained in time a significant impact on the molding of Ukrainian political life. Indeed, even when the Western-Ukraine-favored presidential candidate Viktor Yushchenko won presidential elections, his government was not able to confirm a prime minister without the support of the Party of Regions, based in Eastern Ukraine.<sup>88</sup>

Following Pippidi's reasoning, this possibly contributed defused any secessionist push, by showing Ukrainian politics as inclusive. Indeed, by involving parties from heavily Russian speaking regions within the formation of government or the election of the Prime Minister, the Ukrainian parliament proved able to make the interests of the majority as well as the minorities.

### 4.3 The President of Ukraine

Shortly after Ukrainian independence in 1991, Leonid Kravchuk was elected President of Ukraine, after having been the chairman of the Supreme Soviet of Ukraine. He immediately moved to nationalize the military, together with education: such policies received wide support from the Ukrainian nationalists, but were followed by displeasure in the East and South of the country.<sup>89</sup>

Pippidi's theory would deem Kravchuk's policies to be rather positive, since they stave off any future danger of separatism: by centralizing all the fundamental powers under the aegis of one authority and molding their loyalty to Ukraine, Kravchuk was making sure that Ukraine would establish a common idea of defense, with a single army, and a common

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<sup>87</sup> D'Anieri (2007)

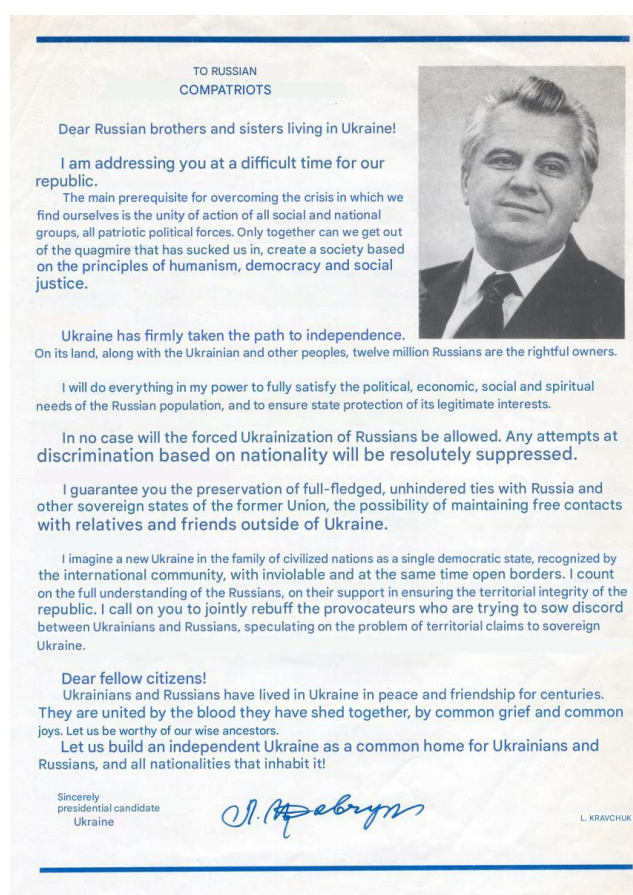
<sup>88</sup> D'Anieri (2007)

<sup>89</sup> D'anieri (2007)



idea of nation, considering that the previously existing educational system dated back to the Soviet era and therefore could not mirror effectively the newly-independent Ukraine.

Therefore, during his electoral campaign Kravchuk courted those same Russian-speaking voters from the South-East, by promising them representation of their interests and respect for their cultural identity, apart from promising to never force “Ukrainization” upon them – referring to a government-imposed alteration of their cultural identity. Indeed, the below-shown political leaflet from Kravchuk’s campaign demonstrates how Ukrainian politicians were aware since the very outset of the country’s independence, that within Ukrainian borders there existed a wide cultural diversity and that voters’ interests could be categorized for example in terms of language, culture and ethnic origin.



*Photo 1: Presidential Candidate Leonid Kravchuk pamphlet in 1991 presidential elections<sup>90</sup>*

The fact that Kravchuk identifies “twelve million Russians”, together with Ukrainians and other minority groups as the “rightful owners” of independent Ukraine portrays the attempt of the politician to protect the country’s unity:

Kravchuk cleverly aims to draw the Russian ethnic minority to his side in the first years after independence, to ward off any risk of secession of Russians from the country. While on one side, any region of Ukraine had openly voted for independence from the Soviet Union in 1991, with even heavily Russian-speaking regions such as Donetsk voting more than 80% for independence<sup>91</sup>, on the other side risks of secession still lingered. As a matter of fact, within Crimea and Donetsk existed a wide number of associations and parties which argued for a higher level of independence or even secession.<sup>92</sup>

Following Kravchuk’ statements, his stance in relation to the Russian-speaking population in Ukraine, most notably those of Russian origin, seems extremely open and tolerant: he compares the treatment of Russians in the Baltics with that of Russians in Ukraine, underlining that since Russians have been coexisting with Ukrainians for centuries in the territory of Ukraine, they are “indigenous residents” and no discrimination against them will be allowed.<sup>93</sup> In his 1992 New Year’s address to Ukrainians, he called the population “the people of Ukraine”, explicitly employing a more inclusive formulation

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<sup>90</sup> Dzen.ru, December 2021. <https://dzen.ru/a/YaudO-hXNA0FTzwY> : translated from Russian (original) to English with [translate.google.com](https://translate.google.com)

<sup>91</sup> Robin Brooks, Ben Harris, Constanze Stelzenmüller, and Steven Pifer. “10 Maps That Explain Ukraine’s Struggle for Independence.” Brookings, July 29, 2016.

<https://www.brookings.edu/articles/10-maps-that-explain-ukraines-struggle-for-independence/>

<sup>92</sup> Kuzio, Kravchuk and D’Anieri (1999)

<sup>93</sup> Chinn & Kaiser (1996)

than the “Ukrainian people”, which was perceived as exclusive and divisive in such a multicultural society as Ukraine.<sup>94</sup>

On an ultimate analysis, Kravchuk’s declarations can be interpreted as a search for inclusiveness to keep the newly independent Ukraine together. And despite his implementation of nationalization policies during his mandate, several scholars underlined how his openness to compromise with minorities avoided greater dangers: for example, when giving out Ukrainian citizenships, Kravchuk immediately positioned himself as in favor of an inclusive form of citizenship, based on residing in Ukraine after independence, rather than tying it to criteria of language or ethnicity.<sup>95</sup> Such decision repelled the risk of secession, as it made every person eligible for citizenship, without in any way discriminating on minorities.

Indeed, Kravchuk understood extremist policies could lead to interethnic strife, and therefore always kept into account Ukraine’s cultural richness before implementing nation-building policies, to mitigate any risk of secession from the East.<sup>96</sup>

The second post-Soviet elections in Ukraine were held in 1994 and saw the two main candidates divided on both ideological and regional lines. Western Ukraine, more leaning to the right-wing parties favored Leonid Kravchuk; while the Eastern, heavily Russian-speaking part of Ukraine favored the left-leaning Leonid Kuchma.<sup>97</sup> Kravchuk was perceived as more reform-oriented and nationalistic, while Kuchma came off as a carrier of industrial interests, concentrated mostly in the East.<sup>98</sup>

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<sup>94</sup> Kulyk, Volodymyr. “Is Ukraine a Multiethnic Country?” *Slavic Review* 81, no. 2 (2022): 299–323. <https://doi.org/10.1017/slr.2022.152>

<sup>95</sup> D’anieri (2007)

<sup>96</sup> Chinn, Jeff, and Robert Kaiser. *Russians as the new minority: Ethnicity and nationalism in the Soviet successor states*. (1996)

<sup>97</sup> Whitmore, 2014

<sup>98</sup> Rumer (1994) pg.129

The election of Kuchma was attributed by several scholars to his ability to represent better the interests of Eastern Ukraine, such as state incentives to industries and the defense of the rights of Russian-speakers.<sup>99</sup> Once again, it seems that Ukrainian politics has capitalized on language divide to mobilize voters and reach power. However, the centrality of language as an election issue and its ability to mobilize the electorate is mostly an effect of the lack of clarity on how to apply language laws: indeed, up until the late '90s interpretation of the Ukrainian Constitutional Court establishing Ukrainian as both state and official language, the application of language laws was quite inconsistent around the country and it has allowed for politicization of the issue with politicians trying to frame language laws interpretation according to the interests they represented.<sup>100</sup>

Additionally, as American scholar Paul D'Anieri underlines, the issue of language is a way to gather consent merely during election times, but was hardly ever brought up between elections, indicating that such issue might resonate more among common people than within the elites.<sup>101</sup> Consequently, Ukrainian decision makers seem to have paid little attention to language rights after being elected: signaling that the language issue might have been more of a political tool than an actual societal cleavage.

Kuchma gave a decisive push for centralization of powers under the executive, as the president pushed in 1996 for a constitutional referendum which left many issues in the division of powers unsolved and favored strong presidential powers and marginalization of parliament: When Kuchma came to power, he intervened directly in the distribution of powers and pushed to reform Ukraine into a markedly presidential political system. The incumbent president was in favor of a strong presidency, with little checks and balances,

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<sup>99</sup> Barrington, Lowell W., and Erik S. Herron. "One Ukraine or Many? Regionalism in Ukraine and Its Political Consequences." *Nationalities Papers* 32, no. 1 (March 2004): 53–86.

<sup>100</sup> Csernicskó & Fedinec (2016)

<sup>101</sup> D'Anieri (2007)

and a parliament split into two chambers, supposedly better representing regional interests. Eventually, the approved constitutional draft called for a unitary state with a strong president, and Ukrainian as its national language.<sup>102</sup>

In the field of international relations, Kuchma immediately promoted reforms to the geopolitical asset of the country by insisting that Ukraine needed a looser Union with Russia, different from the USSR. He opposed Yeltsin's idea to create a new Union with Russia and Belarus and thereby cemented Ukraine's path to independence.<sup>103</sup> Thereby Kuchma contributed to strengthening Ukrainian sense of identity as a single entity, with looser ties to Russia. In this sense, Kuchma's policies might not be in the best interests of the country's unity: indeed, according to Pippidi, integration between borders and socialization among minorities and their mother state is to be encouraged to promote state building; instead by detaching the minorities from their kin state, as Kuchma was doing by attempting to seek other alliances for Ukraine, the minorities might feel their rights treaded upon.

However, the seeming acceptance of state-building measures in Ukraine is partly an effect of the inability of the state to implement those same measures: reportedly, out of 105 measures that the president and ministers have passed in 1996, only 63 were implemented.<sup>104</sup> Hence it can be inferred that Russian-minorities acceptance of certain measures of nation-building, related to language usage or education, might have been accepted because there was no plan to implement them in the first place.

The evolution of Ukrainian power struggle saw the birth of a new elite: Kuchma attempted to reform Ukraine into a market economy and privatized many state companies.

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<sup>102</sup> Wolczuk (2001)

<sup>103</sup> Plokhyy (2022)

<sup>104</sup> Kuzio, Kravchuk, D'Anieri, (1999)

Such gave the final push for the birth of the oligarch class, predominantly based in the highly-Russian-speaking industrialized Eastern regions (Crimea, Dnipropetrovsk, Donetsk, Lugansk). These oligarchs have supported in time political candidates that could protect their privileges.<sup>105</sup> By these means, Eastern Ukrainian elites gained significant traction on the country's political life, despite oligarch's interests lying mostly in the economy, rather than minority rights.

#### 4.3.1 Polarization and Delegitimization: Effects of Ukrainian Presidentialism

With new elections nearing in 2004, the political fight in Ukraine took a dark turn and Yushchenko, one of the two main candidates in the presidential race, received an assassination attempt by the State Security Service in September 2004. Such an event served as proof that Ukraine was not yet a mature democracy and that the fact of holding elections was in no way sufficient to establish a democratic tradition in the post-Soviet state.<sup>106</sup>

Indeed, if state forces defied their duties to the point that they intervened into the presidential campaign and attempted to get rid of one candidate, Viktor Yushchenko, is a symptom of a broader phenomenon. For instance, bribe-taking was quite common among state forces, especially within the police: and the knowledge of these institutional weaknesses by common people had made trust in the system widely decrease.<sup>107</sup> Such represents a clear risk of state instability and will be indeed one of the reasons for the outbreak of protests and instability in Ukraine after the 2004 elections.

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<sup>105</sup> Hartwell (2016)

<sup>106</sup> Hartwell (2016)

<sup>107</sup> Hartwell (2016)

On the political side, further fallacies in Ukrainian political systems came to light when electoral fraud was seemingly uncovered, which contributed to the victory of Yanukovych, rival candidate of Yushchenko. Consequently, after Yanukovych's win, the Ukrainian Constitutional Court nullified the outcome of the election, and protests ensued that later came to be called the "Orange Revolution" or "Revolution of Dignity".<sup>108</sup> The purpose of the demonstrations was to push Ukrainian leadership to tear down crony capitalism, fight corruption and near Ukraine to Europe.<sup>109</sup>

The escalation of the presidential election into a nationwide protest is the demonstration of two things: first, the authority of the president withheld so much power, that the victory of one or the other candidate would widely mobilize voters. In this perspective, it can be argued that giving much importance to one single political figure, in such a regionally divided society as Ukraine has turned against the state itself, when the legitimacy of the president became shaky in 2004. A certain level of decentralization, particularly the conferral of more powers to regional and local authorities might have come of aid to defuse tensions among candidates, leaving the losing side with at least some powers of self-rule in their regional strongholds: as argued by Pippidi, "to endow locally elected leaders with the means to satisfy their voters... is the best strategy to contain political discontent".<sup>110</sup>

Secondly, the Orange Revolution is a further demonstration of how polarized Ukraine was, almost 15 years after independence, and of how politics was split between two diametrically different visions of the country's future, impersonated into two opposed candidates. On the other side, it must be admitted that the polarization of the electorate was widely sponsored by the Ukrainian authorities themselves: once it became clear Yushchenko was taking over on Yanukovych in polls, the latter raised issues of

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<sup>108</sup> Hartwell (2016)

<sup>109</sup> Ploky (2022)

<sup>110</sup> Mungiu-Pippidi, Alina, and Ivan Krastev (2006): 271

codification of the Russian language and double citizenship, which were not present inside of his political manifesto, but which he hoped could play on Eastern Ukrainian's fears of ethnic Ukrainian nationalism.<sup>111</sup>

To defuse the risk of further escalations of the political strife, in 2004 a constitutional amendment was approved, due to which the President lost the right to name the Prime Minister, who instead would be elected by Parliament; furthermore, the institution of the "coalition was formed"<sup>112</sup> According to Pippidi's theory on nation-building, such change goes in the direction of a more stable country, with the power distributed among different authorities; furthermore, by conferring legal value to parliamentary coalitions, the new constitution made for more inclusive and legitimate governments. Indeed, Pippidi believes that representation of minorities is favored by more proportional systems and by involving minority groups in the country's politics, the danger of mobilization of minority groups against the government is significantly reduced.

Balancing everything out, the shrinking of presidential power increases legitimacy of government, while decreasing its ability to pass reforms: with more stakeholders involved inside governments, minorities have a higher chance of being represented, but on the other side, any process of political reform will by necessity run more slowly. Russian speaking minorities had the opportunity, after the 2004 Constitutional reform, to achieve even greater weight within parliament, thereby finding an appropriate institutional framework to represent their interests.

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<sup>111</sup> Wolczuk, Kataryna. "Whose Ukraine? Language and Regional Factors in the 2004 and 2006 Elections in Ukraine." *European Yearbook of Minority Issues Online* 5, no. 1 (2005): 521–47. <https://doi.org/10.1163/22116117-900000059>

<sup>112</sup> Lytvyn, Volodymyr. Конституційна реформа в Україні: історія, сучасний стан та перспективи, November 1, 2010. <https://www.golos.com.ua/article/125163>



### 4.3.2 Voting Patterns: Deep Regional Divides in Ukraine

From the above analysis of voting patterns and existing cleavages in Ukraine, it emerges clearly how Ukraine is geographically divided. Such is a fundamental element of the following analysis as it will be the basis to make statements on the appropriateness of Ukrainian political system and how well it channels this regional divide in the political debate to find suitable solutions.

In fact, despite Russian speakers being a minority in Ukraine, their geographical concentration plays in their favor: indeed, their size is bigger in the Eastern regions and therefore this gives them a general advantage in pushing forward their interests on a national level. Geographical concentration of Russian-speakers in the East is indeed listed by some scholars as one of the reasons why the Ukrainian electoral system has maintained legitimacy.<sup>113</sup>

Much of the scholarly research has focused on regionalism in Ukraine dividing it on language or ethnicity lines. Such stance has turned out in time to be rather limited, because ethnicity in Ukraine has been blurred out by intermarriage, while language does not fully grasp the picture either, with the minority language – Russian – being spoken both by individuals identifying as Ukrainians and Russians.<sup>114</sup>

However, during all parliamentary elections, voters in Eastern Ukraine and Crimea have voted for one set of parties, normally leftists and sympathetic with Russian language rights, and Western Ukraine has preferred parties that defend a more nationalizing agenda.<sup>115</sup>

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<sup>113</sup> D'Anieri (2007)

<sup>114</sup> Barrington (2004)

<sup>115</sup> D'Anieri (2007)

As Ukraine ploughed ahead as an independent nation, the trend to regional split in voting paths did not fade away and oppositely, it confirmed itself during presidential elections as well. For example, during 2004 elections, the East and the West voted for diametrically opposite candidates with Eastern Ukraine clearly favoring Yanukovich – going from a minimum rate of approval of 68% in Kharkiv oblast to a maximum of 93% in Donetsk oblast, while Western Ukraine favored with just as high rates of approval the opposite candidate Yushchenko – spanning from 96% in Ternopil to 93% in L’viv oblast. Such diametrically different voting pattern is once again a demonstration of how regions are a clear predictor of political preferences in Ukraine.

*Table 1: Votes in Presidential Elections of 2004 – Selected Oblasts* <sup>116</sup>

Region	Oblast	Percentage for Yanukovich	Percentage for Yushchenko
East Ukraine	Donets’k	93.5	4.2
	Luhans’k	91.2	6.2
	Kharkiv	68.1	26.4
Crimea	Crimean Republic	81.3	15.4
	Sevastopol City	88.8	8.0
Galicia	L’viv	4.7	93.7
	Ternopil	2.7	96.0
	Ivano Frankivs’k	2.9	95.7

The data in Table 1 shows how Ukraine’s language divide, between predominantly Russian-speaking East and the Ukrainian-speaking West strongly correlates with voting patterns. Such division in turn shows the high level of geographical political polarization,

<sup>116</sup> Data are from: D’anieri, Paul. “Ethnic Tensions and State Strategies: Understanding the Survival of the Ukrainian State.” *Journal of Communist Studies and Transition Politics* 23, no. 1 (March 2007): 4–29.

which itself increases risk of political instability. The voting patterns of 2004 presidential elections in Ukraine are an example of this trend, since they aligned with regional linguistic differences and worked as a precursor of the protests of the Orange Revolution that ensued right afterwards. Considering the extensive powers in the hands of the Ukrainian presidency, the outcome of elections becomes particularly vital, making it a priority for every region to secure a candidate that represents their interests. The level of political polarization is so high that looking at the data from Table 1, the election of Yanukovych would have left unsatisfied more than 90% of voters in Western Ukraine, and similar percentage of voters would have been unsatisfied in the East by the election of Yushchenko.

This section clearly shows how Ukrainian political divide had attained concerning levels by 2004, thereby underlining the strong need for moderate policies in a country which is divided in factions that aim at diametrically different goals and who envision an often-opposing idea of the country. Pippidi's theory would underline the necessity for more decentralization of powers, to let single regions manage certain powers, and thereby making them more prone to accept an unwelcomed result of political elections.

## 4.4 Chapter Conclusions

The analysis of Ukrainian institutions has allowed to explore how Ukrainian parliament and president can represent effective institutions to make the interests of Russian-speaking minorities.

Focusing on the parliament, such institution has not always been effective in representing Russian-speaking minorities interests. Firstly, Ukrainian electorate has throughout time voted for parties with irreconcilable interests: having the East voting for the communist nomenklatura and the West voting mostly for parties with a nationalizing

agenda. Secondly, the electoral laws in force for the first years of Ukrainian independence allowed for the election of several independent MP's, which represented an element of instability due to their uncertain ideological orientation. On a positive note, it must be underlined that within the Parliament, Eastern Ukrainian voters, mostly Russian-speaking, had a significant weight in the formation of governments and within constitutional amendments: despite Russian-speakers representing a minority in Ukraine, Presidents always needed the support of the votes from Eastern Ukrainian parties in order to take important decisions. This demonstrates that despite the inefficacy of parliament in forming stable majorities, MP's from Russian-speaking regions were able to play a key role throughout every government and actively collaborated in the crafting of the new Constitution of 1996 and the election of Prime Ministers.

Regarding the president, this figure filled the void left by parliament inability to find agreements. From Kravchuk to Kuchma, each of them tried to make the interests of Russian speakers, but they also actively pursued a centralizing and nationalizing agenda, making sure most of the significant powers would remain in the hands of the state, setting nation-wide rules on education, and seeking looser ties with Russia. Therefore, while on one side Ukrainian presidents were attentive to the needs of Russian-speaking minorities and conceded citizens to everyone, regardless of their origin or knowledge of the Ukrainian language, on the other side it can be inferred that the attention paid to these minorities was meant to secure political stability in order to secure Ukrainian unity, rather than a real intention to uphold Russian-speakers linguistic rights. Indeed, while language had been a driving factor in Ukrainian elections, summoned during electoral campaigns to gather votes, after governments were formed, Presidents' agenda proved to be a nationalizing one, with little regard for a clear codification of minority rights.

## Chapter 5: Language Policies and Impact on Russian-Speaking Minorities

As it is argued by several scholars, language is a vital element of a population's identity.<sup>117</sup> It is a means of expression during everyday life and it is an important feature of a person's identity, since it is normally taught to them by their family or is spoken in a family environment. Language is not only a factor of union but also of disunion: indeed, in Ukraine, different languages are spoken and given that most of the population speaks Ukrainian as their native language, Russian speakers can be perceived negatively, as the relics of Ukraine's past in the Russian Empire and later in the Soviet Union.

The purpose of this chapter is to discuss the impact of language policies in Ukraine between 1991 and 2004 on the Russian speaking population in Ukraine. It is of particular importance how such language policies were received, both inside of decisional chambers and within the civil society.

Another goal of this section is to understand whether the imposition of certain language policies is motivated by purposes of facilitating communication between people

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<sup>117</sup> Barrington, Lowell. "A New Look at Region, Language, Ethnicity and Civic National Identity in Ukraine." *Europe-Asia Studies* 74, no. 3 (March 1, 2022): 360–81.

around the country or is part of a wider effort to “Ukrainize” the country in a more nationalistic sense and eradicate elements and features that are perceived as non-Ukrainian.

A vital element of Ukrainian state-building is the revival of the Ukrainian language, as a tool of expression in the whole territory of Ukraine, but the push for such an element of Ukrainian identity might have provoked resistance within such a linguistically diverse country: The general assumption is that being Ukraine home to a high percentage of Russian-speakers, the establishment of Ukrainian as the country’s official language and the lack clear of codification of the Russian language could be an element of friction.

## 5.1 Civic Nationalism in Ukraine

In order to offer a meaningful interpretation of Ukrainian institution-building, this chapter will avail itself of an important theory dealing both with institutional building and minorities representation. Hereafter will follow an analysis of possible frameworks for interpreting Ukrainian language policies, together with their limitations.

Among the most known theories in the framework of state-building and language policies effects, a meaningful insight is offered by Taras Kuzio<sup>118</sup>, who criticizes the category of “nationalizing” adopted in analyzing Eastern Europe, underlining the same measures were adopted in Western states and legitimized as civic, instead. He believes that post-Soviet countries state-building efforts should be defined “civic” rather than “nationalizing”. Kuzio in sum supports the idea that there is no clear line between civic and nationalizing policies, when examined through a historical lens.

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<sup>118</sup> Kuzio, Taras. “‘Nationalising States’ or Nation-building? A Critical Review of the Theoretical Literature and Empirical Evidence.” *Nations and Nationalism* 7, no. 2 (April 2001): 135–54.  
<https://doi.org/10.1111/1469-8219.00009>

Applying Kuzio's framework to Ukraine, Ukrainian policies promoting Ukrainian language and culture should be considered as "civic", legitimizing any unintended consequences, even in terms of minority rights. The Ukrainian government has implemented policies aimed at strengthening the Ukrainian language in education, media, and public administration, often at the expense of Russian, however Kuzio's theory suggests that these policies should not automatically be seen as ethnic exclusion but rather as part of the broader historical pattern of nation-building, and therefore they are justified.

In sum, Kuzio's theory ignores that Ukrainian language policies can have negative impacts on Russian-speaking communities, who indeed often perceived them as an attempt of marginalization rather than civic integration. While he convincingly argues that state-building should not be viewed as negative in Eastern Europe, his framework underestimates the negative effects of language policies on linguistic minorities. In Ukraine's case, language policies were tightly connected with the creation of a national identity. By discarding any negative definition for post-Soviet state-building, Kuzio's theory becomes unsuitable for analyzing the effects of state-building measures on language minorities.

Another potential theory to analyze Ukrainian language policies' impact on minorities is Michael Hechter's *Internal Colonialism*<sup>119</sup>, which examines how a dominant political and cultural center (e.g., Kyiv) interacts with linguistically distinct regions (e.g., eastern/southern Ukraine). Hechter suggests that restrictive language policies might strengthen minority group cohesion creating a compact political force among an oppressed social group, for example in opposing language policies. *Internal Colonialism* shows how

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<sup>119</sup> Hechter, Michael. *Internal colonialism: The Celtic Fringe in British National Development, 1536-1966* Michael Hechter. BERKELEY, CALIF. (U. A.): UNIV. OF CALIFORNIA PR, 1975

within a multicultural state with a dominant culture, there lies a risk that the latter represses the identity of the former and that thereby social instability can ensue.

On a positive note, Hechter adopts a more structural perspective, examining institutional and policy-driven marginalization, which is of aid in ascertaining the impact of laws on the lives of Russian-speaking minorities. In historical terms, this framework could help assessing Ukraine's early state-building as a balancing act between the Soviet-era primacy of Russian language and the new needs of Ukrainian state apparatus, pushing for the primacy to the Ukrainian language in fields such as state communication, media and education with the goal of creating a new cultural center for the country and thereby assimilate Russian-speakers in Ukraine to the center's culture.

However, Hechter's offers a limited analysis of the Ukrainian case, as it lacks a focus on post-Soviet transition: indeed, this model was designed for stable imperial systems, not newly independent states experiencing political and linguistic shifts. Furthermore, Hechter's focus on a colonizing center against a colonized periphery overlooks Ukraine's linguistic asset, where Russian was spoken in several parts of the country and even in the capital, discarding the idea of a contrast between periphery and center.

A third plausible theoretical framework for the following chapter would be Kymlicka's theory of *Multicultural Citizenship*<sup>120</sup>, which offers few useful concepts for analyzing the impact of language policies on minorities. His framework insists on the definition of multiculturalism as a democratic process of *citizenization*—integrating minorities while respecting their rights through inclusive policies, showing the viability for states with minorities. Additionally, the idea of *desecuritization* gives useful insights, as it suggests

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<sup>120</sup> Kymlicka, Will. "MULTICULTURALISM: Success, Failure, and the Future." *Queen's University*, February 2012



that states are more likely to accommodate minority languages when they are not perceived as threats to national security. Furthermore, Kymlicka's emphasis on *human rights protection* provides a solid criterion of judgement to assess whether language policies empower minorities or reinforce hierarchies. In sum, these elements could be of great aid to assess whether Ukrainian language laws promoted pluralism or exclusion during the country's formative post-independence years.

In general, applying Kymlicka's theory to Ukraine reveals both strengths and drawbacks. On one side, the centrality of *citizenization* helps understand how Ukrainian policies could promote a sense of shared belonging among Russian speakers or rather deepen divisions. For instance, the 1989 Constitution's codification of Russian as a language of "interethnic communication"—while establishing Ukrainian as the sole state language—manifests the existence of a compromise that matches Kymlicka's emphasis on bargaining. The absence of *securitization* of Russian speakers in this period also demonstrates his argument that accommodation is more likely when minorities are not framed as disloyal. However, Ukraine's approach was less about liberal multiculturalism and more about managing Soviet legacies, as Russian speakers retained significant cultural and institutional influence.

Despite its positive insights, Kymlicka's theory has limitations for analyzing Ukraine's language policies. Designed primarily for immigrant societies, it does not effectively grasp the dynamics of legacy minorities like Ukraine's Russian speakers, who were neither newcomers nor historically oppressed but beneficiaries of Soviet linguistic dominance. His assumption that minorities seek autonomy within liberal-democratic frameworks also proves untrue in Ukraine, where some Russian-speaking elites resisted Ukrainianization to preserve Soviet-era privileges rather than to advance minority rights. Moreover, Kymlicka underestimates the role of symbolic nation-building: Ukraine's policies were not driven by

pluralist ideals, but rather by the need to assert a new independent identity. To fully understand this context, his theory must be supplemented with post-Soviet critiques state-building.

A theory that incorporates all the missing elements in the previous ones is Anna Stilz's theory of *Civic Nationalism and Language Policy*.<sup>121</sup> This theory argues that in a society founded on principles of equality, the imposition of a common language is justifiable only if it is achieved at the least possible cost to the linguistic rights of minority groups. Specifically, Stilz emphasizes that minority languages should be promoted alongside the majority language, as this aligns with the interests of minority communities. However, the promotion of a majority language can be justified when it serves specific civic goals, such as fostering equal economic opportunities, enabling democratic participation, and protecting basic rights—provided that the policy is not overly burdensome for citizens. If less intrusive measures can achieve these same goals, they should be prioritized. Consequently, for a state to be considered truly civic, its institutions must strive for a level of linguistic homogeneity that advances these civic objectives while minimizing the costs imposed on linguistic minorities.

Stilz's framework is particularly relevant for understanding Ukraine's efforts to balance the promotion of Ukrainian as the state language with the protection of minority language rights, especially for Russian speakers. During this period, Ukraine's language policies aimed to foster a unified national identity and support civic goals such as equal economic opportunities, democratic participation, and the protection of basic rights. However, the imposition of Ukrainian as the state language often faced resistance in eastern and southern regions, where Russian was widely spoken. Stilz's theory helps interpret these

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<sup>121</sup> Stilz, Anna. "Civic Nationalism and Language Policy." *Philosophy & Public Affairs* 37, no. 3 (June 2009): 257–92.

tensions by emphasizing that the promotion of a majority language is justifiable only if it minimizes the cost to minority languages and ensures their legal recognition. Ukraine's 1996 Constitution, which granted Ukrainian official status while allowing for the use of minority languages in certain contexts, reflects an attempt to achieve this balance. Nevertheless, the implementation of these policies often fell short of Stilz's ideal, as minority groups felt marginalized by them. By applying Stilz's framework, this chapter will assess whether Ukraine's language policies advanced civic goals while respecting linguistic diversity, or whether they risked alienating minority communities and undermining the state's legitimacy as a civic nation.

With the analysis of most significant language policies in force between 1991 and 2004, it will be possible to understand how the rights of Russian-speaking minorities were upheld and how nationalizing policies, promoting the interests of the Ukrainian majority, were justified in terms of legitimate civic state-building necessities, or represented an attempt to force the Ukrainian identity onto Russian-speaking minorities.

## 5.2 The 1989 Law "On Languages in the Ukrainian Soviet Socialist Republic"

The first language law of importance for the country is the 1989 one (LL1989): such law protects the languages of all national minorities in the country: despite this law dating back two years before Ukrainian independence, it was the main law of reference in the first years after independence. As often stated above, Ukraine counted a Russian-speaking minority with both people from Russian ethnicity. Among Ukrainians 5.54 million people considered Russian as their mother tongue, according to the 2001 nation-wide poll: nevertheless, they are not a minority in terms of ethnicity, but still speak a minority language. Despite their significant number, to be summed with the millions of Russians

living in Ukraine, the rights of such large number of people are not protected by 1989 language law.<sup>122</sup>

Throughout history, it has been often wondered why support for a bilingual Ukraine did not gather consensus among Ukrainian decision-makers. When looking at the numbers, it would seem reasonable that other languages within Ukraine should receive legal acknowledgement, to protect the people who speak these languages. However, some scholars argue that a bilingual Ukraine, for example, is not a viable and sustainable option for the country: Matviyishyn and Michalski point out for example that giving regions in Ukraine more power to decide over their official language will foster isolation and separatist feelings within the predominantly Russian-speaking regions.<sup>123</sup> While Azhniuk underlines that, being ethnic Russians predominantly monolingual, the lack of incentives to learn Ukrainian would cause a decrease in the number of Ukrainian-speakers and simply perpetuate Russian predominance as a spoken language.<sup>124</sup>

On the other side, it must be specified that the 1989 law assigns to Russian the role of “language used for the communication between the peoples of the Soviet Union”<sup>125</sup>: It makes sense to give importance to the Russian language in Ukraine, considering that it not only had a fundamental role during the more-than-half-a-century-long Soviet era, but it also counts an extremely high amount of speakers, compared to the rest of minority languages in Ukraine: according to the Ukrainian scholar István Csernicskó, referring to the minority issue in Ukraine, it is normally an implicit reference to the Russian-speaking population, which represent 91% of the whole minority population of Ukraine.<sup>126</sup>

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<sup>122</sup> Csernicskó István, and Csilla Fedinec. (2016)

<sup>123</sup> Matviyishyn & Michalski. “Language Differentiation of Ukraine’s Population.” (2017)

<sup>124</sup> Azhniuk, Bohdan. “Ukrainian Language Legislation and the National Crisis.” (2017), 311–29.

<sup>125</sup> Csernicskó István, and Csilla Fedinec (2016)

<sup>126</sup> Csernicskó István, and Csilla Fedinec (2016)

Continuing the analysis of the LL1989, such language law permitted the usage of Russian and other minority languages within state offices only if such minority group constitutes the absolute majority inside of a department: as Csernicskó states, such quota is quite hardly attainable for a minority group within national administrative departments, and such requirement made it challenging for minorities to use their language.<sup>127</sup>

In the perspective of education, however, such law has protected the rights of parents to choose the language of education of their children, from kindergarten to higher education: indeed, teaching in a minority language is conditional first to the parents' choice, but also to the availability of enough students and school personnel to carry out educational activity in that language.

When looking at percentages, resistance to specific language policies can be understood more easily. For example, given that the Donetsk and Luhansk oblasts counted 66% of the population speaking Russian as their first language, referenda were held in these regions in 1994 where most of the voters argued for recognizing Russian, together with Ukrainian, as a state language.<sup>128</sup> Some scholars have indeed argued that the 1989 Language Law departs from a fundamentally ethno-centric standpoint, where the Ukrainian language is seen as the language of the "Ukrainian people", despite the obvious cultural diversity within the country.<sup>129</sup> Hence, despite the legitimate interest of any country to set a state language, this first codification of language in Ukraine appears incomplete, as it lacks a clear reference to the fact that several Ukrainians employ other languages, different from Ukrainian, in their daily lives.

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<sup>127</sup> Csernicskó István, and Csilla Fedinec (2016)

<sup>128</sup> Chinn & Kaiser (1996)

<sup>129</sup> Bowring, Bill. "Language Policy in Ukraine: International Standards and Obligation, and Ukrainian Law and Legislation." *SSRN Electronic Journal*, 2011. <https://doi.org/10.2139/ssrn.1800254>

According to Stilz's theory, resistance to language policies in these regions can be interpreted as a sign that the costs imposed on minority speakers may have been excessive. While promoting a common language can be justified on civic grounds, Stilz argues that it should not come at the expense of linguistic minorities' ability to participate fully in economic and political life. If state policies were perceived as coercive rather than inclusive, they may have undermined rather than strengthened civic unity. This would suggest that alternative, less intrusive measures—such as more robust bilingual education programs or gradual language transition policies—might have been more in line with the civic nationalist ideal.<sup>130</sup>

### 5.3 The 1992 Law "On National Minorities"

This law represents the first codification of languages in independent Ukraine. Here, Russians are treated as an ordinary minority. The law merely stands to acknowledge that Ukraine presents a certain number of national minorities, defining them in Article 3 as “groups of Ukrainian citizens, who are not of Ukrainian nationality but who show feelings of national awareness and affinity.”<sup>131</sup> Nevertheless, no specification is offered within the law as to which are the national minorities living in Ukraine. Indeed, a critique made by the Advisory Committee of the Framework Convention on National Minorities, which Ukraine ratified in 1997 and entered into force in 1998, was precisely that the Law on National Minorities was incomplete, as it lacked a detailed list of who are the national minorities in Ukraine and there is no publication with the numbers and description of each minority.<sup>132</sup>

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<sup>130</sup> Stilz, Anna. “Civic Nationalism and Language Policy.” *Philosophy & Public Affairs* 37, no. 3 (June 2009): 257–92.

<sup>131</sup> “Minority Related National Legislation - Ukraine - Minorities.” MINELRES. Accessed March 22, 2025. [https://minelres.lv/NationalLegislation/Ukraine/Ukraine\\_Minorities\\_English.htm](https://minelres.lv/NationalLegislation/Ukraine/Ukraine_Minorities_English.htm)

<sup>132</sup> Bowring, Bill. “Language Policy in Ukraine: International Standards and Obligation, and Ukrainian Law and Legislation.” *SSRN Electronic Journal*, 2011

Another contentious elements of the 1992 Law is Article 8, which foresees that in order for minorities to be able to speak their native language in public and private institutions, they would need to be a majority in that specific place: such threshold is clearly hard to attain for a minority, precisely for the fact that anywhere out of their geographic area of concentration, it would be extremely hard for them to represent a majority; without clarity as to who precisely represents a minority in Ukraine, the implementation of Article 8 would greatly hinder minority rights.<sup>133</sup>

It can hence be inferred that the 1992 Law on National Minorities present several fallacies, which defy the purpose of the law itself. If the goal was to offer legal protection to Ukraine several minorities, among which Russian-speaking ones, the law was a failure, as the text does not identify the existing minorities in the first place. On the other side, if the objective of the law was to favor minorities cultural and linguistical expression, the Law on National Minorities seems to head precisely in the opposite direction, by offering idealistic standards as to when minorities are entitled to use their language. Therefore, the Law is to be deemed incomplete and incapable of effectively addressing the issue of Russian minorities language rights in Ukraine.

## 5.4 The 1993 Law “On Broadcasting”

The 1993 Law on Broadcasting <sup>134</sup> in Ukraine has a significant impact on the linguistic rights of Russian-speaking minorities, in relation to the language used in media. Despite the law guaranteeing that most broadcasting is done in Ukrainian does

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<sup>133</sup> Bowring, Bill. (2011)

<sup>134</sup> Law on television and Radio Broadcasting.

[https://adatabase.ohchr.org/IssueLibrary/UKRAINE\\_On Television and Radio Broadcasting.pdf](https://adatabase.ohchr.org/IssueLibrary/UKRAINE_On%20Television%20and%20Radio%20Broadcasting.pdf)

allow some broadcasts in the languages of national minorities, including Russian, in areas where these communities are concentrated. Nevertheless, this doesn't guarantee that Russian-language content will be widely available throughout the country. Furthermore, the law puts a strong emphasis on promoting solely Ukrainian culture, with rules stating that at least half of the broadcast content must be Ukrainian-made: such focus on domestic production further limits the amount of Russian-language programs, many of which might be produced abroad. Overall, by prioritizing the Ukrainian language and content, the law makes it harder for Russian-speaking Ukrainians to find media in their native language, affecting their access to information and cultural representation.

Article 10 is particularly problematic, since it foresees that media content produced in Ukraine is published in Ukrainian: while such article is in compliance with the single state-language policy, its framing implies that media content produced in any other language requires a justification for doing so, which complicates the consumption of media for all non-native Ukrainian speakers. Furthermore, the requirement that nationwide media broadcast is made 75% in Ukrainian represents “an overall exclusion of the use of the languages of national minorities in the nation-wide public service and private broadcasting sectors”, which is not compatible with Article 9 of the Framework Convention. This is incompatible with Article 9 of the Framework Convention for the Protection of National Minorities, which Ukraine has ratified.<sup>135</sup> The Convention emphasizes considering factors such as promoting broadcasting in minority languages and more support to minority media.<sup>136</sup> This discrepancy symbolizes the contradiction between Ukraine's national language policies and its international obligations to protect

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<sup>135</sup> Bowring, Bill. (2011)

<sup>136</sup> Framework Convention for the protection of national minorities - national minorities (FCNM)  
<https://www.coe.int/en/web/minorities>



minority rights, and shows how certain language policies pursued by the Ukrainian governments did not make the best interests of Russian speakers and often opted for a strongly nationalizing agenda, by pushing beyond necessary for the usage of the Ukrainian language.

## 5.5 The European Charter for Regional or Minority Languages in 1995

In 1995, Ukraine became part of the Council of Europe (CoE) and was therefore bound to uphold the “European Charter for Regional or Minority Languages” (ECRML). Such requirement was tied to Ukraine’s accession to the CoE. In theory, the Russian language would qualify as in need of legal protection, since Ukraine had listed it among one of its thirteen minority languages: however Russian was spoken by about half of the population, which would make it unqualifiable as a minority language and therefore not worthy of protection.<sup>137</sup>

Within parliament, Russian-speaking members pushed for having Russian protected through the ECRML, given the lack of recognition as an official language, whereas, within the Russian-speaking population, several figures publicly vouched for more legal protection for the Russian language.<sup>138</sup> In terms of implementation of the Charter, a commission of CoE experts assessed setting Ukrainian as state language as in contrast with implementing the Charter: however, as argued by Besters-Dilger & Juliane, their judgement oversaw the fact that, after centuries of repression of the Ukrainian language,

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<sup>137</sup> Besters-Dilger, Juliane (2023)

<sup>138</sup> Besters-Dilger, Juliane (2023)

it would be challenging to spread its usage, if not by proclaiming it the “state language”.<sup>139</sup>

Further concerns about implementing the ECRML include the perception that granting Russian any legal status might undermine the preferential use of Ukrainian. This emotional viewpoint reflects fears that recognizing minority languages could diminish the prominence of the state language.<sup>140</sup> In turn, Ukrainian expert Bohdan Azhniuk underlines that comparing Ukrainian to other official languages in European countries offers a distorted picture of reality: while in other European countries, the state language is widely used throughout the state, Ukrainian does not enjoy such status<sup>141</sup>, and this can offer an explanation as to why Ukrainian decisionmakers try to give to the Ukrainian language more legal recognition.

Stilz’s framework suggests that language policies should serve civic purposes rather than act as tools of ethno-nationalism. While Ukraine’s promotion of Ukrainian as a state language aimed to foster a civic national identity open to all citizens, regardless of ethnic background, the sudden switch of official communications in Ukrainian clearly privileged ethnic Ukrainians at the expense of Russian speakers, by not giving them enough time to muster the new state language. Stilz’s emphasis on minimizing the burdens on minority groups implies that successful language policies should be inclusive, and reinforce a shared national identity, attempting to exacerbate as little as possible societal divisions.

Speaking of the ECRML, and its line of contact with the European Council Committee of Experts, this legal tool has been fundamental for Russian-speaking

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<sup>139</sup> Besters-Dilger, Juliane (2023)

<sup>140</sup> Besters-Dilger, Juliane. “The Ukrainian Language in Education and Mass Media in ‘Ukrainian Philology and Linguistics in the Twenty- First Century.’” *Harvard Ukrainian Studies* 29 (2007): 262.

<sup>141</sup> Azhniuk, Bohdan (2017), 315

activists to voice their concerns about Ukrainian language policies: in the "Second Periodic Public Report concerning the Implementation of the European Charter for Regional or Minority Language", activists from the NGO "Russophone Ukraine" employed ECRML-inspired legal jargon, to demonstrate that Ukrainian language policy was ethnocentric and was slowly eroding the rights of the Russian-speaking population.<sup>142</sup>

In summary, while the ratification of the ECRML represents a positive step toward better protection for Russian-speaking minorities' rights, the unclear role of the Russian language in Ukraine, together with uncertainties in interpreting the ECRML's provisions regarding the language, pose an obstacle to enforcing the charter and effectively safeguarding these rights.

## 5.6 The New Constitution of 1996 and The Russian Language

When in 1996 a new Constitution was passed, a special status for Russian was underlined, by stating that "In Ukraine, the free development, use and protection of Russian, and other languages of national minorities of Ukraine, is guaranteed."<sup>143</sup> In parallel, the 1996 Constitution also allocated further importance to the Ukrainian language, by naming it the "state language" in Article 10: at this point, Russian-speakers faced a significantly daunting task, because they would have needed a constitutional majority within parliament in order to recognize to Russian any sort of

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<sup>142</sup> Azhniuk, Bohdan (2017)

<sup>143</sup> Bowring, Bill. (2011), 89

legal status, which is a hardly-reachable parliamentary consensus, especially for a minoritarian language.<sup>144</sup>

On the other side, the first year of Ukrainian independence was characterized by some uncertainty in the interpretation of Article 10. Only in 1999 a verdict from the Ukrainian Constitutional Court clarified that Article 10 of the 1996 Constitution of Ukraine not only established Ukrainian as state language, but it also implied that Ukrainian was the “official” language of the country.<sup>145</sup> The majority of judges supported the opinion that using Ukrainian should be mandatory for any governmental body, national or local, with the sole exception of the Crimean Autonomous Republic, where Russian could still be used: the Court’s interpretation was met only with one strong dissent by Judge Mironenko, who underlined that allocating such importance to the Ukrainian language was in complete disregard of Article 10, which aims at protecting the free development and use of Russian and other minority languages.<sup>146</sup>

In any case, at least the 1996 Constitution codified that the Russian language was legally allowed in the communication among local administrative organs and within the Republic of Crimea,<sup>147</sup> Indeed, Article 53 guaranteed the rights of people belonging to national minorities to receive education in their native languages or to study such languages within public institutions.<sup>148</sup>

Stilz’s framework suggests that the Ukrainian state’s decision to designate Ukrainian as the sole official language aligns with the principles of civic nationalism,

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<sup>144</sup> Azhniuk, Bohdan (2017), 311.

<sup>145</sup> “Рішення Конституційного Суду України у Справі За Конституційними Поданнями 51 Народного Депутата України Про Офіційне Тлумачення Положень Статті 10 Конституції України Щодо Застосування Державної Мови Органами Державної Влади.  
<https://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=v010p710-99>

<sup>146</sup> Bowring, Bill. (2011), 89

<sup>147</sup> Csernicskó István, and Csilla Fedinec. (2016)

<sup>148</sup> Besters-Dilger, Juliane. “Language Policy in Ukraine - Overview and Analysis.” (2023)

only if minority linguistic rights are safeguarded. The constitutional provisions allowing for the use of minority languages in local settings demonstrate an effort in the 1996 Constitution to balance national cohesion with linguistic pluralism. However, from Stilz's perspective, the effectiveness of such measures depends on their practical implementation.<sup>149</sup> Indeed, despite the restrictions applied to Russian languages, witnesses of the time prove that Russian itself kept being widely spoken throughout the years by the population, even within the capital Kiev<sup>150</sup> : reflecting once again a mismatch between policies pursued by the governments and the attitudes within the general population.

Despite the wide political importance given to having official language, within Ukrainian law, surveys showed that most Ukrainians did not consider the language spoken by their fellow citizens as a defining factor of their national identity: for example, in a survey carried out in 1998, it emerged that the overwhelming majority (80%) of respondents tied the idea of being Ukrainian to one's consciousness, legal citizenship or ancestry; while only 4% indicated that being Ukrainian depends on whether one person speaks Ukrainian.<sup>151</sup> It appears therefore that regardless of language policies codified in the constitution, the population did not strongly oppose Ukraine's *de facto* bilingualism, , associating national identity more with civic criteria than ethnical ones.

It can be concluded that the politicization of language policy in the first years of Ukrainian independence has mostly occurred in the political sphere, in order to mobilize votes, while the population has not explicitly contested the legal status of

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<sup>149</sup> Stilz, Anna. "Civic Nationalism and Language Policy." *Philosophy & Public Affairs* 37, no. 3 (June 2009): 257-92.

<sup>150</sup> Bowring, Bill. (2011), 91

<sup>151</sup> Kulyk, Volodymyr. "Is Ukraine a Multiethnic Country?" (2022): 299-323

languages: however, even acknowledging this, the mismatch of having Ukrainian as the sole state language and Russian as a very important tool of communication in several aspect of Ukrainians' lives, especially in the East of the country, shows a disregard for the reality of some Ukrainian regions, favoring the language of the majoritarian ethnic group.<sup>152</sup>

## 5.7 Chapter Conclusions

The analysis of Ukrainian language policies after independence shows an often tense relationship between political efforts to promote the Ukrainian language and the linguistic rights of Russian-speaking minorities. If on one side, official policies have increasingly prioritized the use of Ukrainian in public administration, education, and media, the extent to which this has been counterbalanced by the enforcement of language rights of Russian-speaking minorities is uncertain.

Doubtlessly, Ukraine's language laws are the expression of a broader nation-building strategy to strengthen Ukrainian identity. These measures have sought to reverse the historical marginalization of Ukrainian and establish it as the dominant language in public life. However, they have also led to concerns—both domestically and internationally—about the potential loss of linguistic pluralism and the restriction of Russian-language access in vital areas of Ukrainians' lives, such as education and media.

From the above analysis, it emerges that the rights of Russian-speaking minorities have been constrained, even if to a limited extent: since there was no effective ban on

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<sup>152</sup> Wolczuk, Kataryna. "Whose Ukraine? Language and Regional Factors in the 2004 and 2006 Elections in Ukraine." *European Yearbook of Minority Issues Online* 5, no. 1 (2005): 521-47. <https://doi.org/10.1163/22116117-90000059>

using the Russian language in daily life. While Russian speakers still maintain informal linguistic autonomy in many regions, official policies have gradually reduced their institutional protections, leading to tensions between state interests and minority rights. The perception of these policies as fair or discriminatory depends primarily on which interests are at stake, evaluating the necessity for Ukraine to build a national identity, or the importance of upholding international law and protecting minorities.

In sum, the findings suggest that Ukraine's language policies have prioritized nation-building over accommodation of linguistic diversity, showing the hardship of balancing between state-building and minority rights in Ukraine.

## Chapter 6: Research Conclusions

This thesis has explored how Ukrainian institutions and language policies have worked to balance the building of a national identity with the rights of Russian-speaking minorities. Each chapter has contributed to understanding how Ukraine has tackled this task, demonstrating that while efforts were made to uphold minority rights, the push to strengthen Ukrainian as the state language also created tensions and was not always well accepted by Russian-speaking minorities.

The first chapter delved into a historical background, looking at the institutions and language policies that Ukraine inherited from Soviet times. It emerged clearly that Ukrainian institutions were mostly crafted by the foreign dominations that Ukraine underwent, therefore underlining Ukraine's quite limited heritage in institution building, thereby explaining the hardships that Ukraine will face in creating inclusive institutions while applying a nationalizing agenda. In reference to language, the historical background manifests how throughout most of its history, the Ukrainian language had been repressed and marginalized: this offers an explanation of how early language policies tried to accommodate linguistic diversity while gradually pushing for the primacy of Ukrainian. Despite this, Russian remained widely spoken, and the legal framework left room for flexibility in many aspects of public life.

The second chapter focused on institutions, by studying the evolution of the two decision-making centers in post-independence Ukraine: the parliament and the President. The analysis revealed that Russian-speaking politicians and parties maintained throughout time a strong presence: indeed, despite representing a minority, their parties were in several instances fundamental for approving important laws and decisions. The chapter proves that the most spoken language in a region determines a



central fault line in Ukrainian politics, affecting voting patterns and political preferences in general. While Russian speakers were not excluded from public life, many centralization policies deprived them of significant administrative powers within their regions. As a matter of fact, the concrete influence of Russian-speaking politicians over policies was often constrained by the broader goal of nation-building: therefore, while political competition ensured that Russian-speaking communities had a voice, the gradual centralization of powers restricted their margin of action within independent Ukraine

The third chapter revealed that Ukrainian language policies pursued a difficult balance between promoting the Ukrainian language and upholding the rights of Russian-speaking minorities. On one side, official policies have increasingly prioritized Ukrainian in public life, which poses doubts on the extent to which the language rights of Russian speakers have been protected. On the other side, Ukraine's language laws were legitimized as a broader nation-building strategy aimed at strengthening Ukrainian identity and reversing the historical marginalization of the language. In sum, these measures have raised concerns about the erosion of linguistic pluralism, particularly in education and media. Although Russian speakers are not hampered to use their language in daily life, official policies have gradually reduced their institutional protections, leading to tensions between state interests and minority rights.

Together, these chapters show that Ukraine has encountered difficulties balancing between national unity and linguistic diversity. Institutions provided effective representation for Russian speakers, but the language policies approved throughout time diminished their decisional powers and hampered the possibility of codifying clear legal protection for the Russian language.

Looking ahead, future research could explore how these dynamics have evolved in the years after 2004, especially given the political and social upheavals that followed. Understanding the role of language policies and institution building in relations to minority rights remains crucial—not just for Ukraine, but for any country grappling with the challenges of diversity and inclusion.

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“Рішення Конституційного Суду України у Справі За Конституційними  
Поданнями 51 Народного Депутата України Про Офіційне Тлумачення  
Положень Статті 10 Конституції України Щодо Застосування Державної  
Мови Органами Державної Влади, Офіційний вебпортал парламенту  
України. <https://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=v010p710-99>.