

The Crimean Tatar dilemma

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(in the context of the parliamentary hearing on Problems of Legal Regulation and Implementation of the State Policy of Providing for Rights of the Crimean Tatar People and Ethnic Minorities, Formerly Deported and now Voluntarily Returning to Ukraine)

The Crimean Tatar issue is a complex multifaceted phenomenon that represents a peculiar knot of interconnected social, economic, political, cultural and legal issues.

It involves restoration of the formerly punished people's rights and a variety of levels of integration of Crimean Tatars into the Ukrainian society and, therefore, requires differentiated legal approaches and adequate mechanisms of developing relevant solutions.

Studying the Crimean Tatar issue in the context of Ukraine's recent history one may come to a rather sad conclusion: within the decade-long process of repatriation of Crimean Tatars the official Kyiv has failed to pay steady and adequate attention to the issue. Analysis of developments within this decade shows that the Crimean Tatar issue has been addressed by the government first and foremost when the situation in the Crimea became more tense than usual and demanded urgent crisis management efforts. Remarkably, in the most acute crises of 1994-1996 Crimean Tatars proved to be consistently pro-statehood and contributed substantially to countering the challenges of Crimean separatism. Hence, the hope is that the recent parliamentary hearing on the issue will not be reduced to adopting yet another declaration of good intentions, but rather become a significant step away from the general trend of showing season's attention of the state institutions to the Crimean Tatar issue.

Although within this decade the Ukrainian government has adopted over twenty resolutions, the complex challenge, linked to unsolved issues of social, economic, cultural and political integration of Crimean Tatars into the Ukrainian society still has to be addressed. Positively, the Ukrainian authorities are becoming increasingly aware of the challenge and the need to provide a relevant response.

Speaking at the recent parliamentary hearing, Vice Prime Minister of Ukraine Mykola Zhulynsky admitted that political declarations and concrete steps of the government cannot substitute for legal rehabilitation of citizens, deported on ethnicity basis. The lack, so far, of a clear normative legal framework to restoration of rights of former deportees is a serious impediment to their repatriation and accommodation process. Hence, the lack of legal solutions for the above challenges creates a general situation when the state policy is substituted with subjective prejudice of local bureaucrats, and process of harmonization of relations between representatives of different ethnic communities are replaced with processes of suppressing needs and interests of a smaller ethnic community by a more numerous one, argues Refat Chubarov, MP, chairman of the Crimean Tatar Medjlis. The lack of an adequate legal framework reduces effectiveness of the Ukrainian government's efforts to solve logistical accommodation issues and creates additional challenges to economic, legal and political integration of Crimean Tatars.

The scope of the problem - that has not been accurately evaluated yet - is increased by the fact that so far there has not been a clear, well-thought and coherent state concept of dealing with these multiple challenges. This government still lacks a coherent complex strategy of integrating the returning former deportees into the Ukrainian society that would take into account the whole host of social, economic, cultural, language, religious and political aspects of integration. Therefore, the poor social and economic condition of the former deportees may be caused by the general economic crisis that become a typical situation for this country, but also by some mistakes made by state institutions in dealing with the Crimean Tatar issue.

Although Ukrainian authorities are struggling to respond to the whole host of challenges and find solutions to the repatriants' urgent needs, the social and economic situation of representatives of ethnic minorities who return to Ukraine is disastrous. In January 1999, 128,638 of about 250,000 Crimean Tatars who returned to Ukraine did not have housing, and 71,379 of 136,623 able-bodied Crimean Tatars were unemployed. The majority of returning Crimean Tatars settle in 300 new villages, only 75% of which have electricity and 27% have water supply. The villages have practically no hardcover roads, schools and health facilities. The lack of basic living conditions and infrastructure in the Crimean Tatar villages have caused general deterioration of health condition and increase in mortality rate among repatriated Crimean Tatars. The accommodation is funded by Crimean Tatars themselves and the Ukrainian government, since other CIS states from which Crimean Tatars return to Ukraine have taken no role in facilitating the repatriation process. Funding from Ukraine's state budget has been

scarce: it amounted to UAH 8.1 million in 1996, UAH 12.8 million in 1997, UAH 8.29 million in 1998, and UAH 13.5 million in 1999 (Crimean Studies, #2, 2000, Kyiv). The 2000 state budget earmarked UAH 40 million for accommodation of the former deportees, and UAH 11 million will be provided for that purpose by the Crimean government. Within this decade, the assistance provided by intergovernmental organizations and international NGOs totaled about US\$ 10 million.

In addition to the need to solve social and economic issues of repatriation, a major challenge is to provide for Crimean Tatars' education and language needs. For over 45 years Crimean Tatars had been denied the right and possibility to receive education in the Crimean Tatar language and develop national culture institutes. In many cases, the process of cultural revival began with the beginning of repatriation, but a number of problems remain. Opening Crimean Tatar schools alone is not enough, as there is a need to create and publish textbooks in the Crimean Tatar language, which has not been done for almost 50 years, and train teachers able to teach in Crimean Tatar. Currently there are only six Crimean Tatar-language schools in the Crimea, and the level of Russification among Crimean Tatars is growing dramatically. There are only two Crimean Tatar-language newspapers in the Crimea; both published once a week in a limited number of copies. The total amount of television and radio broadcasting in the Crimean Tatars language does not exceed a few hours a week.

Another challenge that needs to be addressed is the issue of legal provisions for the repatriation process and restoration of Crimean Tatar people's rights. The issue remains one of the most critical yet unsolved aspects of the Crimean Tatar dilemma. The key point is the issue of under representation of Crimean Tatars in elected and executive authorities of the Crimean autonomy. Of 100 members of the Crimean parliament, elected according to the majoritarian principle, there is only one ethnic Crimean Tatar who identifies himself primarily as a communist. During the 1994 parliamentary elections Crimean Tatars were given a quota, received 14 seats and established a Crimean Tatar parliamentary faction that allowed bringing debates over the accommodation interests from rallies and protests to parliamentary sessions. Yet, in 1998 the parliamentary elections were held under the new election law that did not envisage any quotas for minority representatives. Furthermore, unlike in 1994 when all Crimean Tatars aged 18 and over who had been permanent residents of the Crimea could have voted, in 1998 about 100,000 Crimean Tatars who were not citizens of Ukraine could not take part in the elections. Their protests resulted in rapid increase of tension in the Crimea in January-February 1998.

To date any proposals of Crimean Tatars to create legal mechanisms that would ensure due representation of the Crimean Tatar people in the Crimean authorities have found no support of the national government and the parliament. Opponents of providing election quotas to Crimean Tatars, particularly communists, refer to Article 71 of the Constitution that stipulates that elections are free and based on principles of universal, equal and direct suffrage, and, therefore, providing quotas to selected ethnic minorities would contradict the national constitution. What they refuse to discuss is the fact that Crimean Tatar candidates have practically no chance of being elected to Crimean bodies of power under the current election system, for previously the Crimean authorities deliberately chose places of settlement for Crimean Tatars so that to prevent them from becoming a majority of population of any given constituency. Given the strong anti-Tatar sentiment among the predominantly ethnic Russian population of the peninsula, encouraged by some political forces, chances for a Crimean Tatar candidate to be elected in a predominantly non-Crimean Tatar constituency are practically null.

Therefore, unless this problem is addressed we are bound to move in the same vicious circle. The policy of keeping Crimean Tatars out of the governing bodies where they could search for solutions to issues of the autonomy's life in cooperation with representatives of other ethnic groups contributes to self-isolation of Crimean Tatars, helps the growing divide between people of different ethnic origins and encourages radicalization of the Crimean Tatars movement. Shortly after the 1998 elections to the Crimean parliament, then Speaker Anatoly Hrytsenko admitted that for the state, it is better to have 14 Crimean Tatars in the parliament than 3,000 of them in the square (Avdet, No. 7, 7 April 1998). Yet, within two years since then the awareness have not resulted in positive practical steps towards finding a solution for the issue.

Another complex issue is the legal status of the Crimean Tatar people in Ukraine that needs a political decision to be solved. The Ukrainian Constitution introduced the term indigenous peoples for the first time in the Ukrainian legislation (Articles 11, 92 and 119) and opened the way for solving the dilemma by means of defining the status of the Crimean Tatar people as one of indigenous peoples of Ukraine. Recommendations of the recent parliamentary hearing to the parliament and government of Ukraine included speeding up the process of consideration of the draft Law of Ukraine On the Status of the Crimean Tatar People in Ukraine. Yet, according to Refat Chubarov, it would be naive to expect that the deputy corps of the Verkhovna Rada will be prepared to adopt the bill after the first discussion. But it is necessary to start a serious conversation about the fate and the place of the Crimean Tatar people

and its political future, for in the end it will be a discussion about the future of this state. (Den, 11 June 1999).

All levels of the Crimean Tatar issue should be addressed as a complex whole. This approach the only relevant one primarily because within the recent decade the Crimean Tatar people have returned to their historic homeland as a single entity, the people, that has the right to pursue its own old culture and traditions in the broadest sense of the words. This factor transforms the Crimean Tatars' repatriation and accommodation process into the process of return of the whole people. Recent experience has shown clearly that emphasizing separate issues in the search for solutions, addressing only selected - social, economic or political - issue will not provide for the solution of the whole problem. Similarly, it is counterproductive to reduce the scope of the issue to that of social and economic integration and treating the Crimean Tatar issue only as a repatriation and accommodation challenge. The issues of development of culture, language, religion, as well as and the issue of political and legal integration attention, research and publicity. Obviously, one can argue that the solution of the Crimean Tatars' citizenship issue has provided them with all civic rights and opened the way for integration. No doubt, this factor can be regarded as a significant achievement of the Ukrainian state in providing for the observance of universal human rights. Yet, reality shows the whole host of issues of language and education, as well as political and legal issues that need to be addressed as soon as possible. The state here is very high: it is survival of the people as a whole entity, and survival of its cultural identity. As long as Crimean Tatars themselves believe there is a threat to their cultural identity and, therefore, to the future of them as a people, it will be shortsighted to regard the situation in the Crimean peninsula as completely stable.

The parliamentary hearing on Problems of Legal Regulation and Implementation of the State Policy of Providing for Rights of the Crimean Tatar People and Ethnic Minorities, Formerly Deported and Now Voluntarily Returning to Ukraine, held on April 5, 2000 at the parliament of Ukraine, was an effort to address the issue in its complexity. Yet, the hearing itself could not solve the dilemma: the Verkhovna Rada will have to vote on the relevant resolution on April 13, 2000.

The story of holding the parliamentary hearing on the issue, the importance of which is hard to overestimate, is a long and complicated one, given the contradictions in views and approaches of all the parties involved. The agreement to organize the hearing on the Crimean Tatar issues that needed an adequate legal framework to be addressed was reached on May 17, 1999 by President Leonid Kuchma, then Speaker of the Ukrainian parliament Oleksandr Tkachenko and leaders of the Crimean Tatar Medjlis. Initially, the hearing was supposed to take place in September 1999, but within the past year the issue was blocked by the former pro-Communist leadership of the Verkhovna Rada, notwithstanding repeated efforts of the parliamentary Committee for Human Rights and National Minorities to put it on the agenda. Only on March 2, 2000, the majority of the parliament under the new leadership voted in favor of the Resolution #1532-III On Holding Parliamentary Hearing on Problems of Legal Regulation and Implementation of the State Policy of Providing for Rights of the Crimean Tatar People and Ethnic Minorities, Formerly Deported and Now Voluntarily Returning to Ukraine. The initial push towards organizing the hearing has been made. Remarkably, the date of the parliamentary hearing on the issue in Ukraine coincided with the date of addressing the Crimean Tatar issue at the session of the Council of Europe in Strasbourg. Members of the European Parliament were to discuss the findings of Lord Ponsonby who had visited the Crimea some time ago. The coincidence is yet another suggestion that the issue has not only national, but also an international dimension. During the parliamentary hearing Vice Prime Minister Mykola Zhulynsky argued that the Ukrainian society, its public and political institutions had not formed profound awareness of the problem. Regretfully, this conclusion is straight to the point. Yet, there is similarly difficult issues linked to a conflict between different interpretations of the Crimean Tatar issue. Various political forces of Ukraine also tend to interpret the Crimean Tatar issue in their own ways when referring to the repatriation and accommodation process. The conflict in interpretations hinders the search for solutions; instead, it undermines efforts aiming at facilitating a constructive dialogue and reaching consensus between representatives of the Crimean Tatar political elite and other political forces of the Ukrainian society. Speaking at the parliamentary hearing, Prime Minister of the Crimea Serhiy Kunitsin was right to note that for all importance of efforts of social-economic accommodation, these efforts are unable to lift the poignant problem. Unfortunately, so far some politicians think it is enough to solve social-economic problems of accommodation of Crimean Tatars and everything will be all right. I want to say this is a wrong idea that contributes to accumulation of negative consequences, and such mistakes can cost us very much. Yet, the Ukrainian political community has an opposite view on the issue, typical for left-wingers, especially the communists. The unsolved social-economic problems of the deportees, the present condition of the economy, unfortunately, lead to increased activity of national radicals. <...> Judging from the key demands of Crimean Tatars in 1999 during the massive

Crimean Tatar events, unfortunately, [they] make evidently anticonstitutional, unrealistic claims, aiming at confrontation with other ethnic communities, argued member of the Communist faction Natalia Shtepa, MP. Such perspectives of part of the Ukrainian parliament and description of Crimean Tatars' demands as evidently anticonstitutional, unrealistic claims effectively destroy the efforts to find an adequate solution. Another activist of the Communists' faction in the parliament Pavel Baulin, MP, was more radical in expressing his opinion. Although the totalitarian practice of deporting selected ethnic groups was formally deplored and condemned by the resolution of the Supreme Council of the Soviet Union (November 14, 1989) and the official statement of the Supreme Council of Ukraine On the Anniversary of the Mass Deportation of the Crimean Tatar People (May 18, 1990), Baulin argued that One can have different opinions about the 1944 events, whether there was a reason for deporting the invader's collaborators. The form of deportation, of course, was not exactly right, but then it was the war time... Such statements, made by a representative of the most numerous and organized force in the Ukrainian parliament, do not contribute to a constructive dialogue, and, in a way, reflect perceptions of the Crimean Tatar issue by the left-wing leaders (and not only them alone, but a major part of their voters) at the level of totalitarian schemes of the past that in fact created the current Crimean Tatar dilemma. In May 1994 the whole Crimean Tatar people was deported from its historic homeland following the unsupported claims that Crimean Tatars collaborated with the Nazi regime during the World War II. When most of the Crimean Tatar able-bodied male population were in the Red Army, Stalin ordered forced deportation of their families from the Crimea by the state security troops, NKVD. Given the conclusions made by representatives of left-wing forces, it is likely that the process of adopting the resolution on April 13 will not be an easy one. Yet, decision-makers should be aware of the fact that the lack of framework legal documents on restoring Crimean Tatars' rights leads to accumulation of problems in issues of citizenship, the land reform, privatization and other challenges that could have been avoided. A continued coherent dialogue, instead of sporadic efforts of the Ukrainian government to respond to critical situations involving Crimean Tatars, could have a major impact on development of the situation in the peninsula. Adoption of decisions, based on pluralism of perspectives and taking into account views and proposals of Crimean Tatars themselves and the broader civil society will help to avoid development of pessimistic scenarios for the Crimea and the Ukrainian state as a whole.