Diversity Policy in Ukraine and Its Neighbours: Running on the Spot Again?

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What role may 'diversity policies' in Ukraine and beyond play in further national developments? My major points here are that Ukraine and all three neighbouring post-Soviet countries are implementing basically the same model inherited from the communist past, that it turns to be viable in a long run, and in the long run it is likely to keep contributing to political stability.

Certainly, such notion as 'diversity policy' in the sense of a coherent strategy and institutional setting is questionable. Nevertheless, one may conditionally regard 'state responses to ethnic diversity' or the 'totality of national policies aiming at the accommodation of ethnic heterogeneity' (Rechel, 2009, p. 8) as a single policy area deserving analysis as such, although it may be unpredictably broad and have no clear and fixed boundaries.

Macro-political differences between the post-Soviet countries also beg questioning cross-national comparisons as such. Indeed, Ukraine is a country with a pluralist electoral democracy, having opted for European integration and the respective reforms, and Moldova is similar; by contrast, Russia and Belarus are authoritarian systems. From another perspective, Ukraine at least symbolically positions itself as a 'nationalising state' (Brubaker, 1996) supposed to serve primarily the needs of its core ethnicity – the Ukrainians. On the contrary, Russia remains a 'multinational federation' and avoids explicit references to any founding ethno-nation; the latter (with some reservations) takes place also in Belarus.

One may agree, however, that most post-Soviet countries essentially still have a lot in common – they share such features as symbiosis of formal and informal institutions, and affiliation of businesses with governmental offices and respectively capturing of the state apparatus by private groups of interests (Ryabov, 2011). The commonalities are most striking in ethnic policies and their underpinning institutional settings (Biaspamiatnykh et al., 2014), and in this context, the legislation on minorities or nationalities issues and the existence of specialised executive bodies are not important as such. The special laws on minorities (such as in Ukraine, Belarus, and Moldova) or ethnicity-related issues are broad in scope, declarative, and contain vaguely defined provisions, while the special governmental bodies are powerless and serve merely as supervisory organs, coordinators of individual cultural programmes, and channels of communication between minority NGOs and the government. More important is the coherence in general principles, discursive and practical patterns demonstrated by public authorities and their civil society counterparts in the ways they frame and discursively reproduce ethnic heterogeneity in their countries.

In brief, the main features of the model appear as (1) reconciliation of conflicting claims through 'systemic hypocrisy' (Brunsson, 1989); (2) 'symbolic production' (Bourdeu, 1993, pp. 29-73) of social reality as a substitute for

instrumental policies; and (3) co-optation, control, and marginalisation of potentially troublemaking public activists and activities through neo-patrimonial institutional settings. A significant feature of these policies is that they are a continuation of Soviet policy-making in the ethno-national sphere as it was formed in late 1980s prior to the USSR's breakdown.

It is already a common wisdom that ethno-nationalism was ideologically and institutionally embedded in the Soviet system of government. While the USSR was officially referred to as a non-ethnic or, more precisely, a supra-ethnic formation, its first-level constituent entities (union republics) and a number of second-tier building blocks (such as autonomous republics, provinces, and districts) were considered as ethnicity-based units (Martin, 2001; Slezkine, 1994). In symbolic and institutional sense, such recognitions generated certain problems: ethnic fundamentals of the Soviet republics and autonomies in combination with ethnic heterogeneity of their populaces by definition meant the emergence of first- and second-class citizens; the Soviet policies of social and cultural unification could not but be at odds with the institutionalisation of ethnicity. The solution found is an eclectic combination of different and contradictory statements; bracketing out and hushing up controversial issues; and systemic discrepancies between talks, decisions, and actions ('systemic hypocrisy', according to Brunsson (1989)).

One may say that these patterns are still reproducing themselves in official rhetoric and patterns of governance of most post-Soviet countries (Hughes and Sasse, 2002). Rhetoric and practices of 'nationalisation' in Ukraine and its post-Soviet neighbours as a rule are not coherent and consistent (Kulyk, 2001; Kuzio, 2001), and even in terms of symbolic representation, most of these countries are 'hybrid forms' combining the vocabularies of civic and ethnic nationalisms (Brubaker, 1996, p. 105). Practices are often at odds with declarations; the latter are obscure and open to interpretation, while the former are often pursued regardless of normative frameworks. The post-Soviet governments are sending mixed messages to their populaces, and all segments of their citizenry – those seeking affirmation of the new ethno-national profile of their countries and those who wish to maintain the Soviet ethno-linguistic status-quo – can find some discursive and organisational niches for themselves within the system. One can talk about an equilibrium between activities aiming at different constituencies (roughly speaking, pro-nationalist and pro-status-quo). This balance shifts over time and does not necessarily satisfy all the target audiences, but in general it has turned out to be workable.

The ethnic fundamentals of Ukraine are reflected in the 1996 Constitution and several pieces of legislation. The 'Ukrainian nation' is pointed out as the basis of the state as opposed to the 'Ukrainian people', in the meaning of the entire citizenry, but numerous constitutional and legal provisions on equality of all citizens serve as a counterbalance. Over the 23 years of independence, the Ukrainian population received contradictory messages from the government and the elites. Endless complaints of the last two decades about both 'Ukrainisation' and 'anti-national policies aiming at freezing the Soviet realities' can be easily grounded with empiric evidence taken from language, mass-media, educational, and cultural policies (see Malgin, 2005; Ryabcuk, 2011).

Notably, according to the Soviet tradition, languages are referred to in legislation and practical policies as attributes of ethnicities. The status of the Ukrainian language as the sole state language of Ukraine corresponds with the symbolic ethno-national underpinning of the Ukrainian state. In practice, the government and policy-makers cannot but recognise the realities – that Russian remains the lingua franca while clear boundaries between linguistic communities are lacking and language is decoupled from the ethnicity of its bearers. This generates a combination of official nationwide mono-lingualism with limited attempts to introduce it in practice, and with the de facto toleration of bi-lingualism in the public sphere (Kulyk, 2006; Bowring, 2014).

Ukraine is not unique, since numerous post-Soviet laws on languages lack clarity, and the status of languages remains not clearly defined. As a result, the authorities enjoy a great deal of flexibility in the implementation (or non-implementation) and further justifications of their activity and inactivity. The formula used before the Soviet Union's demise (state language plus Russian as the language of interethnic communication, plus optional protective treatment of individual minority languages), although transformed in different directions, has survived to date in Belarus, Moldova, and Ukraine. In fact, the law-makers symbolically strike a balance between speakers of different languages while practice is regulated by ad hoc political considerations and flexible informal rules.

Last but not least is that all potential dissident or protestant voices are, as a rule, incorporated into the system of government and stick to the agendas the governments impose. Discursively, as a rule, most ethnic activists have nothing against the very concept of ethno-national statehood; they as well as the government manifest their eagerness to prevent hate speech and ethnic conflicts, and they are against the 'politicisation of ethnicity' (and therefore ready to limit their activities to narrowly interpreted 'culture'). In institutional terms, ethnicity-based organisations opt for activities acceptable to the official authorities and performed in the framework proposed by official bodies (usually these are consultative bodies for minorities) or mainstream political parties. This phenomenon has little to do with direct administrative pressure; rather, it is an outcome of the general perception that private activities can be successful if and only if they are incorporated into governmental patronage.

Surprisingly enough, the Russian Federation demonstrates similar features. The Russian Constitution and legislation do not single out Russians as the founding ethno-nation; nevertheless, numerous official statements explicitly emphasise the leading role of ethnic Russians in the current polity, the national history, and international relations (the 'Russian World'), or the need to protect the 'disadvantaged' ethnic core of the state (Rutland, 2010, pp. 123-129). Besides, the entire discourse of the country's integrity and the need to secure equal rights of all citizens justifies centralisation and homogenising policies in all spheres of public life (Prina, 2011).

The Russian regional laws on languages adopted in the 1990s declared 'titular' languages as state languages of the republics on a par with Russian. In fact, the implementing mechanisms are lacking, and these laws play a symbolic role unless a regional government has the resources and political will to go further in their implementation in education and media. The latter is achieved again to a large extent through informal or nebulously formulated rules, or by discretion of the officials in charge (Zamyatin, 2014). Accordingly, ethnic activism acts as an agent of the state. This begs no questions in the current circumstances of authoritarian rule and militant nationalism, but in the 1990s, ethnic activists and leaders of the ethnic republics demonstrated the same mode of behaviour.

Was this model a result of some sophisticated planning? There is no evidence of this; rather, it looks like inertia of the Soviet period coupled with the lack of governmental resources either to introduce a complex system of power-sharing and positive action or to suppress groups not fitting into the ideal of homogeneous nation-state. A deep transformation of the linguistic and cultural characteristics of the society (either 'nationalisation' or further Russification) would bear risks and require unaffordable resources. Instead, the elites opted for symbolic production at the same time 'nationalising' and 'multi-national' statehoods rather than clear institutional changes. Different views on the historic past of the newly independent states (or sub-state units in Russia) and their desired ethno-cultural and linguistic profile in most cases cannot be reconciled discursively and institutionally; therefore, the elites have to stick to eclectic rhetoric and address different audiences with different and even incompatible messages. Besides, maintenance of the state apparatus as a device for the distribution of material and non-material benefits through the web of clienteles and patronage relations create incentives for people and organisations who can speak on behalf of non-dominant groups to become part of the system and follow the mainstream rules of the game and protocols of communication. In the cases of Russia and Belarus, one should bear in mind the repressive capacities of the governments.

Can one say that this development is a success story? The given model cannot be deemed ideal; in certain cases, it generated and perpetrated, rather than mitigated, tensions. For example, the 'nationalising' rhetoric of the Ukrainian authorities and cultural elites too often provoked negative reactions in the general public in predominantly Russian-speaking regions (Malgin, 2005), although barely had a really negative impact on people's daily lives. However, the 2014 crisis demonstrates that the threat to the country's stability and integrity came from the outside; a part of the popular opposition to the Ukrainian state played a significant role in some peripheral areas while the country at large withstood both the domestic unrest and the external intervention. In a broader scale, neither Russia nor Moldova and Belarus have demonstrated any clearly articulated and organised domestic opposition on ethno-national or linguistic grounds to the mainstream perspective, in part because the latter is too eclectic, and almost each of the potential majority and minority spokesperson can find his or her place within the established system.

Can one say that the 'revolution of dignity' and other recent changes in Ukraine mean a cardinal shift in the country's diversity policies? An obvious change is the increased amount of official and non-official talks about the birth of

'political' or 'civic' nation in Ukraine. One can definitely agree that the second Maidan and the conflict with Russia have psychologically consolidated the population of Ukraine regardless of ethnicity, and the presidential and parliamentary elections demonstrate that the previous negative expectations of further deepening cleavages and/or electoral support to radical nationalists have not come true. Apparently, the previously hot topics such as language legislation and its implementation have been put aside. However, one should mention that the topic of 'civic' nation is not a new one for Ukraine; a similar rhetoric is in wide official use in Belarus and Russia. Civic nationalism can be interpreted in multiple ways and can be easily employed for the justification of homogenisation or marginalisation of minorities. Besides, it is often mechanically combined with talks or actions specific for ethnic nationalisms.

There are no guarantees that the further distancing of the Ukrainian political class and the general public from Russia may not lead to subsequent linguistic and cultural Ukrainisation, and then a new round of domestic tensions, and then a new search for balance. The post-Maidan legislative initiatives, such as the ones aimed at abandoning the 2012 Law on language policies or at penalising the *Holodomor* denial, are in this vein. The official recognition of Crimean Tatars as an indigenous group in Crimea may be interpreted as a clear signal that the Ukrainian government will provide for the preferential treatment of the 'indigenous' population to the detriment of the 'non-indigenous'. In sum, this means that the mainstream eclectic ideological framework remains untouched; the contradictions will be resolved through balancing between different demands and preferences.

In terms of organisational settings, there is also no evidence that the legislative or executive branches will form new agencies, which would be capable of re-shaping and clarifying diversity policies. The mandate and competences of the commissioner on ethno-national affairs appointed in June 2014 are limited and vaguely defined, and the state is doing very little to establish new mechanisms for dialogue with minority organisations and experts. The perspectives for administrative decentralisation and the effects it may generate for diversity management are still far from being clear.

Ironically, similar questions and expectations apply to Ukraine's antipode – Russia. The rise of anti-Western and anti-Ukrainian sentiments has not affected so far the rhetoric of 'multinational people' and of the need to consolidate the Russian 'civic nation'. On the other hand, the talk about Russia's cultural plurality and the federal structure do not stop unification in education, language policies, and mass media, as well as the ambivalent relations of the government with radical Russian nationalists. The 'nationalities policy' remains in the domain of symbolic representations and is backed by a weak organisational underpinning. Ethnic spokespersons and organisations so far are incorporated into the stable system of communication with official authorities and demonstrate full loyalty.

In sum, 'diversity policy' in Ukraine, Russia, as well as Moldova and Belarus, bears basically the same features. The said policy is mainly about creating and disseminating a narrative about the country as a multi-ethnic collectivity with certain ethnic or cultural core and thus a hierarchy – explicit or implicit – of ethnicities and languages. To be conciliatory rather than conflict-generating, this narrative needs to be eclectic and thus to certain degree satisfactory to all segments of the population. Differences between 'civic' and 'ethnic' nationalism do not matter, because all top-down messages can be formulated and delivered either way. The system demonstrates flexibility in the sense that the emphasis is shifting over time because of the political context; it has survived through more than two decades of independence and can survive longer.

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