

MINORITY RIGHTS IN UKRAINE BEFORE AND AFTER THE ILLEGAL
ANNEXATION OF CRIMEA BY THE RUSSIAN FEDERATION IN 2014:
THE CASE OF CRIMEAN TATARS

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ABSTRACT

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This thesis analyzes the impact of the illegal annexation of Crimea by the Russian Federation on the minority rights policies of Ukraine by examining the case of the Crimean Tatars, one of the indigenous peoples of the Crimean Peninsula. The *Euromaidan* in 2013, the illegal annexation of Crimea in 2014, and the ongoing conflict in Donbas have caused dramatic changes within Ukrainian politics including the country's minority rights policies. Throughout this process, a security-based perspective has been dominant in not only the military sector, but also within the societal sector as it relates to national identity. Ukrainian attempts to protect a common national identity and the country's territorial unity have affected the relationship between the Ukrainian government and Ukraine's national minorities. This thesis argues that increased national security concerns in the post-2014 period led to the securitization of minority rights policy in Ukraine; however, unlike the general discourse towards minorities in Ukraine, state discourse regarding the Crimean Tatars was desecuritized as a result of changing relations between the Ukrainian state and the Crimean Tatars. It is also argued that the recognition of Crimean Tatars as an indigenous people of Ukraine following the

Crimea's illegal annexation emerged as a result of the desecuritization of the relationship between Ukraine and the Crimean Tatars.

Keywords: *Ukraine, Crimean Tatars, Minority Rights, Indigenous Peoples, Securitization.*



ÖZ

KIRIM'IN 2014'TE RUSYA FEDERASYONU TARAFINDAN YASA DIŐI İLHAKI ÖNCESİ VE SONRASINDA UKRAYNA'DA AZINLIK HAKLARI: KIRIM TATARLARI ÖRNEĐİ

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Bu tez, Kırım'ın Rusya Federasyonu tarafından yasa dışı ilhakının Ukrayna'nın azınlık hakları politikaları üzerindeki etkisini, Kırım'ın yerli halklarından biri olan Kırım Tatarları örneğinde inceleyerek analiz etmektedir. Ukrayna'da 2013'te yaşanan AvroMeydan olayları, 2014'te Kırım'ın ilhak edilmesi ve Donbas'ta hala devam etmekte olan çatışmalar, azınlık hakları politikaları dahil olmak üzere ülke siyasetinde önemli deęişiklere neden olmuştur. Bu süreç boyunca, ülkede güvenlik temelli bakış açısı yalnızca askeri alanda deęil, aynı zamanda ulusal kimlikle ilgili olarak toplumsal alanda da benimsenmiştir. Ukrayna'nın ortak bir ulusal kimlięi ve ülkenin toprak bütünlüğünü korumak için attıęı adımlar, Ukrayna hükümeti ile Ukrayna'nın ulusal azınlıkları arasındaki ilişkiyi de etkilemiştir. Bu tezde, 2014 sonrası artan ulusal güvenlik kaygılarının Ukrayna'da azınlık hakları politikalarının güvenlikleştirilmesine yol açtıęı ancak ülkedeki genel azınlık söylemlerinden farklı olarak Kırım Tatarlarına ilişkin devlet söyleminin Ukrayna devleti ile Kırım Tatarları arasındaki deęişen ilişkiler sonucunda güvenliksizleştirildięi savunulmaktadır. Ayrıca, Kırım Tatarlarının, Kırım'ın ilhakı sonrasında Ukrayna'nın yerli halkı olarak tanınmasının, Ukrayna ile Kırım Tatarları arasındaki

ilişkinin güvenliksizleştirilmesinin bir sonucu olarak ortaya çıktığı iddia edilmektedir.

Anahtar Kelimeler: *Ukrayna, Kırım Tatarları, Azınlık Hakları, Yerli Halklar, Güvenlikleştirme.*





To My Family

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LIST OF ABBREVIATIONS

ACHPR	African Commission on Human and Peoples' Rights
ARC	Autonomous Republic of Crimea
CoE	Council of Europe
ECE	Eastern and Central Europe
ECRML	European Charter of Regional or Minority Languages
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
FDPs	Formerly Deported Peoples
IWGIA	International Work Group for Indigenous Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
QHA	Crimean News Agency
SSR	Soviet Socialist Republic
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNDRM	United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNPO	Unrepresented Nations and Peoples Organization
UNRIC	United Nations Regional Information Centre for Western Europe
USSR	Union of Soviet Socialist Republics

CHAPTER 1

INTRODUCTION

1.1. Introducing the Study

Located on the plains between Central Europe and the Russian steppe, Ukraine is a land with a tumultuous history. Divided by one of Europe's main waterways, the territory of what is now the Ukrainian State has been at the center of mass human migrations, conflicts, and at the crossroads of Western and Eastern empires. As a result, Ukraine inherited a diverse society that displays heterogeneous regional, ethnic, linguistic, religious, and ideological characteristics. Today, with an estimated population of 41.902.416¹, Ukraine is made up of more than 130 minority groups; the largest of these groups being Russians, Belarusians, Moldovans, Crimean Tatars, Bulgarians, Hungarians, Romanians, and Romani (State Statistics Service of Ukraine, 2020).

Within such a diverse society, uniting different groups under a common national identity has been one of Ukraine's greatest challenges following the collapse of the Soviet Union. As with many post-Soviet countries, Ukrainian concerns regarding their territorial integrity and internal stability have played an important role in both the construction of the Ukrainian national identity as well as in government decisions regarding minority policy. These issues have been shaped in part by historic shifts within Ukrainian politics as the country moves back and forth between deepening Euro-Atlantic integration on the one hand, and deepening ties with Russia on the other. Such shifts often coincided with increasing or decreasing Ukrainian fears that minority groups would develop separatist movements and push to break away from the country (Protsyk, 2008, p. 2). Especially during the first

¹ Not including the occupied Crimean Peninsula.

years of an independent Ukraine, Ukrainian belief in the ‘myth of separatism’, which stemmed from the young country’s own political weakness, meant that perceived threats to the country’s territorial integrity were given disproportional importance (Kuzio, 1998, p. 79).

Beginning in late 2013, and continuing ever since, Ukraine has been confronted by the most significant threat to its national security since the collapse of the USSR. This period began with pro-European mass demonstrations, often called ‘*Euromaidan*’. This unrest was sparked by Victor Yanukovych’s backtracking on a decision to sign a treaty of association with the European Union (EU) which was seen by many as the last hope to fix the worsening economic and political conditions in the country (Riabchuk & Lushnycky, 2015 , p. 49). As a result of the deepening crisis, the pro-Russian president Viktor Yanukovych fled the country and was replaced by an interim government headed by pro-Western oligarchs. This new government was immediately faced with a dire situation as the nation’s economy continued to crumble, a Russian-backed separatist rebellion broke out in the east, and the Russian Armed Forces occupied the Crimean Peninsula. Shortly after the invasion, an internationally condemned referendum was held to establish Crimea’s independence from Ukraine, which was followed shortly thereafter by its annexation by the Russian Federation (The Ukraine Crisis Timeline, 2014). This annexation, which took place in March of 2014, has been internationally condemned and declared a violation of international law (UN, 2014).

Russia’s illegal annexation of Crimea and the ongoing war in Eastern Ukraine has reinvigorated security debates, both in Ukraine as well as in international forums. Analyses comparing the situation in Ukraine with previous developments in the regions of Transnistria, Abkhazia, and South-Ossetia have simultaneously increased both debate and scrutiny regarding Russia’s interventions which were purportedly conducted on behalf of the protection of Russian minorities as well as ‘peace keeping’ during separatist conflicts (Emerson, 2014, p. 3). Russian discourse has generally been framed around the protection of the rights of the Russian-speaking minority and as an extension of Russia’s policy of upholding the rights of

ethnic Russians in its near-abroad (Laitin, 1998). During the process of annexing Crimea, Russia argued that Crimea's right to self-determination made the referendum legitimate, and that the result of the referendum was the correction of a historical injustice. However, Ukraine argued that rather than being an exercise of Crimean self-determination, the illegal annexation of Crimea by the Russian Federation represented a breach of the international agreement which guaranteed the existing state borders of Ukraine and Russia (Twardowski, 2015, p. 371). In addition to pro-Russian separatist groups, the statements of right-wing Hungarian parties, which have campaigned for Hungarian-Rusyn autonomy over the territory of Transcarpathia, have further fueled Ukrainian concerns of possible separatist movements spreading amongst the country's minorities (Ukraine Crisis Media Center, 2017).

Within that context, the *Euromaidan*, the illegal invasion and annexation of the Crimean Peninsula by the Russian Federation, as well as the military intervention in the Donbas region² in 2014 affected many spheres in the country including the relationship between Ukrainian government and national minority groups. This thesis analyzes the impact of the illegal annexation of Crimea on Ukraine's minority rights policies with a particular focus on the Crimean Tatars³, the indigenous people of Crimea⁴. It examines minority and indigenous rights in Ukraine, both prior to and following the 2014 annexation by studying the case of the Crimean Tatars and their changing position in Ukrainian discourse.

² Donetsk and Luhansk oblasts of Ukraine are commonly called as 'Donbas' after 2014.

³ The terms of 'the Crimean Tatars', 'the Crimean Tatar Peoples', 'the Crimean Tatar population' are used interchangeably in the thesis without underestimating their indigenous status.

⁴ Defining the Crimean Tatars as an 'indigenous people of Crimea' or 'indigenous people of Ukraine' is a politicized and controversial issue. It is possible to see both terms used in different resources. In official Ukrainian documents, the term is 'indigenous people of Ukraine', although the Crimean Tatars prefer to define themselves as an 'indigenous people of Crimea' emphasizing their historical attachment to the peninsula. In this thesis, both terms are used according to the context from which they were taken, without ignoring the fact that Crimea is a part of Ukraine.

1.2. The Research Question

Always concerned about the risk of separatism, the Ukrainian government has generally approached its minorities with suspicion, especially following the annexation of Crimea. Viewing the country's minority groups within the framework of Ukraine's fears of separatism means that these groups remain securitized within Ukrainian national discourse and are thus viewed predominantly through the lens of national security. In the case of the Crimean Tatars, the discourse has shifted in a different direction since 2014 away from questioning the group's loyalty towards Ukraine because the Crimean Tatars are seen as one of the 'loyal' and 'harmless' national minorities. This shift in discourse, which occurred over a period of time following the illegal annexation of Crimea, can be interpreted as a process of desecuritization, a process which concluded with the recognition of the Crimean Tatars as an indigenous people of Ukraine.

This thesis argues that the annexation of Crimea affected Ukrainian discourse on the Crimean Tatars leading to its desecuritization while simultaneously increasing the securitization of the discourse on minority rights. The recognition of the Crimean Tatars as an indigenous people following the Crimea's illegal annexation is the result of the desecuritization of the relationship between the Ukrainian state and the Crimean Tatars. It is also argued that this was a strategic move taken by Ukraine as the land of Crimean Tatars is now under *de facto* control of the Russian Federation.

1.3. The Crimean Tatars

The Crimean Tatars are an indigenous people of the Crimean Peninsula who speak the Crimean Tatar language and constitute the peninsula's main Muslim population. According to the last census conducted in 2001, Crimean Tatars constitute 12% of the population of the Crimean Peninsula, 0.5% of Ukraine's total population, with a population of 248,200 (State Statistic Committee of Ukraine, 2001). In 2014, the Russian Federation's census of Crimea claimed that the population of Crimean

Tatars was 232,340 (Russian Federal State Statistics Service, 2015, p. 108). However, their real population is estimated to be around 300,000 (UNPO, 2017).

The Crimean Tatars, who were chosen as the case study of the thesis, are not the largest minority group in Ukraine; however, their attachment to the Crimean Peninsula and the impact of the annexation on them make them unique amongst Ukraine's minorities. There are three main reasons as to why the Crimean Tatar minority has been chosen for this thesis. First, the Crimean Tatars are an indigenous people of Crimea and have a special attachment to their ancestral homeland, something which distinguishes them from other national minorities. Second, throughout history, they were perceived as a threat by Russia. During the 18th and 19th centuries, Russian rulers considered the Crimean Tatars as an extension of the Ottoman Empire because of the Crimean Tatars' historical ethno-religious links and alliance with the Ottoman Empire and viewed them as a potential 'fifth column' (Williams, 2001, p. 141). This insecure situation persisted through the collapse of the Russian Empire and the birth of the Soviet Union. Due to the prevailing Russian view that ethnic minorities constituted a potential security threat, many nations, especially those living in strategically important regions of the Soviet Union, were deported to Central Asia and Siberia during the Second World War, including the Crimean Tatars (Aydingün, 2012, p. 257). In 1944, the Soviet government forced more than 200,000 Crimean Tatars from their homes and deported them to Central Asia (Williams, 1998, p. 300). The Crimean Tatars only acquired the right of repatriation in 1989. A new traumatic period began in Crimea with the illegal annexation in 2014, forcing many Crimean Tatars to flee to mainland Ukraine. The Russian annexation of Crimea revived memories of the previous deportation from their homeland, and once again being the victims of Russian oppression. Third, their position has changed more than the other national minorities in the aftermath of Crimean annexation. It is reported that more than 20,000 Crimean Tatars have left their homes and the *Mejlis* of the Crimean Tatar People, the single highest executive-representative body of the Crimean Tatars, has been forced to leave Crimea after 2014 (Embassy of Ukraine in the Republic of Turkey, 2019). In addition to changes in their location, their legal status has also changed in Ukraine.

The Ukrainian government recognized the Crimean Tatars as an indigenous people of Ukraine after the annexation of Crimea. This led to new debates amongst the other national minorities who also demand to be granted indigenous status and campaigned for special measures to protect their own distinct cultures within Ukraine.

The Crimean Tatars have maintained a unique position in Ukraine's relationship with Russian Federation. The Crimean Tatars who have shown their opposition to pro-Russian groups have always been an important ally for the Ukrainian government and a balancing factor against pro-Russian separatism in Crimea (Shevel, 2001, p. 120). Ukrainian governments have used their policies towards the Crimean Tatars as a signaling tool towards Russia. Therefore, the changing relationship between Ukraine and Russia has also affected the relationship between the Ukrainian government and the Crimean Tatars.

The case of the Crimean Tatars touches upon a diverse range of minority rights issues in Ukraine and provides a unique example for further examination of Ukrainian minority rights policies.

1.4. Theoretical Framework

The illegal annexation of Crimea and the war in Eastern Ukraine have not only influenced the perception of security in Ukraine but also in other states where a considerable amount of the Russian-speaking population lives (Kuczyńska-Zonik, 2017, p. 26). Discussions about the right of self-determination and the threat of separatist movements amongst minority groups have increasingly been framed as security issues. Within this framework, securitization theory is used to explain how minorities have come to be perceived as potential threats to both national security and a unified national identity and how the discourse surrounding them has been merged with the greater discourse on security.

Securitization theory was developed by the members of the Copenhagen School and mostly associated with the scholars Barry Buzan, Ole Wæver, Jaap de Wilde,

and others. The first definitions of the concept of securitization were developed in *Securitization and Desecuritization* (1995), and *Concepts of Security* (1997) by Wæver and *Security: A New Framework for Analysis* (1998) by Buzan, Wæver and Wilde. Since the end of the Cold War, the traditional focus of security, which focused on military threats, has been broadened to reflect a larger scope of issues framed as national security interests. In the broadened approach proposed by securitization theorists, the issue of security includes not only military sector but also non-military sectors. In addition, they placed the concept of security within a social-constructivist context. They define securitization as a process of constructing a common understanding of a threat. They state that an analyst should look at “the processes of constructing a shared understanding of what is to be considered and collectively responded to as a threat” to fully grasp securitization (Buzan, et al., 1998, p. 26). In that sense, they identified five major sectors of national security discourse: the military, political, economic, environmental, and societal sectors (Buzan, et al., 1998, pp. 22-23). What sets securitization apart from other aspects of discourse is its rhetorical structure. This structure emphasizes priority of action and survival. In this way, a securitized area of discourse becomes entwined with the continued existence of the ‘us’ (Buzan, et al., 1998, p. 26).

Of the five major sectors of securitization, societal security is of particular importance to this thesis because “the language of societal security is the language of minority rights” (Roe, 2004, p. 290). The concept of societal security, sometimes referred to as ‘identity security’, refers to the level of collective identities and the actions taken to defend the ‘we’ identity. The construction of this ‘we’ or ‘us’ identity is influenced by many internal and external factors; however, which version of the ‘we’ identity that achieves dominance in society can determine whether security conflicts arise (Buzan, et al., 1998, p. 120). Societies perceive themselves as being insecure when they identify specific threats to their continued existence as a community (Wæver, 2008, p. 582). Buzan et al (1998) identify three common phenomena which can be perceived as a threat to societal security (p. 121). The first is migration which causes a shift in the combination of the population (e.g. Russian

migration to Estonia). The second is a horizontal competition which arises from dominating cultural and linguistic influence from a neighboring or dominating culture (e.g. Canadian fears of Americanization). Horizontal competition does not have to occur at the state level. Minorities' concerns about the dominance of the influence of the majority are also included in this category. The third is a vertical competition which is the melting of one's culture as a result of an integration project (Yugoslavia) or secessionist project (Quebec).

Considering the melding of minority identities into the greater Soviet identity in the Soviet period, the Ukrainian fear of Russification, the worries of minorities about the effects of Ukrainization after the *Euromaidan* and the annexation of Crimea, societal security provides an appropriate theoretical framework for examining minority-majority relations in Ukraine. Furthermore, securitization theory is well suited to analyze the case of the Crimean Tatars because it provides a framework for examining why the Crimean Tatars were securitized in the past and why they are desecuritized today.

1.5. Research Method

In the thesis, a qualitative case study method is used, supported by documentary research. The analysis is based on both primary and secondary sources. Regarding the primary sources, policy documents, declarations, and laws related to minority and indigenous peoples' rights as well as country-specific monitoring reports on the implementation of international minority rights are considered. These monitoring reports cover policies that were adopted by Ukraine in the United Nations (UN), the Council of Europe (CoE), the European Union (EU), and the Organization for Security and Co-operation in Europe (OSCE). The data is collected through the official websites and publications of national and international organizations. Primary sources are used to show the general position of Ukraine regarding minority and indigenous rights and to scrutinize the situation prior to and after the annexation of Crimea. Secondary sources are based on literature taken from academic journals, books, news, and other important texts related to minority rights,

indigenous rights, and the Crimean Tatars. These secondary sources are used to interpret the primary sources.

In order to perform this qualitative case study, the explaining-outcome process-tracing method is used, defined by Beach and Pedersen as one of the main process-tracing methods (Beach & Pedersen, 2016, p. 12). Process tracing is a method of research and analysis that can be used to determine how and why a change in an examined case occurred, such as the desecuritization of the Crimean Tatars as presented in this case study. To do this, the critical junctures, key moments that caused a change to occur, are identified in the examined case in order to isolate the causal mechanism or mechanisms that explain why and how the examined change occurred. Beach and Pedersen define three variants of process-tracing methods: theory-testing process tracing, theory-building process tracing, and explaining-outcome process-tracing. Explaining-outcome process-tracing differs from the other variants of process tracing because it is case-centric rather than being theory centric (Beach & Pedersen, 2016, p. 21). This type of process-tracing focuses on a single case with one outcome in order to uncover a sufficient explanation of that outcome. Because the objective of this thesis is to understand how the Crimean Tatars became desecuritized in Ukrainian politics, explaining-outcome process-tracing is appropriate for this thesis.

1.6. Organization of the Chapters

This thesis will consist of five chapters including the introduction and the conclusion. The introduction chapter introduces the study. Chapter Two presents the conceptual and theoretical framework by defining key concepts and securitization theory. In this chapter the concepts of minority and indigenous peoples are defined both in international and in Ukrainian together with discussions on securitization theory. Chapter Three presents a general overview of minority rights in post-Soviet Ukraine as well as the role of the Crimean Tatars in Ukrainian politics before the illegal annexation of Crimea. Chapter Four offers an in-depth analysis of the selected case, covering the development of Ukrainian discourse on

minority and indigenous rights, as well as the perception of Crimean Tatars both before and after 2014. Chapter Five evaluates the key findings discussed in this thesis.



CHAPTER 2

THEORETICAL AND CONCEPTUAL FRAMEWORK

The aim of this chapter is to present the main theoretical framework of the thesis and define the concepts which lie at the heart of the debates surrounding minority rights. First, securitization theory is explained and broken down into its component sectors: military, environmental, economic, political, and societal. Because of its particular relevance to this thesis, the societal security sector is explained separately. Second, the concepts of minority and indigenous peoples are defined, and the place of these concepts within Ukrainian and international law is explored. Finally, current debates surrounding minority rights and the rights of indigenous peoples are presented.

2.1. Theoretical Framework

In this section, a general overview of securitization theory and its basic tenets are given. First, a brief history of the theory's development is provided and located on the broader spectrum of mainstream political theory. After that, the theory's five sectors of analysis are examined. Finally, the concept of societal security, one of the five sectors, is explained in greater detail than in the last sub-chapter due to its particular importance to this thesis.

2.1.1. Securitization Theory

Securitization theory is closely associated with the Copenhagen School of political theory and the scholars Barry Buzan, Ole Wæver and Jaap de Wilde who wrote the theory's seminal work. Ole Wæver (1989), in particular, can be credited with the introduction of the theory. Wæver's poststructuralist influence on securitization

theory can be seen through the theory's focus on the speech-act as a key unit of observation, which will be detailed later in this chapter (Stritzel, 2014, p. 13).

Securitization theory has gained significant traction since it was first introduced and has borrowed and received contributions from scholars such as Joseph S. Nye (1989), Neta C. Crawford (1991), and Richard Ullman (1983). When securitization theory was initially developed by Wæver during the closing phases of the Cold War, security discourse was largely attached to a realist understanding of security, namely, a discourse focused around military matters. The members of the Copenhagen School, who have been influenced by social constructivist international relations theory, attempted to disentangle security discourse from a discourse focused on military threats by more broadly defining the concept of security to also include non-military sectors. Here, they identify four sectors in addition to the military sector that are relevant for the study of security, namely the political, societal, environmental, and economic sectors (Buzan, et al., 1998, pp. 21-23).

It is important to note that this attempt to 'widen' the security discourse to four new sectors has not been without controversy. Scholars such as Richard Lebow (1988) and Colin S. Gray (1994) have pushed back against a widening of security discourse to include sectors beyond the military sector with a shared fear being that widening the discourse to include these new sectors also risks watering down the concept of security to the point where it loses any real meaning (Buzan, et al., 1998, p. 2). Those who speak in favor of widening the discourse point to the fact that military threats are not the only threats that challenge the existence of peoples, cultures, and states. To name one example, climate change causing rising sea levels which threaten small island states in the Pacific is a greater security threat for these states than a foreign invasion. These realities indeed show that it makes sense to expand security discourse to new sectors; however, the argument of traditionalists that caution must be used to maintain coherence to the theory is also valid.

Instead of military power as the key source of understanding security discourse, an issue that has been securitized serves to legitimize and enable actors to make use of special powers or resources to address what is perceived to be an existential threat (Wæver, 1995). However, defining what constitutes an existential threat presents a unique challenge because this depends on the sector that is involved. An existential military threat may refer to threats against the state, whereas in the economic sector an existential threat may be bankruptcy and in the environmental sector it may be climate change. What is important to note is that the unique set of conditions surrounding the group facing the threat, the sector of the threat, and the threat itself are what will combine to determine whether or not a threat is existential or not. There is no universal standard for existential threats. Therefore, perceiving a threat as existential serves to legitimize extraordinary actions by the government to overcome the threat and reestablish 'security' (Buzan, et al., 1998, pp. 22-23). In that context, how 'security' and 'securitization' are defined becomes crucial. According to Buzan et al. (1998, p.23):

“Security” is the move that takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics. Securitization can thus be seen as a more extreme version of politicization.

In short, an issue is securitized if it is perceived as an existential threat. According to securitization theory, discourse exists on a scale whereupon an issue can be defined as: nonpoliticized, politicized, or securitized. Nonpoliticized issues are those issues that exist outside of political discourse. Politicized issues are issues that are included in political discourse but are not perceived as existential threats. Finally, as previously mentioned, an issue can be considered securitized when political discourse perceives an issue as an existential threat (Buzan, et al., 1998, p. 24). Jef Huysmans, who explores the political significance of existential threats, states that securitisation is a “political technique with a capacity to integrate a society politically by staging a credible existential in the form of an enemy” (Huysmans, 1998, p. 577). Securitizing actors in a position of authority, which can be governments, military actors, political elites, and civil society, securitize an issue

by convincing a specific audience that an existential threat requires urgent and extraordinary action through the language of security. Therefore, securitization is a process between the securitizing actors and the audience and is realized through political discourse in general, and the speech act in particular.

The key unit of analysis when studying discourse is the ‘speech act’. In particular, securitization theory refers to the ‘security speech act’. The key characteristic of a securitized speech act is that it takes on a very specific rhetorical structure, namely the speech act frames the object of discourse in terms of survival, establishes the urgent nature of the problem, and that the problem should be addressed by making use of special measures (Buzan, et al., 1998, p. 26). The transfer of focus from the objective to the subjective is a critical aspect of securitization theory. Rather than counting missiles or tanks, an issue can become securitized by speaking about it in a way that frames the issue as existential. Not only does this represent a shift in focus towards subject perception, it also opens up the discourse of new sectors for securitization which will be explained in the next section.

An equally important but occasionally overlooked aspect of securitization theory is the question of how to ‘desecuritize’ an issue once it has been securitized. Wæver (2000) postulated three possible methods for desecuritizing issues, namely, avoiding the securitization process by refraining from referring to issues in terms of security, avoid playing into security discourse by not placing securitized issues into the framework of a security dilemma, and finally by pulling securitized issues back into the normal political discourse (cited in Roe, 2004, p. 284).

2.1.2. Sectors of Securitization

Buzan, Wæver, and Wilde refer to five sectors as being relevant for analysis: the military, environmental, economic, political, and societal sector (1998, p.22). The military sector is the most traditional sector for security analysis and has represented the core of security studies since the end of the Second World War. As such, this sector is largely placed within the traditional framework of state-based

security discourse. Here, the state remains the primary, though not only, actor and referent object. The elites, given their privileged role in governing states, are also the primary securitizing actors, their discourse and speech acts will carry immense weight in the sector. Discourse in the military sector focuses primarily on the maintenance of state power, normally by a particular group against internal and external enemies (Buzan, et al., 1998, p. 52).

The environmental sector represents one of the youngest sectors in international relations. As such, analysis of this sector is perhaps less developed than the analysis of other sectors; and more than with the other sectors, analysis of the environmental sector may spill over into the other sectors. Nevertheless, like the other sectors, the environmental sector is a social construct and is defined by the discourse surrounding and arising from environmental concerns. Because the environment includes a vast number of issues and concerns, it is one of the more diverse sectors that can be included in security analysis. Some examples of environmental security concerns may include: the disruption of ecosystems, the provision of a stable supply of energy, demographic and population problems, food security, economic problems arising from unsustainable modes of production, and civil strife related to environmental degradation (Buzan, et al., 1998, pp. 72-75). The diversity of issues that included under the framework of environmental security means that the referent object and the relevant actors depend greatly on the case being examined.

One sector that often overlaps with the environmental sector is the economic sector. This sector contrasts with the other sectors in that it is notoriously difficult to examine this sector from the perspective of 'survival'. According to Buzan et al. the clearest security-based economic argument can be made regarding the protection of the liberal international economic order (1998, p. 107). This is because consensus-driven economic orders are at risk of non-acceptance and violations of that order. Some economic sector issues that may be understood from a security perspective include maintaining an independent means of production for military wares, protection against the risks of economic dependencies on other states or powerful actors, or increased inequality threatening the political status quo.

However, the issue with an analysis of existential threats in the economic sector is that they are often linked to an existential threat in another sector. For example, a famine can indeed cripple a society, but it is also an environmental security threat. Indeed, the existence of an economic sector as an independent sector within security discourse is directly linked to liberal dominance of discourse and the desire of liberals to keep economics and politics separated from one another (Buzan, et al., 1998, pp. 115-116).

The political sector, like the environmental sector, can be difficult to define, in part because most issues become part of politics on some level. Additionally, politics takes place at different levels of analysis and can include bilateral or even regional relationships, which increases the complexity of an issue. Where the military sector examines the ability of the state to maintain control over regions or policies through the use of military force, the political sector looks at the ability of the state to maintain organizational stability. This includes attempts by foreign powers to foment unrest or disunity inside of a state, but also attempts to influence groups into following a certain political policy (Buzan, et al., 1998, p. 142). One important political issue, that is also essential for understanding the referent object for political analysis, is the topic of legitimacy. While in strong centralized states legitimacy may be reserved for the central government, in weaker states legitimacy may be devolved along different lines to local governments, tribes, or other sub-national organizations. As such, issues of separatism or ethnic unrest can pose serious political security problems for governments, nations, and other actors (Buzan, et al., 1998, pp. 146-147).

Finally, the societal sector focuses on threats to a group's identity. While it is difficult to differentiate it from the political sector, the referent object for the military, political, economic and environmental sectors is the state; however, the referent object for the societal security is society, the survival of which is distinct from the survival of the state (Wæver, et al., 1993, p. 23). While the survival of a state is dependent upon its sovereignty, the survival of a society depends on its identity (Wæver, et al., 1993, p. 67). Key to a society's ability to define itself is the

‘we’ which carries both a sense of loyalty and attachment to a specific social group as well as the perception of threats against this group from the ‘other’ (Buzan, et al., 1998, p. 123). The determining factor for whether security conflicts will arise is which self-definition establishes dominance in a society (Buzan, et al., 1998, p. 120). Of the five sectors of securitization, the societal sector is the most relevant to this thesis as it focuses on the perception of threats to identities which this thesis will examine in the context of minority rights in Ukraine. Given its value to this case, societal securitization will be explained in greater detail in the next section.

2.1.3. Societal Security

The concept of societal security refers to the level of collective identities and actions taken to defend such ‘we identities’ (Buzan, et al., 1998, p. 120). Any threat to the identity which produces ‘us’ contributes to the construction of the ‘we’ identity. As such, it is strongly influenced by poststructuralism and combines a range of ideas from Derrida, Arendt, Bourdieu, and Butler (Stritzel, 2014, p. 13).

Societal identity groups which create ‘we’ can be national, ethnic, religious, or other groups which display a collective identity. However, Buzan et al. emphasize that they use ‘societal’ not to explain a society, which consists of many social units, but to refer ‘communities with which one identifies’. While the referent object was narrower in the past such as the family, the clan, or even village-based, in today’s world system it is wider referring to tribes, clans, nations, minorities, religions, and ‘race’, amongst other things (1998, pp. 120-123).

The societal security agenda can differ according to region and time period. Buzan et al. (1998) define three of the most common threats to societal security. These are migration, horizontal competition, and vertical competition. The first threat is migration which causes a change in the demographics of a given population. In such a case, the identity of a community that is overrun by another identity through migration can be threatened. Chinese migration into Tibet and Russian migration into Estonia are given as examples for this kind of identity threat. The second

common threat is horizontal competition in which the culture of a community is so overwhelmed by a neighboring community's language and cultural influence that the influenced identity can feel threatened by this. Quebecois fears over being overwhelmed by anglophone Canada and Canadian fears of Americanization serve as examples for this kind of threat. Horizontal competition does not have to occur at the state level. The concerns of minorities about the dominant influence of the majority in their state are also included in this category. The third common threat is vertical competition in which one identity circle is merged with a wider or narrower identity as a result of integration or secessionist or 'regionalist' project. The EU and Soviet Union are examples of integration projects which show a merger with a wider identity while Catalonia is an example of a secessionist project. In addition to the three main categories, there can be other threats such as depopulation as a result of war, natural disaster, famine, or even extermination, all of which can create a fear of losing an identity (Buzan, et al., 1998, p. 121).

Focusing on Ukraine, the situation can be conceptualized on different levels. Sovietization policies in the country, as well as the imposition of a Soviet identity rather than a Ukrainian identity, can be conceptualized as vertical competition due to the forced integration into the greater Soviet identity. The competition between ethno-Ukrainian, state-Ukrainian, and neo-imperial Russian identities may also be seen as a form of vertical competition as it shows the competition between identities in the country (Buzan, et al., 1998, p. 136). Regarding relations between Russia and Ukraine, Russia's influence in the country can be seen as horizontal competition given the worries of smaller states about the influence of their more dominant neighbors. Similarly, the concerns of Ukraine's national minorities regarding Ukraine's homogenizing policies can also be understood as horizontal competition.

Threats to societies can vary depending on the process of identity construction of the society and regional dynamics. To give an example, for a society which has built a strong identity as being remote and separate from others such as Finland, even a small number of foreigners can be seen as a threat for the society. Similarly, there are noticeable regional differences. In Africa, referent objects consist of a

mixture of premodern and modern structures such as extended family, village, clan, tribe, and the nation-state. Furthermore, threats from vertically competing groups such as tribes are viewed with greater concern than threats from other states. In Europe, referent objects are generally nations and national minorities. The post-Soviet space represents a particularly complicated region for analysis, in part due to the large concentrations of Russians on both sides of international borders, as is the case in Estonia, Ukraine, and Kazakhstan (Buzan, et al., 1998, pp. 126-137).

Regarding regional dynamics, Will Kymlicka states that in Western European countries, relations between national minorities and the state have been more desecuritized than in Eastern and Central Europe (ECE) because relations have been transferred from the 'security box' to the 'democratic politics' box in the West (2002, p. 21). ECE countries are different from their Western European counterparts because they have been either unable or unwilling to undergo the same transfer with their own minorities. These states still perceive their minorities as a source of instability and threats to their territorial integrity. As such, from their perspective granting increased self-government to their minorities would only serve to increase these threats (Kymlicka, 2004, pp. 144-145). In the ECE, a history of imperialism, collaboration, and border changes have caused three commonly accepted presuppositions. First, they assume that minorities lack loyalty to the state, and that they have a potential to collaborate with former oppressors or enemies. Second, strong and stable states require weak and disempowered minorities. Third, maintaining positive and stable relationships with national minorities is an issue of national security (Kymlicka, 2002, p. 21). As a result, in Eastern European countries, minority groups are often regarded as a kind of 'fifth column' which could potentially ally itself with a neighboring state which shares its ethnicity or religion. Under these circumstances, it is possible to see the securitization of ethnic relations in such societies (Kymlicka, 2002, p. 19). However, this phenomenon is not unique to Eastern Europe, as examples of this can be found in other regions such as Central Asia and the Middle East.

Regarding ECE countries, Kymlicka states that “[...] justice for minorities can only occur if we can ‘desecuritize’ the discourse of minority rights in ECE countries – i.e. if we manage to get people to think of minority claims in terms of justice/fairness rather than loyalty/security.” (Kymlicka, 2004, p. 145). However, it is unclear how he imagines this desecuritization should occur. In that sense, while analysing Ukrainian discourse on minority issues, regional dynamics and the perception of security issues should be taken into consideration. It is essential to look at whether Ukraine views the claims of its minorities through the lens of justice or of national security and loyalty.

The concept of societal security has evolved and changed over time. During the Cold War, it was perceived as being equal to national security and was dependent upon the relationships between states. After the Cold War, relationships between new nation-states and national minorities gave increased attention to issues of identity. This means that minority rights can be framed within the context of societal security. Recent global developments have once again raised the issue of societal security. Especially in the cases of the crises in Ukraine and Syria, increased migration and regional conflicts have once again linked national security issues to societal security (Ozoliņa, 2016, p. 16). As such, societal security analysis should be considered in line with international developments, regional dynamics, and identity construction processes.

2.2. Conceptual Framework

This section defines the key concepts of minority and indigenous people, which lie at the heart of the debates discussed in the thesis. After that, minority and indigenous rights as they pertain to international law are explained, taking into consideration Ukraine’s adoption of basic international agreements on minority rights and indigenous people. Finally, minority and indigenous rights are discussed in the context of the current debates on these issues.

2.2.1. The Concept of Minority

A minority is usually defined from two perspectives: sociological and legal. This section will first examine sociological definitions of the concept followed by legal definitions as they are laid out in international and Ukrainian law.

To begin with its sociological definitions, one of the most cited definitions of the term ‘minority’ was developed by the sociologist Louis Wirth. According to Wirth:

A minority group is any group of people who, because of their physical or cultural characteristics, are singled out from the others in the society in which they live for differential and unequal treatment, and who therefore regard themselves as objects of collective discrimination (1945, p. 347).

Wirth’s definition focuses on subjective criteria such as experiencing unequal treatment or being an object of collective discrimination in society rather than objective criteria such as being few in number. Based on this definition, a group which has distinctive characteristics can be defined as a minority even if the population of the group is not smaller than the other constituent groups of a society. One example of this can be found during the Apartheid period in South Africa, even though 80% of the population was Black and they did not constitute a numerical minority in society. According to this sociological definition, the Black population can still be considered a minority group because of the discriminatory policies of the White-controlled government in which the White population is fewer than in number than the majority-Black population (Oran, 1994, p. 284).

Another sociologist Richard T. Schaefer emphasizes the non-dominant and disadvantaged characteristics of minorities and defines minorities as “[a] subordinate group whose members have significantly less control or power over their lives than members of a dominant or majority group.” (1993, p. 5). According to this definition, women, youth, or elderly who have less control over their lives can be considered as minorities sociologically. In that context, a group feels that they are being discriminated against due to the specific characteristic of that group,

which can be ethnic-, religious-, linguistic-, gender-, color-, or age-based can sociologically be considered a minority.

When we look at the definitions of the concept in international law, there is no internationally recognized definition of the term minority; however, several definitions have been developed for minorities taking into consideration their distinctive characteristics. In international law, one of the most frequently cited definitions on the term minority was offered by Francesco Capotorti, Special Rapporteur of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. According to his definition, a minority group is:

A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language. (Capotorti, 1979, p. 96).

This definition gives both objective and subjective criteria. Being few in number, being in a non-dominant position, and having distinctive ethnic, religious, linguistic, or other characteristics are the objective criteria. On the other hand, having an awareness of and desire to protect distinctive characteristics is the only subjective criteria in the definition. Although the definition is not binding for states, it has been the most widely accepted definition in theory and practice (Pejic, 1997, p. 671).

In 1985, Jules Deschènes, formerly a Canadian member of the UN Sub-Commission on the Prevention of Discrimination and Protection, revisited Capotorti's definition. According to Deschènes:

A group of citizens of a State, constituting a numerical minority and in a non-dominant position in that State, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another, motivated, if only implicitly, by a

collective will to survive and whose aim is to achieve equality with the majority in fact and in law (1985, p. 30).

If we compare the two definitions, we see that while Capotorti uses “nationals of the State” in his definition, Deschènes prefers to use “citizens of a State”. This difference has served as the source of a number of discussions regarding the necessary criteria for being recognized as a minority group, such as the necessity of being a citizen in order to be recognized as a minority. As every state has a responsibility to carry out obligations arising from national and international law, the definition of what constitutes a minority and the recognition of groups as national minorities are critical issues for states. States are usually very skeptical of the definition of minorities and attempt to avoid clear definitions. It should be noted, however, that although a state may not recognize a group as a national minority, it is widely accepted that the existence of a minority is not dependent on a formal determination by the state (OHCHR, 2012).

In Ukraine, what constitutes a national minority is defined in the Law on National Minorities in Ukraine (No: 2494-XII, 1992). Article 3 defines minorities as “groups of citizens of Ukraine who are not Ukrainians by nationality, displaying a sense of national self-awareness and community.” If we consider the sociological and legal definitions explained previously, Ukrainian law does not provide a clear and detailed definition of minority. However, citizenship, a sense of national self-awareness, and a shared sense of community are given as criteria. The law does not clearly state which groups can be defined as national minorities. However, in the Law of Ukraine On Ratification of the European Charter for Regional or Minority Languages (No: 802-IV, 2003), thirteen minority languages are listed. It says that provisions of the charter shall apply to the following national minority languages: Belarusian, Bulgarian, Crimean Tatar, German, Gagauz, Greek, Hungarian, Jewish, Moldavian, Polish, Russian, Romanian, and Slovak, thus showing that these groups are defined as national minorities under Ukrainian law.

Minorities are classified as national, ethnic, religious, or linguistic minorities according to the dominant characteristic which sets them apart from the rest of

society. However, there are no clear dividing lines among these minority groups. A religious minority can also be considered an ethnic or linguistic minority as these characteristics often overlap. The main difference that separates a group from the rest of society determines the classification. From this perspective, the term ‘national minority’ is more inclusive than other terms because national minorities can also be ethnic, linguistic, or religious minorities. As such, the term national minority is used in numerous national and international documents concerning minority issues.

2.2.2. The Concept of Indigenous People

The concept of indigenous people is of particular importance for this thesis as the Crimean Tatars were only recognized as an indigenous people after the annexation of Crimea. The debate on why some groups desire to be recognized as an indigenous people rather than as a national minority requires further clarification. To understand this debate, it is critical to understand the definitions of national minorities and indigenous peoples in international and national legislation.

Notwithstanding the lack of an internationally agreed-upon definition of ‘indigenous people’, it is possible to determine defining criteria from commonly used definitions. One of the most cited definitions of indigenous peoples was developed by the Special Rapporteur for Sub-Commission on the Prevention of Discrimination and Protection of Minorities, José R. Martínez Cobo. He states that:

Indigenous communities, peoples, and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems (Cobo, 1986, p. 29).

Another definition which lays out some guiding principles is provided in the International Labour Organization's (ILO) Indigenous and Tribal Peoples Convention (No. 169, 1989). This convention separated tribal peoples and indigenous people and defines indigenous people as:

Peoples in independent countries who are regarded as indigenous on account of their descent from the populations who inhabited the country, or the geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions (Article 1).

Similar to Cobo's definition, historical continuity, territorial attachment, and distinct institutions are given as criteria. According to both definitions, defining features are subject of dispute because different minorities can have similar characteristics such as having their own distinctive culture, being aware of their identity, and being non-dominant or numerically inferior in a society. On the other hand, there are also a number of special defining characteristics of indigenous peoples such as being autochthonous, having a historical attachment to their land, and inhabiting a vulnerable position in society.

Historical continuity is one such characteristic used to identify indigenous communities. Being 'first comers' or being the original inhabitants of a territory, also mentioned as aboriginality or being autochthonous, is given as a distinguishing feature of indigenous communities. Although this can be a differentiating factor in many regions of the world, it does not clarify many cases in Africa and Asia because both dominant and non-dominant groups within these regions can claim aboriginality (Daes & Eid, 2000, p. 9). The Report of the African Commission's Working Group on Indigenous Populations/Communities underpins this observation. In the report, it is stated that African states and their majority population support the idea that all Africans should be considered indigenous because they were colonized by European powers (ACHPR & IWGIA, 2017, p. 24).

It is important to note that the definition of indigenous peoples is still evolving. Initially, it was common to define the first victims of colonialism as those residing in the New World. However, recognition of the indigenous status of new groups outside of the New World opened new discussions regarding the status of a number of groups in Asia, the Middle East, and Africa. Some limit the term to forest people, hill tribes, or nomadic people in Africa or in South East Asia while some take a wider perspective and include all historically-subordinated homeland minorities into indigenous people (Kymlicka, 2010, p. 393). The wider perspective includes all homeland groups who shared the same experience of political exclusion or cultural vulnerability without considering ‘who came first’ (ACHPR & IWGIA, 2005, p. 87).

Second, attachment to their homeland is stated as a means of differentiation for indigenous groups. Because it can be argued that many minorities are also attached to their homelands, it is not necessarily something particular to indigenous peoples. However, most indigenous people are the first inhabitants of a region and their livelihood practices are highly dependent upon their land and natural resources (ILO, 2013, p. 21). The usage of these resources and lands not only creates an economic effect, but also a cultural, social, and environmental impact on their lives.

Third, they constitute a more vulnerable group in the society than minorities do. They are defined as the “people whose position in the modern world is the least tenable” (Niezen, 2003, p. 5). They constitute a category which requires a special protection mechanism in universal human rights because they are disproportionately subjected to traumatic events such as genocide, disease, famine, warfare, and deterritorialization which leave them in a more vulnerable position than national minorities, and they share “a particular pattern of injustice in their historical relationship to state power.” (Kymlicka, 2011, p. 190). Regarding their weaker position relative to national minorities, Kymlicka states that “National minorities are contenders but losers in the process of state formation within continental Europe itself; indigenous peoples are the victims of the construction of

European settler states in the New World” (2010, p. 388). Simply put, the words ‘loser’ and ‘victim’ emphasize a distinction between them.

Taking all these varied and overlapping definitions into account, it is common to see indigenous people are listed under different categories. UN documents state that there are more than 370 million people belonging to indigenous peoples in the world (UNRIC, 2019). The most well-known indigenous peoples are the Aborigines in Australia as well as the Inuit and the First Nations in North America in its traditional, narrow meaning. The subject of this study, the Crimean Tatars, should be considered as part of a wider perspective which includes people who are subjected to discrimination. Similarly, the debates on self-identification for groups such as Afro-Latinos, Chechens, Palestinians, Roma, and Tibetans should also be taken into consideration. However, it is also possible to see several of these groups defined under different terms such as ‘stateless nations’, ‘captive nations’, or ‘sub-state nations’ (Kymlicka, 2011, p. 184).

In Ukrainian legislation, although there is no definition of the term ‘indigenous people’, the term is stated in the framework of the rights for indigenous people and national minorities in the Ukrainian Constitution (Article 11, 92 and 119). In 2000-2001, the Ukrainian government drafted an official state ethnic policy in which indigenous people were defined as autochthonous ethnic communities whose ethnic origins were found within the territory of modern Ukraine, who are a minority among ethnic groups, and have no ethnic-kin state (Babin, et al., 2019, p. 3). However, this was a draft and was not adopted. In the current situation, the Crimean Tatars, the Karaites, and the Krymchaks are recognized as indigenous peoples of Ukraine (Ministry of Information Policy of Ukraine, 2016c). There are also some occasional demands from Ruthenians (Rusyns), Gagauz, and Urums to be recognized as indigenous peoples of Ukraine (Babin, 2014, p. 82).

2.2.3. Minority Rights in International Law

Throughout history, many efforts have been made to codify a set of principles to protect minorities. In today's world, the issue of minority rights is regulated by principles of international law developed by international organizations such as the UN, CoE, OSCE, and the EU. In that context, it is worth looking at Ukraine's position in these organizations and presenting a legal framework of the minority protection regimes that exist under international law.

To give a general framework for the position of Ukraine in these organizations, Ukraine is a member of the UN (1945), the CoE (1995), and the OSCE (1992). Although Ukraine's attempts to join the EU and North Atlantic Treaty Organization (NATO) date back to the 1990s, changing relations between the West and Russia and political instability in the country have created uncertainty for both sides.

To start with the UN system, one of the main sources of minority rights is the International Covenant on Civil and Political Rights adopted by the UN in 1966 signed by Ukraine in 1968. It is the first concrete output of the UN's work on minorities detailing specific and legally binding provisions on minority rights for member states. The cornerstone of the covenant which inspired works related to minorities afterwards is Article 27 which states:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language (OHCHR, 1966a).

Another essential source is the International Covenant on Economic, Social and Cultural Rights, adopted by the UN in 1966 signed by Ukraine in 1968. The covenant denies any discrimination based on color, race, gender, religion, or language (Article 2) and imposes a requirement to submit regular reports by the state parties (Article 16.1) (OHCHR, 1966b). Although these UN covenants created a legal framework for the establishment of some minority rights regarding the

elimination of discrimination, the first international document which directly imposes regulations regarding minority rights is the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDRM), adopted by UN in 1992 (Resolution No: 47/135). The UNDRM guarantees the continued existence of minorities' unique identities and the unhindered practice of their traditions, both in public and in private. Additionally, it enshrines the right of minorities to found and operate their own associations (OHCHR, 1992). The declaration broke new ground for minority rights because it embraced minorities directly and enshrined a wider range of rights than ever before. However, it is not legally binding for signatory parties because it is a declaration and not a covenant.

In addition to the above-mentioned UN documents, the CoE also adopted a number of official documents on minority rights. Firstly, the European Convention on Human Rights adopted by the CoE in 1950 and signed by Ukraine in 1996 provides for the right of individual application (Oran, 2009, p. 134). Second, the European Charter of Regional or Minority Languages (ECRML), adopted by the CoE in 1992 and signed by Ukraine in 1996, includes measures for the use of minority languages in education, media, the judiciary, as well as cultural and social areas for groups using regional or minority languages (CoE, 1992). Although the charter is considered as a step forward for the protection of minorities, its mechanism for inspection is relatively weak due to the fact that audits are based on regular reports submitted only by the parties, and there is no mechanism for individual or country complaints (Kurubaş, 2006, p. 76). In addition to these, the Framework Convention for the Protection of National Minorities (FCNM), adopted by the CoE in 1995 and ratified by Ukraine in 1997 (No. 703/97-BP), was the first international treaty which made the protection of the rights of national minorities legally binding and serves as the main international law instrument in Europe regarding minority rights. Similar to Article 27 of the International Covenant on Civil and Political Rights, the FCNM guarantees the right to practice one's cultural traditions both publicly and privately without mentioning territorial authority (CoE, 1995).

The OSCE, which was created as a forum for dialogue between East and West in the early 1970s, pays special attention to the rights of minorities in the framework of international security (Pentassuglia, 2002, p. 139). Today, the OSCE comprises 53 Participating States. Ukraine has been a member of the OSCE since 1992. The OSCE's Copenhagen Document (1990) has become one of the milestones in the protection of minorities followed by the EU Copenhagen Criteria on Accession to the European Union (1993) and the CoE's FCNM (1995). The main achievement of OSCE states has been establishing a special structure for the supervision of the implementation of OSCE commitments by all participating states (Bloed, 1995, p. 19). When a participating state does not meet the OSCE's standards, the High Commissioner will assist by providing analysis and recommendations.

Since the early 1990s, the EU has included minority rights protections as part of its expansion policy. The EU's mechanisms for minority issues relied on the CoE and OSCE. As such, the EU accepted the ECRML and the FCNM as its legal basis for the protection of minority rights. In 1993, the European Council set the Copenhagen Criteria which includes the 'respect for and protection of minorities' as a precondition for membership in the EU. These criteria constitute the EU's main framework for minority rights. Although it includes the 'protection of minorities' as a criterion for membership, the EU's lack of a clear set of criteria for minority rights and significant variations between the minority policies of EU member states are some of the main deficiencies regarding the EU's minority rights policy (Hughes & Sasse, 2003, p. 18; Rechel, 2008, p. 171).

As can be seen, the main international agreements on minority rights generally declare the rights of all to be free from discrimination and the entitlement to their human rights. They also emphasize that all members of minorities have the same basic rights as the other citizens (Mihandoost & Babajanian, 2016, p. 17). It is a fact that the adoption of these principles is a prerequisite for newly independent states to be integrated into Euro-Atlantic institutions, something which forces states to pursue more civic and inclusive policies on minority rights. The integration of Ukraine with these organizations and the adoption of the main international

agreements on minority rights indicate the direction of Ukrainian policy in this regard.

2.2.4. Indigenous Rights in International Law

Historically, the first attempts of indigenous peoples to defend their rights in the League of Nations goes back to 1923. However, the first working group on indigenous peoples met in 1982 at the UN, which enabled these groups to openly discuss their issues in an international setting (UN, 2019). In 1989, the ILO adopted the Indigenous and Tribal Peoples Convention (No: 169), which served as a framework for regulations on the treatment of indigenous and tribal peoples (ILO, 2013).

As a result of numerous forums at the UN with the participation of indigenous peoples, the General Assembly adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 by a majority of 144 states in favor, 4 states against and 11 states abstaining (A/RES/61/295). Ukraine was one of the states which abstained from voting (UN, 2019). The declaration establishes a general framework on the rights of indigenous people and generates the most comprehensive regulation yet developed for the specific situation of the indigenous people (UN, 2007). Therefore, a comparative examination of the declaration and the other above-mentioned agreements will allow for the better identification of the differences that distinguish minorities and indigenous peoples in international law.

The UNDRIP recognizes the need to empower indigenous peoples. It emphasizes both individual and collective rights and includes a wide range of rights including the rights to self-determination (Article 3), the establishment and control of their own separate institutions (Article 5), to practice and revitalize their cultural traditions and customs (Article 12), and to the development and management of indigenous lands (Article 26). Of these, the right to self-determination is the ‘cornerstone’ of the declaration because it is the first step in international law towards the recognition of the unqualified right of self-determination for sub-

national groups (Xanthaki, 2009, p. 4). The right of self-determination has always been emphasized by the representatives of indigenous peoples as a prerequisite for the survival of their identities. Therefore, the declaration gives them “the key to the implementation of solutions for their problems” (Xanthaki, 2007, p. 131). In this sense, there is a dual track in the UN standard-setting with regard to minorities and indigenous peoples (Daes & Eid, 2000, p. 6). Although international law recognizes the right of self-determination for all peoples, in practice it has restricted this to indigenous peoples and not included minorities. Liberal multiculturalists argue that this restriction is morally arbitrary because the internal groups incorporated into a larger state deserve the same rights to self-determination as national groups overseas (Kymlicka, 2010, pp. 383-384).

The UNDRIP ensures the rights to the land that indigenous people possess, which is inextricably linked to their right to self-determination. This right is a groundbreaking provision because the usage of land has always been a monopoly of states (Xanthaki, 2009, p. 5). The declaration also provides a mechanism both for the redressing of past traumas as well as the prevention of any action which creates new traumas affecting their integrity as a distinct people (Article 8), something which has not been an issue for minority rights. Since indigenous groups were subjected to more brutality by European colonizers than national minorities, their need of international protection is accepted as being more urgent (Kymlicka, 2010, p. 391). As a result, indigenous peoples have been given higher priority in regard to the recovery of their violated rights and have received more specific rights than national minorities, which have thus far received more generic rights. While Article 27 and the UNDRM (1992) offer generic rights to all minority groups, the UNDRIP (2007) offers specific and targeted rights for special groups, such as a consideration of distinctive patterns of injustices in their history. Kymlicka criticizes the UN’s weak minority rights regime for its failure to uphold minorities historical claims to settlement and territorial attachments. Therefore, being acknowledged as an indigenous people became the only way for minority groups to acquire these additional, more specific rights (2011, p. 206).

Although Ukraine abstained from voting for the Declaration in 2007, in March 2014, the Ukrainian Parliament adopted the Resolution on Statement of the Verkhovna Rada of Ukraine Reguarantees of Rights of the Crimean Tatar People as a Part of the State of Ukraine (No. 1140-VII, 2014). Through this resolution, Ukraine commits itself to “preserving and developing ethnic, cultural, language and religious uniqueness of the Crimean Tatar people, as indigenous people, and all national minorities of Ukraine” (Article 1). In addition, Article 4 states that the Ukrainian Parliament will start the process of accession to the UNDRIP. Although an alternative draft law on indigenous people was prepared by several Non-Governmental Organizations (NGOs), the Law on Indigenous Peoples of Ukraine has not been adopted by Ukrainian Parliament (Crimean Tatar Resource Center, 2019).

2.3. Evaluation of Current Debates on Minorities and Indigenous People in the Securitization Framework

In the literature, there is an ongoing debate about the distinction between national minorities and indigenous peoples. Although the two groups have many commonalities, international law on national minorities offers generic rights that can be applied to all groups while the regulations on indigenous peoples offers more targeted rights dealing with the distinct histories and identities of indigenous peoples.

Among these differences, the right to self-determination, which is a generally accepted principle in international law, is restricted to indigenous peoples, which leads to controversies. Following the annexation of Crimea, this was one of the areas of debate in both the national and international arenas, because Russia has based its argument on the principle of self-determination in the UN documents. As a result, some scholars argue that the right to self-determination of the people of Crimea has been realized through the referendum and emphasize that this is an expression of the people’s will (Kapustin, 2015, p. 114). On the other hand, some

scholars argue that Russians in Crimea cannot be considered as being the ‘people’ of Crimea (Bowring, 2018, p. 39).

The lack of a satisfactory definition of ‘the people’ and the dual-track in international law for indigenous people and national minorities regarding the right to self-determination have only served to fuel the debates. Who are the people of Crimea by the standards of international law? Do Russians belong to the ‘people of Crimea’ in so far as it relates to the right of self-determination for the region? In this context, the differences in the discourse between the Crimean Tatars and the Crimean Tatar people are a critical distinction for the purpose of international law (Bowring, 2018, p. 24). Taking into consideration Russian explanations of the annexation of Crimea, which argue that “Proclamation of Independence by the Republic of Crimea and its accession to the Russian Federation are a legitimate form of the implementation of the right to self-determination by the people of Crimea” (The Russian Delegation to UNESCO, 2014), it is clear that the term ‘people of Crimea’ is used by Russian Federation for determining who is relevant when exercising the right of peoples to self-determination in Crimea.

Regarding the dual track of international standards regarding minorities and indigenous peoples, Kymlicka argues that the privileged position of indigenous peoples encourages national minorities campaign for recognition as indigenous peoples, which could lead to a breakdown of the current system (2010, p. 394). The UN’s dual track, which excludes minority rights but includes the rights of indigenous peoples, creates a barrier between the two groups. Kymlicka calls this as a ‘firewall’ model relationship between minorities and indigenous people. He states that:

When Member States voted for the Indigenous Declaration, I believe they did so on the assumption that the UN can enhance the rights of indigenous peoples while simultaneously resisting the expansion of, or even diminishing, the rights of other minorities. In this sense, they presupposed what I call a ‘firewall’ model of the relationship between indigenous peoples and minorities (Kymlicka, 2011, p. 187).

Considering the differences, it is important to ask why both the international community and states are more amenable towards indigenous peoples than minorities, and why the rights of indigenous peoples have increased over the last decade while there has been stagnation in the further development of minority rights. At that point, securitization theory and societal security should be considered. Regarding the effect of national and regional on securitization in Europe, minorities constitute an essential referent object in securitization (Buzan, et al., 1998, p. 132). It is common to see that national minorities are perceived as a threat to national security. Especially in cases where national minority groups are related by language or ethnicity to a neighboring country, minority groups are perceived by the states in which they reside as being potential collaborators with their kin-states (Kymlicka, 2010, p. 385). It is also common to see these kind of threat perceptions in former Soviet Union countries (Buzan, et al., 1998, p. 74). Ukraine can be given as an example of such a post-Soviet state with its Russian, Romanian, Hungarian, Moldovan, and Belarussian minorities which are attached by language and ethnicity to bordering states. In that context, national minorities are important actors in the regional geo-political struggle which has led to the issue of minority rights becoming securitized. As Kymlicka argues, national security concerns have an impact on the restriction of minority rights and lead to the increasing securitization of minority rights (2011, p. 196).

However, indigenous peoples are not regarded as a threat to national security in the same way as minorities are by the states in which they reside. Erica-Irene Daes, who led the drafting of the UNDRIP, states that most indigenous peoples prefer to be within the state due to their attachment to the land, limited resources, small size, and vulnerability. Therefore, it is “not realistic to fear” indigenous peoples’ exercising of the right to self-determination (Daes, 2008, p. 24). Indigenous people are generally referred to as those who have no kin-states with whom they share linguistic or ethnic ties and do not try to establish for an independent state in their territories (Iverson, et al., 2000, p. 277). In contrast to the prevalent ‘fifth column’ perception that exists for minorities, indigenous peoples constitute ‘loyal’ and

‘harmless’ groups to their states. They are not regarded as a threat like minorities because they are small in population, politically weak, and not an actor in regional geo-political struggles (Kymlicka, 2011, p. 203).



CHAPTER 3

MINORITY RIGHTS AND THE CRIMEAN TATARS IN POST-SOVIET UKRAINE (1991-2014)

3.1. Social and Demographic Characteristics of Ukrainian Society

According to the first and only Ukrainian census, conducted in 2001, Ukraine had a population of 48,457,100 (State Statistic Committee of Ukraine, 2001). The current population of the country is estimated to be 41.902.416⁵ (State Statistics Service of Ukraine, 2020), which shows that the population has decreased substantially. The 2001 census shows that Ukrainians comprised 77.8% of the population while Russians, with 17%, constituted the largest minority group in Ukraine. Other key minority groups were Moldavians (0.5%), Belarussians (0.6%), Crimean Tatars (0.5%), Bulgarians (0.4%), and Hungarians (0.4%). There were also smaller groups of Jews, Poles, Romanians, Armenians, and others. According to the same census, the population of the Crimean Peninsula was 2,024,000 in 2001⁶. In contrast with their minority status in the country as a whole, Russians constituted a majority on the Crimean Peninsula. Ukrainians comprised 24.3%, Russians 58.3%, Crimean Tatars 12%, and Belarussians 1.4% of the Crimean population (State Statistic Committee of Ukraine, 2001). There were also small populations of Armenians, Moldavians, Poles, and Jews.

In the 2001 census, 67.5% of the total population of Ukraine stated that their mother tongue is Ukrainian, 29.6% specified that their mother tongue is Russian and 2.9% of the population stated that their mother tongues are other languages such as

⁵ Not including the occupied Crimean Peninsula.

⁶ The population is 2,293,673 according the census conducted by Russian Federation in 2015 (Russian Federal State Statistics Service, 2015).

Crimean Tatar, Moldovan/Romanian, and Hungarian. In Crimea, 77% of the population described their primary language as Russian (State Statistic Committee of Ukraine, 2001). A Razumkov Centre survey across all Ukrainian regions, except those territories which are currently occupied, showed that Ukrainian is the native language of 69% of the population, with 27% claiming Russian as their native language, while another 2% claim to speak a minority language other than Russian or Ukrainian (Razumkov Centre, 2016, p. 7). Taking into consideration the self-declaration of nationalities and languages, it is clear that ethnic and linguistic borders do not perfectly align in the country. The Russian-speaking population includes not only ethnic Russians, but also many Ukrainians and national minorities such as Bulgarians, Greeks, and Romanians. Indeed, the Russian-speaking minority is the dominant linguistic minority in the country.

In 2018, another Razumkov Centre survey on religion in Ukraine found the overwhelming majority of the population was aligned with an Orthodox tradition, with divisions visible between adherents of the Kiev Patriarchate (28.7%) and Moscow Patriarchate (12.8%). Muslims and Jews each represent about 1% of the total Ukrainian population. An additional 23.4% of the population identify themselves as simply Orthodox, without declaring themselves followers of a specific patriarchate (Razumkov Centre, 2018).

As a result of varying historical backgrounds and demography, the regions of Ukraine demonstrate different identity characteristics. Before the Second World War, the current territory of Ukraine had always been ruled by two or more states. Territory in the east was under the rule of the Russian Empire and later the Union of Soviet Socialist Republics (USSR). Territory in the west was under the rule of the Hapsburg Monarchy, Poland, and Romania. As a consequence of history, those in the Western regions of Ukraine tended to define themselves as Ukrainian and as Europeans while those in the East viewed themselves as part of the greater Russian nation (*ruskiy narod*), rather than as part of a Ukrainian nation (Kuzio, 1998, p. 22). Due to the division between the eastern and western parts of the country, Ukrainian historian Mykola Riabchuk defined Ukraine as ‘two Ukraines’ in 2007 (2007, p.

78). The first Ukraine he defines is Western Ukraine, primarily consisting of Ukrainian speaking, pro-European, and pro-Western citizens. The second Ukraine is Eastern Ukraine, primarily consisting of Russian-speaking citizens. Research shows that western citizens were never ardent communists and did not consider the USSR to be their own country. Eastern citizens adopted a Soviet identity and supported Ukraine remaining in the Eastern bloc (Riabchuk, 2007, pp. 78-79). Although it is easier to split the country into two parts, this is an oversimplification. The country's territories are a heterogeneous mix, with peculiar combinations of 'Ukrainianness' and 'Russianness', 'Europeanness', and 'Sovietism' (Riabchuk, 2007, p. 80). Regarding the numerous divisions within Ukrainian society, Taras Kuzio, an academic and expert on Ukrainian politics, says that it is a common mistake to depict Ukraine as a Russian-speaking East and Ukrainian-speaking West because Eastern and Western Ukraine are both diverse regions themselves. Furthermore, Crimea displays different characteristics than its neighboring regions in Southern Ukraine, and the Donbas differs from the remainder of Eastern Ukraine (2018, p. 6).

Taking these societal differences into account, uniting different groups under a common national identity has been a constant challenge for Ukrainian leaders. Since the construction of 'we' simultaneously defines the 'other', minority and majority relations have become a vital issue for the formation of such a shared national identity (Kuzio, 2001, p. 348). The process of nation building in Crimea and Donbas display unique characteristics when they compared to the rest of Ukraine. In particular, the absence of a 'we' in these regions, shared with the other regions of Ukraine, has made this process of integration more difficult (Kuzio, 1998, p. 82). In the first years of independence, it was a priority of the Ukrainian government to differentiate itself from the former Soviet Union in the short term. Throughout the administrations of presidents Leonid Kravchuk (1991-94) and Leonid Kuchma (1994-2004), Ukraine searched for its 'uniqueness' and attempted to create a 'self' different from Russia (Kuzio, 2001, p. 348).

As language is accepted as one of the key components of a unique national identity, the differentiation of the Ukrainian language from the Russian language was critical for defining a Ukrainian identity. In this regard, the Ukrainian language was promoted in many fields during the first years of the nationalization process. There was a special attempt to teach and to publish books and journals in Ukrainian (Kuzio, 1998, p. 196). In Ukraine's constitution, Ukrainian is recognized as the state language (Article 10). In addition, during the first years of independence, the historiography of Ukraine emphasized that the medieval state of the Kievan Rus was a Ukrainian state, contrary to Russian discourse, which attempted to claim the legacy of this medieval state for Russia. Ukraine's state seal, the trident, was chosen from an ancient Kievan symbol (Kolstø, 1996, p. 126). In post-communist Europe, distinguishing your country from Russia referred to adopting democratic values and implementing pro-Western policies. Ukraine was one such country which adopted this orientation and attempted to distinguish itself from Russia (Brudny & Finkel, 2011, p. 822). During this period, Russia emerged as Ukraine's constituting 'other' (Kuzio, 2001, p. 356). Although there was an ethnocultural basis for an ethnicity-focused Ukrainian national identity, the Ukrainian national identity has generally been referred to as a 'civic' and 'inclusive' identity rather than an 'ethnic' and 'exclusive' identity (Kolstø, 1996, p. 126).

During the Orange Revolution (2004), Yulia Tymoshenko and Viktor Yushchenko strongly emphasized the importance of a common language and national identity in order to create a peaceful multi-ethnic society (Tüylüoğlu, 2014, pp. 2-3). In addition, there was an unexpected but empirically strong correlation between identifying with an ethnic Ukrainian identity and participation in democratic movements (Protsyk, 2008, p. 5). The 2010 presidential elections, which resulted in the victory of Viktor Yanukovich, marked a shift in Ukrainian politics. Yanukovich attempted to remove the achievements in democratization of the Orange Revolution, such as freedom of the press and free elections, and to impose an Eastern Ukrainian identity on the country. Some policy changes of this period included removing Stepan Bandera, a Ukrainian nationalist leader from the Second

World War as a 'Hero of Ukraine', as well as no longer recognizing the *Holodomor*⁷ as a genocide (Brudny & Finkel, 2011, p. 828). The dynamics between identities in the country, which attached themselves to either a Ukrainian identity or Soviet and Tsarist identity, have changed in the aftermath of the *Euromaidan* and illegal annexation of Crimea. Further developing his earlier concept of 'Two Ukraines', Riabchuk stated that the key divide in Ukraine is an ideological one. Specifically, this divide refers to an anti-Soviet and Post- or Neo-Soviet, which are anchored in the overarching 'European' and 'East Slavonic' identities, respectively (Riabchuk, 2015, p. 138).

3.2. National Legislation on Minority Rights in Ukraine Between 1991-2014

Since the dissolution of Soviet Union, many laws have been adopted in Ukraine regarding the equality of citizens and the elimination of discrimination. This has affected human rights, in particular those belonging to national minorities in the broadest sense. The Declaration of State Sovereignty of Ukraine (No: 55-XII, 1990), the Declaration of the Rights of Nationalities of Ukraine (No: 1771-XII, 1991) and the Law on Citizenship of Ukraine (No:1636-XII, 1991) constituted the first laws which laid out Ukraine's national legal framework regarding inter-ethnic relations and the protection of minorities in the country.

The Declaration of Ukrainian State Sovereignty (1990), which established the sovereignty of 'the people of Ukraine', guarantees "all nationalities living on the territory of the Republic the right to free national and cultural development" (Article 8). Importantly, the phrase 'the people of Ukraine' was preferred instead of emphasizing 'Ukrainians' which represents an inclusive and liberal approach regarding the rights of minorities (Kolstø, 1996, p. 126). The Declaration of the Rights of Nationalities of Ukraine (1991) establishes the principle of legal equality for all Ukrainian citizens, banning discrimination based on an individual's ethnic

⁷ Holodomor is the name given to the artificial famine of 1932-33 in Ukraine, implemented by Stalin's government policy to collectivize agriculture, which led to the deaths of millions of people by starvation. In 2006, Ukraine recognized the Holodomor as a genocide against the Ukrainian people (Verkhovna Rada of Ukraine, 2006).

background. In this way, it provided a broad range of rights for national minorities. In 1991, Ukraine established what would become one of the basic principles of Ukrainian citizenship by passing the Law on Citizenship of Ukraine. With this law, all residents of the country at the time of independence “regardless of race, colour, political, religious and other persuasions, sex, ethnic and social origin, property status, place of residence, language or other distinctions”, received Ukrainian citizenship, assuming they did not already possess citizenship to another country (Article 3.2). The only condition was the ability to communicate in the Ukrainian language to a sufficient degree (Article 9.5). This liberal approach avoided the creation of an ethnic democracy, a step that other post-Soviets states had taken (Kuzio, 1998, p. 93).

In continuation of its liberal principles regarding the equality of citizens, Ukraine passed the Law on National Minorities in Ukraine (1992), the first law which introduces certain provisions directly related to national minorities. The importance of this law is that it guarantees particular freedoms for minorities, provides state support for the preservation and development of minority cultures, and defines what constitutes a national minority. According to the law, the state guarantees the rights of minorities including, but not limited to, the right to national cultural autonomy, the right to use and learn their native languages, the use of national symbols, the free exercise of their religions, as well as the right to establish their own national-cultural and educational institutions. Although the law guarantees a wide range of rights to minorities, it also declares that all nationalities must defend Ukraine’s state sovereignty and territorial unity (Article 2). Ukraine does not want to leave any room for the development of minority separatist movements. In addition, the law establishes the special rights of deported nations. It states that “Problems of returning to the territory of Ukraine of people belonging to deported nations are to be solved by adequate laws and treaties between Ukraine and other states.” The law defines minorities as “groups of citizens of Ukraine who are not Ukrainians by nationality, displaying a sense of national self-awareness and community”. Although the law reflected a liberal perspective regarding the rights of minorities,

it did not reflect the liberal language of the Declaration of State Sovereignty of Ukraine which uses “the people of Ukraine” instead of “Ukrainians” (Kolstø, 1996, p. 126). This law, as is common to other European states within the liberal tradition, established the dominance of the core Ukrainian ethnic group, while guaranteeing and preserving the rights of individuals belonging to national minorities within the national territory (Kuzio, 1998, pp. 94-95). After the adoption of the law regarding minorities, a Ministry of Nationalities and Migration was established in Ukraine in 1993 (Shevel, 2001, p. 186).

In 1996, Ukraine formally adopted its new post-Soviet constitution. The Constitution of Ukraine (No: 254K/96-BP) established legal provisions regarding the further development of minority identities, equal rights, and their protection from discrimination. The constitution recognizes the Ukrainian language as the state language. The free development and usage of minority languages are also protected by the constitution (Article 10). This constitutional right forms the basis of the legislation on the use of minority languages in many fields such as education, media, public service, culture, and the arts. Although these areas are regulated by laws, the right of minorities to receive instruction in their mother tongues is addressed separately in the constitution. According to the constitution, both “the right to receive instruction in their native language, or to study their native language” are guaranteed (Article 53). In addition, the constitution refers the concept of national minorities and native people separately and accepts the existence of indigenous people. In Article 11, the “development of ethnic, cultural, linguistic and religious originality of all native people and national minorities of Ukraine” is guaranteed. In Article 119 (3), local state administrations should implement programs “in places of compact residence of indigenous peoples and national minorities”. However, in the constitution there is no definition of or specific rights granted to indigenous people, which blurs the boundary between national minorities and indigenous peoples (Berry, 2016, p. 136). Although the Constitution of Ukraine mentions indigenous people, the Constitution of the Autonomous Republic of Crimea (ARC) (No: 350-XIV) accepted in 1998 did not

include any provision regarding indigenous people. Furthermore, the Constitution of the ARC did not contain any provisions regarding the rights of the Crimean Tatars such as the political representation of the Crimean Tatars in the Crimean Parliament and the equal status of the Crimean Tatar language alongside Ukrainian and Russian. In that context, it was protested by the Crimean Tatars. The resolution of the Crimean Tatar meeting, protesting the Constitution of the ARC and held on 21 December 1998, states that “The Constitution of the Autonomous Republic of Crimea establishes a monopoly of one of Crimea’s ethnic groups in the political, economic and cultural life of the peninsula.” (cited in Shevel, 2001, p. 109).

The Law on National Minorities in Ukraine and the Constitution of Ukraine establish the basis for many regulations on minority issues. However, laws regarding the linguistic rights of minorities have always been some of the most debated issues of minority rights. Ukraine declared Ukrainian to be the state language in 1989 through the Law of Ukrainian Soviet Socialist Republic (SSR) on Languages in the Ukrainian SSR. The law has been interpreted as “the first legal steps towards de-Sovietization and independence of the country in 1991” (Bilaniuk, 2002, p. 50). Before 2014, Ukraine adopted three laws related to language in Ukraine which reflect the political sentiments that defined the country’s position between the West and Russia. These are the Law of Ukrainian Soviet Socialist Republic on Language (No: 8312-XI, 1989), the Law on Ratification of European Charter for Regional or Minority Languages (No: 802-IV, 2003), and the Law on the Principles of the State Language Policy (No: 5029-VI, 2012). If the laws are compared, the first law, dated 1989, protects the language of all national minorities in Ukraine, which is around 130 languages in total. The Law on Ratification of European Charter for Regional or Minority Languages (2003) defines 13 minority languages, the Law on the Principles of the State Language Policy (2012) states 18 regional or minority languages. With the ratification of the ECRML in 2003, Crimean Tatar was also officially recognized as a minority language.

In Ukraine, languages are the primary determinant of identity association and political discourse as opposed to traditional association with a political ideology

(Charnysh, 2013, p. 3). As such, national language policy has persistently constituted one of the most critical political debates in the country and serves as a useful indicator regarding the distinction between the various waves of ‘Ukrainization’ and ‘Russification’ (Goodman, 2009, p. 20). Using national language policy as an indicator, it is possible to observe patterns in Ukrainian policy and laws, as these reflect the political climate of the period during which they were adopted. For example, the ratification of the ECRML was adopted during a period of increasing Western integration in Ukraine. This was followed by the Law on the Principles of the State Language Policy, signed by Viktor Yanukovich in 2012, in a period during which priority was given to the Russian language during a process of moving closer into Russia’s orbit. This law, adopted just before the parliamentary elections on 28 October 2012, became one of the most intensely debated laws in the country (Fodor & Csernicskó, 2013, p. 58). The law gives the status of regional language to minority languages in areas where the population of national minorities is more than 10% of the local population and provided an opportunity to use these languages in local administrative bodies. Although the law was based on European norms, it was severely criticized by smaller minorities because it did not protect the languages of minorities which did not reach the 10% threshold. Instead this law mostly provided opportunities for the Russian-speaking minority (Charnysh, 2013, p. 2). As a result, Russian gained regional language status in 13 of 27 regions, most of which were in Eastern Ukraine. In addition, Romanian, Moldavian, and Hungarian were accepted in three regions in western Ukraine (Russia Beyond the Headlines, 2014). Since Crimean Tatar speakers exceeded higher than 10% in Crimea, the Crimean Tatar language was also accepted as a regional language in some regions (QHA, 2017a).

Although the Crimean Tatars demanded that their language be recognized with the same regional status as Ukrainian and Russian in Crimea, without considering the proportion of the population, this was not accepted (İzmirli, 2013b, p. 14). In Crimea, the other deported nations such as Greeks, Armenians, Bulgarians, and Germans were in favor of the law because they either primarily speak Russian, such

as the Bulgarians, or they have some support for their own educational institutions supported by their home countries such as Germany (İzmirli, 2013b, p. 7). Discussions over the status of the Ukrainian and Russian languages during electoral campaigns increased polarization amongst the population. The law was criticized by Ukrainian-speakers with the argument that it limits the usage of Ukrainian even more than during the Soviet period (Ukraine Crisis Media Center, 2019). Finally, this caused large-scale protests. Ukrainian speakers, who are a minority in Crimea, protested the law by demanding that Ukrainian be made a regional language, partially in protest against the continually expanding usage of Russian in the country (Pifer & Thoburn, 2012).

During the parliamentary election of 2012, the highest turnout rates were registered in Western regions, such as Lviv and Ternopil, because many voters wanted to voice their opposition to the 2012 law which they perceived as an assault on and threat to their Ukrainian identity (Charnysh, 2013, p. 3). The law was so politicized during the 2012 election that the Hungarian minority, who reached the 10% threshold and welcomed the law, refrained from stating a strong position on the issue during the campaign because it symbolized Russification (Vizi, 2013, p. 63). As a result, Ukrainian authorities started to discuss raising the threshold to 30% which would have excluded many minorities, including the Crimean Tatars which consist of around 13% of the population of Crimea. The Crimean Tatars were not willing to discuss the situation before the parliamentary elections in 2012 (Wilson, 2013a, p. 428). The law did not change before the *Euromaidan*; however, discussions around the law showed the level of political polarization around the linguistic rights of minorities.

The restoration of the rights of national minorities and deported persons constituted another issue for deported minorities, including the Crimean Tatars. In 1992, Ukraine issued the Resolution on the Formation of the Fund of the Deported People of Crimea (No: 132-92), which included provisions regarding the allocation of a budget from state funds for Formerly Deported Peoples (FDPs). In the following years, the need for a law regarding the definition of the status of FDPs, as well as

the restoration of their rights, were frequently debated. Although some draft laws were offered in 2004, 2008, and 2012, they were either vetoed or never implemented (OSCE, 2013, p. 4). As a result, the efforts of the Ukrainian government to pass legislation regarding the restoration of the rights of FDPs continued to fail before the annexation of Crimea (Uehling, 2015, p. 69). However, two intergovernmental agreements were signed regarding the rights of FDPs. In October 1992, Ukraine signed the Agreement on the Problems Connected with the Restoration to the Rights of Deported Persons, National Minorities, and Peoples⁸ together with ten Commonwealth of Independent States (CIS) countries (UNHCR, 2000, p. 4). The agreement established the principle of sharing the cost of returning deported persons amongst the participant states; in spite of this agreement, Ukraine was the only country which bore the costs of the return and resettlement (Shevel, 2001, p. 110). The agreement was not ratified by Russia, with the deadline for ratification running out in May 2013, and Ukraine made no moves to renew the agreement, in spite of pressure from Ukraine's parliamentary committee on human rights (Wilson, 2013b). The current repatriation agreement is the 1993 Agreement on Cooperation Regarding the Voluntary Organized Return of Deportees, National Minorities and Peoples to Ukraine (OSCE, 2016). In addition to the agreement on repatriation, Ukraine founded intergovernmental bilateral commissions on minority issues and signed bilateral agreements with states which have a significant minority population residing within Ukraine such as Russia, Romania, Slovakia, and Hungary (CoE, 2016).

3.3. A Brief History of Crimean Tatars and the 1944 Deportation

The Crimean Tatars, who are an indigenous people of Crimea, carry the heritage of several communities that existed in Crimea throughout history including Huns, Khazars, Pechenegs, Kipchaks, and the diverse peoples of the Mongol Empire and the Golden Horde (Kulberg, 2004, p. 16). The ethnic, linguistic, and cultural differences among the Crimean Tatars themselves support the view that the

⁸ The agreement is also known as Bishkek Agreement.

Crimean Tatars did not come to Crimea in a single wave, and that they are not an ethnically and historically homogenous community (Williams, 2001, p. 10). The historical state of Crimean Tatars, the Crimean Khanate existed from 1441 to 1783 and governed over lands that today make up part of present-day Russia, Romania, Moldova, and Ukraine including the Crimea (Fisher, 1978, p. 3). The Crimean Khanate existed as a separate state, under Ottoman suzerainty with its own institutions, between the years of 1478–1774. Following the Russo-Turkish War of 1768-1774, Crimea became a part of Russian Empire in 1783 (Fisher, 1978, p. 36).

After the war, the lives of the Crimean Tatars were affected by the Russian rule so severe that the historian Hakan Kırımlı refers the period between 1783 and 1883 as “The dark century of the Crimean Tatars” (Kırımlı, 2010, p. 37). As a result of the increased political, social, cultural, and economic pressure on society, the peninsula witnessed the drastic emigration of Crimean Tatars to the Ottoman Empire (Fisher, 1978, p. 70). At the time of the Russo-Turkish War, the Crimean Tatars constituted more than 90% of the total Crimean population (Kulberg, 2004, p. 18). Due to the resulting emigration that followed the conflict, the Crimean Tatars had lost their majority status on the peninsula by the time of the Crimean War of 1853-1856 (Kırımlı, 2008, p. 767). The population of the Crimean Tatars reached 34.1 % of the total population by 1897 and declined further to 23.1% by 1936. During the same period, the government followed a policy of encouraging colonization and settlement by other peoples. Many settlers, officials, and landowners including Russian, Armenian, Greek, Bulgarian, and German colonists were welcomed to the empty fertile lands and received additional financial incentives for settling the region (Fisher, 1978, p. 93). In 1936, Russians and Ukrainians constituted 43.5% and 10% of the population of the Crimean Peninsula respectively (Potichnyj, 1975, pp. 303-304).

The Crimean Tatars experienced harsh Russification policies throughout the nineteenth century (Fisher, 1978, p. 81). Within such a pressured environment, a new enlightenment movement developed amongst Crimean Tatar intellectuals. The *Jadid* movement headed by the Crimean Tatar intellectual, ideologist, and educator

İsmail Gasprinski (1851–1914) pushed for new educational and cultural reforms in order to encourage the modernization of all Turkic and Muslim communities which had been exposed to Russification policies in Russia. Hoping to disseminate the ideas of the enlightenment movement, İsmail Gasprinski⁹ published *Tercüman*¹⁰ the first newspaper of the Crimean Tatars in Bakhchysarai, the capital of the Crimean Khanate. The initial publication year of 1883 was symbolically chosen to correspond with the hundred-year anniversary of the annexation of Crimea by Russia (Kırımlı, 2010, pp. 39-40). Additionally, the first *Usûl-i Cedid*¹¹ schools, which adopted new education methods and Turkish as the common language, opened in 1884 in Bakhchysarai, with the number of schools reaching 5000 by 1914 (Kırımlı, 2010, p. 56). The *Jadid* movement is important to understand the national identity of the Crimean Tatars. Their perception of the Crimean Peninsula as a homeland and Crimean Muslims as a nation is closely linked to the reforms led by Gasprinski (Williams, 2016, p. 33). The reform movement sparked a new national identity and provided them with a foundation for the national movement that arose during the period of 1917–1921 (Fisher, 1978, pp. 81-82).

With the collapse of the Russian Empire, a group of nationalists under the leadership of Noman Çelebicihan and Cafer Seydahmet struggled to obtain self-government. They founded the national party of the Crimean Tatars, *Milliy Fırqa*, which was strongly influenced by *Jadidism* (Smele, 2015, p. 758). The first Crimean Tatar *Qurultay*¹², was established in 1917 and consisted of the Crimean Tatar people's elected representatives. However, the movement was immediately suppressed by the Bolsheviks, with the movement's leader Noman Çelebicihan being killed in January 1918 (Vozgrin, 2002, p. 765). The Bolsheviks reorganized

⁹ He is also named as İsmail Bey Gaspıralı, İsmail Gaspıralı, and İsmail Gasprinskiy.

¹⁰ It means interpreter.

¹¹It means new method.

¹² Qurultay, also known as Kurultai or Kurultay, means 'general assembly' in Turkic languages. In administrative sense, it refers to congress.

the Crimean Autonomous SSR into the Autonomous Crimean Republic in October 1921. They did not include the term ‘Tatar’ in the name of the republic claiming that the Crimean Tatars constituted only a fraction of the population (Aydingün & Aydingün, 2007, p. 115). In accordance with Soviet policy on nationalities during the 1920s, Crimean Tatar was accepted as the official language of the republic alongside Russian, and the first half of the decade witnessed a period of relative freedom and a revival of the Crimean Tatar culture (Aydingün, 2012, p. 257). However, this period ended in the second half of the 1920s with Stalin’s rise to power. As a result, many Crimean Tatar intellectuals were killed or exiled in the 1920s and 1930s (Williams, 2002, p. 326). The elimination of their political and cultural elites, together with the effect of various Russification policies, severely damaged Crimean Tatar cultural heritage. In 1938, the Latin alphabet was replaced with Cyrillic. The number of newspapers and journals in the Crimean Tatar language decreased drastically from twenty-three in 1935 to nine in 1938 (Fisher, 1978, p. 148).

In the final period of the Second World War, many ethnic groups¹³ within the Soviet Union, including the Crimean Tatars, were deported to Central Asia and Siberia by the Soviet state that perceived its non-Russian populations as a threat, especially those living in geographically strategic regions (Aydingün, 2012, p. 257). The deportation of the Crimean Tatars began on 18 May 1944 by the order of the Soviet leader, Josef Stalin. The Soviets claimed that the main reason of the deportation was Crimean Tatar cooperation with the invading Germans which had seized Crimea after the outbreak of the German-Soviet war in 1941, thus betraying the Soviet people. The so-called ‘special settlement’ (*spetsposeleniye*) saw the Crimean Tatars deported to Uzbekistan for use in agriculture, as well as in industry and transportation (Özcan, 2010, pp. 64-68). However, these claims were not supported by German or Crimean Tatar documents (Fisher, 1978, pp. 150-151). It is generally considered that Stalin’s policies aimed at increasing Soviet influence in Turkey, taking control of the Bosphorus, and removing all Turkish actors that stood in

¹³Between 1941 and 1944, eight nations were deported to Central Asia to Siberia: Ahiska Turks, Germans, Balkars, Chechens, Ingushes, Kalmuks and Crimean Tatars (Kırımlı, 2008, p. 387).

opposition to these aims are the most realistic motivations for the deportation. When viewed within that framework, the deportations of the Meskhetian (*Ahıska*) Turks in 1944 display similar characteristics to the deportation of the Crimean Tatars (Aydingün, 2012, p. 258). In 1944, more than 200,000 Crimean Tatars were deported from Crimea on Stalin's orders. Tragically, 46.2% of the deported Crimean Tatars died within the first three years due to a lack of basic needs (Williams, 1998, p. 300). After the deportation, attempts were made to erase the cultural and historical heritage of the Crimean Tatars from their homeland. The Crimean Tatars' names for geographical places such as cities, towns, villages, rivers, and mountains were replaced with Russian names (Allworth, 1998, p. 12). Topics related to the history of the Crimean Tatars were removed from the history books. Until the end of 1980s, the usage of term 'Crimean Tatar' was forbidden and the ethnic category of 'Crimean Tatar' was not included in Soviet censuses and was deleted from the Soviet ethnic maps (Williams, 1998, p. 300). During the Soviet regime, Crimean Tatars were not given access education in their native tongue as they were not a recognized nationality by the Soviet state and therefore not protected by Soviet nationality laws (Aydingün & Aydingün, 2007, p. 123). This caused potentially irreversible damage to the Crimean Tatar language. Today, the language is as one of the most severely endangered languages in the world (UNESCO, 2010).

3.4. The Return of Crimean Tatars to Crimea and Debates Related to Minority Rights

In 1956, the 'special settlement' was terminated, and many deported people were given the right to return to their lands. However, the Crimean Tatars were excluded from this right, along with the Volga Germans, and the Meskhetian Turks (Fisher, 1978, p. 175). Although there were some attempts by Crimean Tatars to return to Crimea since 1960, they could officially gain the right to return in 1989 (Bowring, 1999, p. 242). After returning to their historic homeland, the Crimean Tatars struggled with many economic, social, political, and legal problems which had not

been resolved during more than 20 years of Ukrainian independence. In this section, the primary demands of the Crimean Tatars and the ensuing responses of the Ukrainian government between 1991 and 2014 will be outlined within the context of the rights of minorities and indigenous peoples. The subsequent section discusses how the relationship between the Crimean Tatars and the Ukrainian and Crimean authorities has evolved around these problems.

By the end of 1993, it is estimated that 240,000 Crimean Tatars had returned to their homeland (Williams, 1998, p. 311). As of 2014, it is estimated that 270,000 Crimean Tatars reside in Crimea, constituting 14% of the total Crimean population (Embassy of Ukraine in the Republic of Turkey, 2014). Approximately 100,000 Crimean Tatars never returned from Central Asia, mainly those who live in Uzbekistan (Wilson, 2013a, p. 419).

The Crimean Tatars faced significant socio-economic problems after their return, with land and housing problems becoming urgent issues. Before the deportation, the Crimean Tatars were mainly settled in the large, coastal, tourism-focused cities which are an economic powerhouse in Crimea. After their repatriation, they wanted to return to the regions they lived in before the deportation. However, during their exile, more than 80% of the Crimean population, which consisted of Russians and Ukrainians, filled the places left by the deported nations in the coastal regions (İzmirli, 2008, p. 228). The requests of the Crimean Tatars to obtain these lands were systematically denied by local authorities (OSCE, 2013, p. 11). It is stated that before the deportation, 70% of the southern coastline of Crimea belonged to Crimean Tatars; in 2007, only 1.5% of this land belonged to them (UNPO, 2007).

After their return, the Crimean Tatars had to live for years in small and rural areas in the countryside without access to infrastructure (Williams, 2002, p. 368). Before the annexation of Crimea, three-quarters of the Crimean Tatar population were still living in such economically disadvantaged rural areas (Wilson, 2013a, p. 430). In addition, they were deprived of due process during the land reform process. According to the law on privatization, the land was privatized among former

collective farmers (*kolhoz*) and state farmers (*sovkhov*). It did not take into account that the Crimean Tatars did not work on Crimean farms because they came to Crimea after the collapse of the *kolhoz* and *sovkhov* systems. Thus, they were excluded from a fair privatization process (Krushelnycky, 2000). As a result of the slow and nontransparent allocation of land, the Crimean Tatars started to seize land without permission, which is otherwise known as 'land squatting'. Access to land was not only a problem for Crimean Tatars, but rather a problem for all FDPs. Although other deported nations such as Armenians, Bulgarians, Germans, and Greeks also claimed the rights to various pieces of land, only the Crimean Tatars engaged in land squatting because most of the other FDPs have resettled outside of Crimea with the assistance of their kin-states (OSCE, 2013, p. 12). The land squatting activities of the Crimean Tatars and the ensuing resistance by Russian- and Ukrainian-speaking communities led to increased ethnic tensions in Crimea (UNPO, 2007). To alleviate the issue, Ukraine launched a number of programs allocating homes for the returnees; however, the budget of these programs has been drastically reduced over the years as a result of deepening economic crisis (Shevel, 2001, p. 111). In 2005, a Crimean Tatar newspaper published a statistic about the resettlement of the deported Crimean Tatars. It stated that 3,093 families had received government housing, 5,993 families were still waiting to be resettled, and 36,221 families had resettled in Crimea without government support (Yani Dunya, 2005, p. 4). It is reported that the amount of money allocated by the government for solutions to social and economic issues of formerly exiled citizens was 1 billion 296 million Hryvnia. From this budget, homes were allocated for 35 thousand people (Embassy of Ukraine in the Republic of Turkey, 2014).

In relation to their disadvantaged situation regarding the allocation of land and housing, the Crimean Tatars also faced a serious unemployment problem. The generation of Crimean Tatars who grew up in exile for about half a century had to give up the conditions in which they were born and raised. Those who had had qualified professions, such as doctors, engineers, and teachers, had to build their new homes and farms in rural areas outside of urban areas and often could not find

jobs in the city, thus putting them in a disadvantaged position (Williams, 1998, p. 312). Ten years after their return, the CoE Parliamentary Assembly reported that more than 60% of the Crimean Tatars who returned to Crimea remained unemployed with the rest being underemployed (CoE, 2000). The OSCE report, prepared for the needs assessment of FDPs in Crimea in 2013, states that settlement in rural areas still constitutes one of the main causes of unemployment as it limits access to employment opportunities (OSCE, 2013, p. 21).

In addition to socio-economic problems, former exiles also faced legal and political problems. A lack of regulation for the repatriation process as well as difficulties with questions of citizenship for FDPs caused additional difficulties for the Crimean Tatars. There was no government plan to organize and facilitate the repatriation process of the FDPs in Ukraine. The ‘Organization of the Crimean Tatar National Movement’¹⁴ managed the return to their homeland (Kırımlı, 2013, p. 1944). The first wave of returnees could obtain Ukrainian citizenship through an easy procedure before the Law on Citizenship of Ukraine (1991). After its passing, however, the Law on Citizenship of Ukraine became an obstacle to the acquisition of citizenship and caused many Crimean Tatars to become stateless. To receive citizenship under this new law, people had to waive the citizenship of the country where they came from. This meant that many people entered Ukraine as stateless people. The provisions of the Law on Citizenship of Ukraine were amended in 1997, which aimed at solving both the legal and financial obstacles, as well as to simplify the process of renouncing their Uzbek citizenship and acquiring Ukrainian citizenship. The Ukrainian-Uzbek Agreement was signed in 1998, mainly resolving the issue. Although the citizenship problem was solved in the following years, administrative and bureaucratic difficulties in acquiring necessary documentation, increasing financial costs, and the lack of enough housing continued to be obstacles to the process of return for many years (OSCE, 2013, p. 5).

¹⁴ The ‘National Movement of the Crimean Tatars’ was founded by the Crimean Tatars in 1956, it was then transformed into the ‘Organization of the Crimean Tatar National Movement’ in 1989.

The legal status of Crimean Tatar self-governance bodies presented yet another critical issue. Establishing a self-governance body was the first action undertaken by the Crimean Tatars in order to create a platform for electing representatives of their choice and to voice their demands. In June 1991, the Crimean Tatars organized a congress which was known as the second *Qurultay* to emphasize their continuity with the first *Qurultay* held in 1917 (Williams, 2016, p. 130). The *Qurultay* is their representative body. It consists of 250 delegates who are elected every five years by local communities to serve as representatives. They established the *Mejlis*¹⁵, the highest representative and executive council of the Crimean Tatars, consisting of 33 members selected by the *Qurultay*. Mustafa Dzhemilev¹⁶ was elected to be the chairman of the *Mejlis*. On the official website of the *Mejlis*, it is stated that:

The main goal of *Mejlis* is elimination of the consequences of the genocide, committed by the Soviet state against Crimean Tatars, restoration of the national and political rights of the Crimean Tatar people and implementation of its right to free national self-determination in its national territory (*Mejlis of the Crimean Tatar People Official Website*, 2019).

The fact that there were some opposition movements within the Crimean Tatars notwithstanding, the *Qurultay* and the *Mejlis* have been the primary entities which have led most of the actions of the Crimean Tatars such as organizing returns, land squatting actions, and engaging in dialogue with the Ukrainian authorities. However, the relationship between the Ukrainian authorities and the *Mejlis* had been complicated even before the annexation of the Crimea, due in part to the *Mejlis*'s lack of legal status (Uehling, 2015, p. 69). While the *Mejlis* demanded to be recognized as an institution of self-government, Ukraine insisted on recognizing the *Mejlis* as a political party or social organization. The *Mejlis* opposed this move, emphasizing that it is a representative organ of the Crimean Tatar people

¹⁵ It means parliament or assembly. Here, it refers to the governing assembly of the *Qurultay*.

¹⁶ He is also known as Mustafa Abdülcemil Kırımoğlu or Mustafa Cemilev. He is the recognized leader of Crimean Tatar National Movement, was sentenced by the Soviet regime seven times and spent 14 years in prison and labor camps. He has been a member of the Verkhovna Rada since 1998.

democratically elected by all Crimean Tatars. They are not simply one of the 50 NGOs established by Crimean Tatars (Shevel, 2001, p. 114).

Regarding the political representation of the Crimean Tatars, the *Mejlis* demanded a quota for the deported nations in the Supreme Council of Crimea, the parliament of the ARC. The *Mejlis* proposed that 22 of 80 seats of the Supreme Council of Crimea, 6 of which were for other deported peoples, be allocated to the Crimean Tatars. The refusal of the proposal by the Ukrainian Parliament caused widespread protest by the Crimean Tatars in 1993 (Minorities at Risk Project, 2004). After the protests, the parliament developed a 14+4 formula by increasing the seats in the council from 80 to 98 and by guaranteeing 14 seats for the Crimean Tatars and 1 seat for each of the other deported nations, Greek, Armenian, German, and Bulgarian (Wilson, 1998, p. 300). As a result, 14 Crimean Tatars entered the parliament from the list of the Crimean Tatar National Congress in the 1994 elections. At the time, the implementation of the quota system was the single most important development for the political representation of the Crimean Tatars; however, the quota system was in effect for only one term and then abolished by the Ukrainian Parliament. To justify their action, the Ukrainian Parliament referenced Article 24 of the Ukrainian Constitution which states that no person or group may be either discriminated against or privileged based on ethnic, religious, political, or other characteristics (Protsyk, 2008, pp. 18-19).

In addition to the abolishment of the quota system, hurdles faced by Crimean Tatars when attempting to acquire citizenship also limited their participation in the 1998 Crimean regional elections and thus limiting their representation in government. Despite the criticism from the OSCE and CoE regarding the difficulty of acquiring citizenship and accessing the right to vote, over 50% of Crimean Tatars were denied a voice in the 1998 elections because of their lack of citizenship (OSCE, 1998, p. 6). More than 10,000 Crimean Tatars protested the situation in Crimea demanding the reinstitution of the quota as well as guaranteed participation in ruling bodies (Minorities at Risk Project, 2004). After the short quota period, the representation of the Crimean Tatars in the Supreme Council decreased gradually. While it was

14.5% with the quota system in 1994, it had decreased to 6% by the 2010 elections (OSCE, 2013, p. 18). In 2011, following changes to the national electoral system, the electoral threshold increased to 5% from 3% and the creation of electoral blocs was banned. This increase created an additional obstacle for the representation of national minorities in Ukraine, including Crimean Tatars (OSCE, 2013, p. 17).

Beyond these issues, the protection and revival of their native language, culture, and the identity were key areas of concern for the Crimean Tatars after their return to Crimea. During their years in exile, the use of the Crimean Tatar language was severely restricted. Crimean Tatars were unable to access written and visual media or receive education in their own language, nor were they allowed to use their mother tongue in the public sphere. Such restrictions on the use of the Crimean Tatar language created a real threat that the language would go extinct (İzmirli, 2013b, p. 5). Following their return to Crimea, Crimean Tatar intellectuals initiated a movement of cultural revival (Aydınçün & Aydınçün, 2007, p. 122). The establishment of the National Schools (*Milli Mektepler*), which provided education in the Crimean Tatar language, represented an important step forward for the cultural revival movement. Fifteen National Schools were founded. Although these new schools contributed to the revival of the Crimean Tatar language, their overall effect remained limited because they were unable to meet the demand for such schools, which was estimated to be between 75 and 80 schools (Wilson, 2013a, p. 429). Furthermore, courses provided in the Crimean Tatar language also remained limited due to a lack of teaching materials and teachers, so upper-level subjects were taught in Russian. Although the Crimean Tatar language was acknowledged as one of Ukraine's minority languages with the ratification of the ECRML by Ukraine in 2003, and the Constitution guarantees the development of the languages of national minorities as well as the right to be educated in one's native language, the passing of legislation was not enough to foster the growth of the language among Crimean Tatar youth (İzmirli, 2013b, p. 9).

During their exile, the deportation played an important role in the protection of the Crimean Tatar identity. Unlike the other FDPs from Crimea, such as Bulgarians,

Armenians, Germans, and Greeks, they do not have other homelands to go to. Although they have historical and cultural ties to the Ottoman Empire, Turkey is not their homeland (Wilson, 2013a, p. 419). While in exile, they did not accept their new countries as permanent and kept their memories of Crimea alive. Deportation narratives telling of the unfair treatment of the Crimean Tatars have passed from one generation to the next (Williams, 1998, pp. 301-302). As a result, the connection to Crimea as a homeland and the deportation as a national trauma held special places in the Crimean Tatar identity. After their return to Crimea, every 18 May has become the most important annual commemorative event amongst the Crimean Tatars and has become a symbolic day for their historical traumas. (Williams, 2002, p. 369). Hoping to begin the restoration of their rights, the Crimean Tatars pushed the Ukrainian government to recognize the deportation as a genocide. The *Mejlis* pressed this demand at several international platforms, expecting to gain the support of the EU for the acknowledgement of the deportation as genocide. In 2010, Mustafa Dzhemilev, the head of the *Mejlis*, gave a speech at the European Parliament stating that the recognition of the *Holodomor* as a crime against the Ukrainian people in 2008 was welcomed by Ukrainian democratic forces. Given the recognition of the *Holodomor*, the *Mejlis* expected the deportation of the Crimean Tatars to be recognized as a genocide as well (Dzhemilev, 2010).

Finally, the status of the Crimean Tatars as an indigenous people of Ukraine became another controversial issue which can be linked to all of the issues that they faced following their return to Crimea. As stated in the previous section, there is no law in Ukraine which defines indigenous people and their specific rights. From the beginning of their return to Crimea, the *Mejlis* campaigned for Ukraine's ratification of the ILO Indigenous and Tribal Peoples Convention (No: 169) of 1989 which establishes a definition for indigenous peoples. The Crimean Tatars argued that they are an indigenous people of Crimea and not national minorities (Bowring, 2009, p. 61). They also emphasized that they meet the criteria for recognition as an indigenous people. For example, they live in their historical homelands, were exposed to a traumatic deportation from that homeland, have their own

administrative systems and self-governance organizations, protect their culture and identity and show the desire to transmit it to new generations, and they do not have a national or kin-state outside of Ukraine (Demchuk, 2008, p. 88). In spite of the fact that they meet these criteria, they were instead legally recognized as national minorities. To rectify this, they continued to press their demands in both the national and international arena. In 1991, the *Mejlis* became a founding member of the Unrepresented Nations and Peoples Organization (UNPO), which is a membership-based international organization that serves to represent and protect the basic human rights of its members. These members are the representatives of the peoples that have been excluded or restricted from full enjoyment of the political process in their home countries. The Crimean Tatars also presented their case in UN Forums on minority issues and indigenous peoples and emphasized the importance of Ukraine accepting of the UNDRIP which had until recently been contested by Ukraine. Since the rights of indigenous people require special programs which would facilitate their status in the country, recognizing the indigenous status of the Crimean Tatars was regarded as a key step towards opening further opportunities ranging from process of return and resettlement to the protection of their linguistic and cultural identity.

In conclusion, although some attempts have been made by the Ukrainian government to meet the needs of FDPs in Crimea, they remained limited. The Crimean Tatars, who faced extremely poor housing conditions and a high unemployment rate after the collapse of Soviet Union, demanded special programs to compensate their historical losses. Local authorities were unprepared to deal with the repatriation of the Crimean Tatars and various economic, political, and social issues made the situation harder for Ukraine to meet the demands of returnees. Funds allocated for integration programs launched by the Ukrainian government were limited and decreased over time as a result of severe economic crisis (UNPO, 2017). As a result, the Crimean Tatars had to struggle with unemployment and poor access to social services. These factors were combined with the problems of legal status and representation, leaving them underprivileged within Ukrainian society (Uehling, 2015, p. 69). Consequently, before the annexation of Crimea, the basic

demands of the Crimean Tatars were left unmet by the government of Ukraine, including the recognition of the *Qurultay* and the *Mejlis* as the de jure self-governing bodies of the Crimean Tatar people, effective political participation, the acknowledgement of Crimean Tatars' status as an indigenous people, and the recognition of Crimean Tatar as one of Crimea's official languages (International Committee for Crimea, 2016).

3.5. The Relationship Between Crimean Tatars and Ukrainian Government Before the Illegal Annexation of Crimea

This section discusses the relationship between the Crimean Tatars and Crimean and Ukrainian authorities which developed around the socio-economic, cultural, political, and legal problems of the Crimean Tatars prior to the annexation of Crimea. First, the approach of the Crimean Tatars towards changing Ukrainian governments is presented. Second, the approach of Ukrainian governments towards the Crimean Tatars is examined. Finally, the main patterns of this relationship are evaluated within the context of securitization theory.

Immediately following their return to Crimea, the Crimean Tatars have shown themselves to be both pro-Ukrainian and pro-Western and have been remained solid advocates of Ukraine's territorial integrity and independence (Dzhemilev, 2010). The Crimean Tatar national movement initially arose as opposition to the Soviet regime and actively campaigned to be a part of newly independent Ukraine rather than a part of Russia. In January 1991, Ukraine held a referendum on the status of Crimea, which was to determine its status as an oblast or an autonomous republic. Crimean Tatars boycotted the referendum because they felt that the referendum was being held against the will of the indigenous people of Crimea who were still in the process of returning from exile. Furthermore, the Crimean Tatars claimed that the referendum was not legal because decisions about the status of a part of Ukraine must be determined by a national rather than regional referendum. Furthermore, they stated that Ukraine should consider what the referendum could mean for Ukraine's own sovereignty (Mejlis of the Crimean Tatar People Official Website,

2020). Arguing that this referendum damages the territorial integrity of Ukraine, the leader of the Crimean Tatar national movement stated in 2011 that “We tried to explain that legitimizing the result of this referendum is a time bomb for the integrity of the Ukrainian state” (Dzhemilev, 2011)¹⁷. During Ukraine’s independence referendum held in December 1991, the lowest support in Ukraine came from Crimean voters (54.1%) (Ukinform Website, 2017); however, the Crimean Tatars voted in favor of Ukrainian independence and played a critical role in the referendum’s success considering the otherwise low level of support in Crimea (Dzhemilev, 2011).

The leaders of the *Mejlis* stressed that they have always supported the ‘national-democratic’ camp and formed the main pro-Ukrainian force in Crimea (Wilson, 2013a, p. 421). Cooperation between the Crimean Tatars and national Ukrainians dates back prior to the independence of Ukraine from Soviet Union. Both groups view the other’s society as having been victimized by the Soviet regime as Ukrainians were exposed to the *Holodomor* and the Crimean Tatars were deported from their homelands. They were both accused of collaboration with the Nazi regime by Russian nationalists. Furthermore, the supportive relationship between the leader of the Crimean Tatar national movement Mustafa Dzhemilev and the leader of Ukrainian national movement Viacheslav Chornovil, who was the leader of *Rukh* and a strong advocate of Ukraine’s independence, goes back to their prison times in Soviet GULAGs (Shevel, 2001, p. 120). Contrary to the view held by most Russians, the majority of Ukrainians and Crimean Tatars see her as a conqueror who stripped away their freedom (Kuzio, 2009).

As a result, the Crimean Tatars generally supported electoral candidates who did not have close ties with the Russian Federation and were in favor of Euro-Atlantic integration. Simultaneously, they also supported candidates who opposed pro-communist and pro-Soviet candidates during elections (İzmirli, 2006, p. 149). During the 1998 parliamentary elections, the Crimean Tatars formed a political alliance with the Ukrainian nationalist party, *Rukh*. *Rukh* also included Crimean

¹⁷ My translation from the original Russian source.

Tatar candidates into their party lists during the election, which represented a new form of cooperation between the two groups (Shevel, 2001, p. 121). In 1999, the Crimean Tatars threw their support behind Kuchma in his race against the Ukrainian Communist Party. In 2004, they supported Yushchenko against Yanukovych who was perceived to be a pro-Russian candidate (İzmirli, 2006, p. 149). During the 2004 election, Yushchenko, the 'orange' candidate, received Crimean Tatar support, and during the 2010 election, the *Mejlis* called upon Crimean Tatars to support a candidate from national-democratic camp. Dzhemilev states that of the 17% of votes given to Tymoshenko, who supported European integration, around 10-12% came from the Crimean Tatars (Dzhemilev, 2010).

The Crimean Tatars have strongly emphasized that they are an indigenous people of Ukraine and have special demands that stem from their indigenous status, setting them apart from other minorities in Ukraine. In the Declaration of National Sovereignty of the Crimean Tatar People, the *Qurultay* declared that:

Crimea is the national territory of the Crimean Tatar people, on which they alone possess the right to self-determination as it is set out in international legal acts recognized by the international community. Political, economic, spiritual and cultural revival of the Crimean Tatar people is possible only in their national sovereign state. The Crimean Tatar people will strive for this goal, using all means provided by international law (Mejlis of the Crimean Tatar People Official Website, 1991).¹⁸

Because the *Qurultay* openly claimed the right to self-determination as well as the right to the national territory of the Crimean Tatar people, they were approached suspiciously by Ukrainian nationalist politicians who were concerned with maintaining the territorial integrity of Ukraine (Shevel, 2001, p. 119). While the Crimean Tatars have indeed maintained their long-term goal of establishing autonomy over their homelands, they have also increased their emphasis on more

¹⁸ My translation from the original Russian source.

achievable goals in the short term, such as ensuring the representation of Crimean Tatars in local governing bodies (Shevel, 2001, p. 122).

The Crimean Tatars maintained a consistent approach towards the Ukrainian authorities when it comes to their political and legal demands. They supported Ukrainian independence and territorial integrity, they allied themselves with the 'national-democratic' camp and supported Ukrainian integration with EU and NATO. They believed that supporting Ukraine's integration with Europe served their purposes more. They also campaigned for their rights as an indigenous people, and they maintained non-violent means of protest.

From the Ukrainian state's perspective, the return of the Crimean Tatars to Crimea became an issue that needed to be managed carefully, especially during the first years of independence. As discussed in the previous section, the return of the Crimean Tatars created an economic burden for Ukraine at a time when the country was already facing a severe economic crisis in the aftermath of dissolution of Soviet Union. Ukraine states that due to the economic crisis, the state was struggling to find a sufficient amount of money to develop the large projects necessary for the Crimean Tatars (Embassy of Ukraine in the Republic of Turkey, 2014). However, the problems faced by the Crimean Tatars were not only economic in nature, but also political and legal. Dzhemilev states:

Kyiv pays no attention to solving our problems. I understand that there are problems that are very difficult to solve for Kyiv. Primarily, I have economic problems [in mind], problems of ensuring the process of return, arrangement of Crimean Tatars, housing problems [...] However, there are problems that Ukraine could solve with a stroke of the pen (Dzhemilev, 2011).¹⁹

To understand the Ukrainian government's previous positions towards the Crimean Tatars, it is important to understand the context that framed their positions towards the Crimean Tatars' legal and political demands. First of all, Ukrainian fears of separatism and ethnic conflict emerged as a critical issue for the government in the

¹⁹My translation from the original Russian source.

beginning of 1990s. During the initial years following independence, Crimea was the only region that witnessed the materialization of separatism in addition to inter-ethnic conflict between the state, ethnic Russians, and the Crimean Tatars (Kuzio, 2007, p. 96). The Crimean Tatars' perspective was based on their indigenous status in Crimea and their demand to have the rights and living conditions that they had before the deportation returned to them. The Russian view argued that Crimea had been a part of the Russian world since the time of the Russian Empire; therefore, Crimea is a Russian homeland. According to the Ukrainian government's perspective, Crimea was an indispensable part of Ukraine because it had always been connected to Ukraine geographically, ethnically, and culturally since the times of the medieval Kyivan Rus state (Kuzio, 2007, p. 96).

During the first years of independence, issues over land allocation and housing for the Crimean Tatars served to increase the tensions between them and mostly Russian-speaking people who had been resettled in their place during their exile. It is also important to note that Russians, who became a minority in Ukraine following the collapse of Soviet Union (Brubaker, 1996, p. 17), faced a new situation in Crimea. The referendum results in Crimea regarding the independence of Ukraine and the political status of Crimea showed that there was a considerable population who felt themselves attached to the Soviet Union and preferred to be a part of a Russian state. On the other hand, the Crimean Tatar community, which carried the trauma of losing their homelands at the hands of the Soviet regime, showed strong opposition to pro-Russian and pro-Communist groups. Therefore, the strained relations between the two groups had to be managed carefully by Ukraine. In addition, Russia maintained troops in Crimea in the form of the former Soviet Black Sea Fleet which also put political pressure on Kyiv in case of any conflict in the region (Wilson, 2013b). Consequently, the potential separatist movement by Crimean Russians, ethnic tensions between the Crimean Tatars and Russians, and the presence of the Russian military on Crimea forced Ukraine to follow a cautious policy in the region refraining from anything that might irritate Russia (Krushelnysky, 2000).

The Crimean Tatars who declared their support for pro-Ukrainian groups emerged as a strategic ally for the Ukrainian state to combat pro-Russian separatism in Crimea. Since the Ukrainian community was not as politically active as the Crimean Tatars, Crimean Tatar activists became the strongest pro-Ukrainian group in Crimea (Shevel, 2001, p. 120). The relationship between the Ukrainian government and the Crimean Tatars strengthened because the Ukrainian government considered the position of the Crimean Tatars to be a counterweight to any Russian nationalist and possible secessionist movements (Krushelnysky, 2000). At the same time, the relationship between the Crimean authorities and the Crimean Tatars had been strained because of the pro-Russian and pro-Communist Crimean Parliament. When the Crimean Tatars faced unfair treatment, they hoped to receive help from the central government in Kyiv instead of Crimean authorities. However, the leaders of the *Mejlis* stated that their demands were met with disappointment. To use the issue of land allocation as an example, Dzhemilev states that Kyiv organized high level land commissions to check the legality of the process of the allocation by Crimean officials. Kyiv officials found violations in the land allocation by Crimean officials, however, they did not take any measures to amend the injustices they found (Dzhemilev, 2010).

As a result of their cooperation with nationalist parties, the Ukrainian political right became some of the strongest supporters of the Crimean Tatars. However, the policy impact of this alliance remained limited for the Crimean Tatars for several reasons, even though the Crimean Tatars' alliance with these national political parties allowed Crimean Tatars to be elected to positions from their party lists. First, the influence of the right-wing parties in Ukrainian politics had become limited. Second, many Ukrainian nationalist politicians approached the Crimean Tatars suspiciously and questioned the 'real' motives of the Crimean Tatars, in part due to their declared goals of regaining their national territory and the right to self-determination. Third, the issues of the Crimean Tatars did not receive the same attention as other issues at the national level (Shevel, 2001, p. 121). This shows that even their allies approached the Crimean Tatars with skepticism, using them when

it was advantageous and then ignoring them. This skeptical approach towards the Crimean Tatars in Ukrainian politics and the disconnection between Crimean and central Ukrainian authorities resulted in an inconsistent relationship between the two, especially on issues of political representation, the status of the *Mejlis* as the self-governing body of the Crimean Tatars, and the indigenous status of the Crimean Tatars themselves.

Regarding political representation, the quota system, which was implemented during the 1994 elections, was cancelled based on the argument that no group may be privileged in Ukraine (Protsyk, 2008, pp. 18-19). The Ukrainian government refrained from discussing the group rights of minorities, indigenous people, or deported nations. Instead, the rights of individuals who belonged to national minorities were discussed within the framework of individual rights. In other words, special rights specific to particular disadvantaged groups were ignored. Regarding the legal status of the *Mejlis* and its relationship to the Kyiv government, the Ukrainian state again did not follow a consistent policy. During the 1998 parliamentary elections, the Communist Party of Ukraine emerged as the largest party (Archive of Ukraine Verkhovna Rada, 1998). The Chairman of the Supreme Council of the ARC, Communist Leonid Gratch, refused contact with the *Mejlis* and prevented Kyiv from establishing a dialogue with the Crimean Tatars (Krushelnysky, 2000). In 1999, the Council of the Crimean Tatar People was established by President Kuchma, a presidential advisory council consisting of the 33 members of the *Mejlis*. This gave the *Mejlis* a chance to convey the messages of the Crimean Tatars to the President and thus established an official channel of dialogue between the Crimean Tatars and Ukrainian government; however, it did not confer legal recognition to the *Mejlis*. The *Mejlis* supported Yushchenko who was known for pro-European policies as the leader of the victorious Orange Revolution. However, the leaders of the *Mejlis* stated that the period of Yushchenko (2005-2010) was surprising for them because of his indifference towards the problems of the Crimean Tatars. One possible explanation for this perceived indifference was Yushchenko's own nationalism and fears that giving in to Crimean

Tatar claims of sovereignty would threaten Ukraine's attempts at state-building on the Crimean Peninsula (Wilson, 2013a, p. 420).

In 2010, the pro-Russian Viktor Yanukovich was elected to the presidency whereupon he reorganized the structure of the Council of the Crimean Tatar People by decreasing the number of the members of the *Mejlis* from 33 to 19 and appointing new members himself. The *Mejlis* refused to continue relations under this format because the new representatives were not elected, but rather appointed by the president (Kyiv Post, 2010). It is important to point out that the Yanukovich administration argued that the *Mejlis* could not claim to represent all Crimean Tatars as there are several organizations that claimed to speak for the group (Wilson, 2013a, p. 423). In 2012, the Advisory Committee on Ukraine for the FCNM regretted this change because it undermined the representative nature of this Council (Article 139) (CoE, 2012). In connection to these developments, the status of the Crimean Tatars as an indigenous people remained a neglected issue throughout each Ukrainian government.

In conclusion, the approach of the Ukrainian government towards the Crimean Tatars was inconsistent during the period between the return of the Crimean Tatars to their homeland and the annexation of Crimea. The government tried to balance the often overlapping and competing claims in the region by taking into consideration several issues such as preventing the threat of separatism, maintaining ethnic stability, the construction of a Ukrainian identity, and gathering support for the elections. The main rhetoric of the central Ukrainian government was the need for financial assistance to meet the socio-economic demands being raised in Crimea instead of focusing on political and legal demands, as well as supporting a discourse of "equal rights for all residents of multiethnic Crimea" (Shevel, 2001, p. 117). In that sense, Ukrainian governments did not consider the special demands of the Crimean Tatars. While the pro-Ukrainian and right-leaning political parties established alliances with the Crimean Tatars, this relationship was based on regional strategic considerations. Once the elections had passed, the demands of the Crimean Tatars were usually neglected and forgotten. Common motivating factors

for this behavior, which occurred during each administration, were the Ukraine's general suspicion of the Crimean Tatars' 'real' goals in the region, as well as Ukraine's aim of maintaining the status quo. The rhetoric of the Crimean Tatars, on the other hand, emphasized the group rights of indigenous people, the right to self-determination within the means of international law, independence and territorial integrity, and Euro-Atlantic integration. They have always supported 'national-democratic' parties. In that sense, the approach of the Crimean Tatars towards the Ukrainian government displayed consistency, while the suspicious approach of Ukrainian governments prevented them from building a stable relationship with the Crimean Tatars.



CHAPTER 4

CHANGES IN UKRAINE'S APPROACH TOWARDS CRIMEAN TATARS AFTER THE ILLEGAL ANNEXATION OF CRIMEA

Euromaidan, the illegal Russian annexation of Crimea, and the ongoing military conflict in Donbas have caused dramatic shifts in Ukrainian politics. Not surprisingly, Russian military actions in the country made national security a top-priority issue. Throughout this process, a security-based political outlook dominated not only the military sector, but also the political, economic, environmental, and societal sectors as described in securitization theory. The deterioration of the Ukrainian economy, scarce foreign investments, and increasing economic dependence on foreign assistance have been presented within the framework of national 'survival'. Similarly, political divisions, the protection of Ukraine's unitary political structure, as well as the protection of the Ukrainian identity and language have also been discussed in terms of defending their continued 'survival'. This chapter discusses how increased concerns about national unity and territorial integrity securitized Ukrainian discourse towards large minority groups while at the same time Ukrainian discourse towards the Crimean Tatars underwent a process of desecuritization. Furthermore, the effect of the *Euromaidan* and the annexation of Crimea on the relationship between the Ukrainian state and Crimean Tatars is explained.

4.1. Securitized State-Minority Relations in the Aftermath of the Illegal Annexation of Crimea

This section will discuss the securitization of the societal sector after the *Euromaidan* and the illegal annexation of Crimea by the Russian Federation. First, the relevant events are summarized. Second, the actions of the new Ukrainian

government that arose out of the *Euromaidan* and the illegal annexation of Crimea are presented within the context of increasing Ukrainian concerns regarding a common national identity and the risk of separatism. Third, the discourse of the new Ukrainian government towards large minority groups is analyzed through the lens of securitization theory.

During the presidency of Victor Yanukovich, the country's worsening economic situation, low position in international rankings on corruption, human rights and freedoms, as well as increasing Sovietization and de-Ukrainization in the cultural sphere led to rising discontent amongst significant portions of the population (Stepanenko, 2015, p. 37). For many people in Ukraine, the Association Agreement with the EU was the last hope to solve the country's problems (Riabchuk & Lushnycky, 2015, p. 49). Therefore, Yanukovich's refusal to sign this agreement in November 2013 triggered a political crisis. The mass anti-government and pro-European demonstrations, called *Euromaidan* began in Kyiv and quickly spread to other cities. The demonstrations in Kyiv resulted in a violent police reaction which took over 100 civilian lives (BBC News, 2015). As a result of the deepening crisis, Yanukovich escaped to Russia with Russian help in February 2014 (BBC News, 2014a). On 28 February 2014, Russian forces occupied strategic facilities in Crimea. Shortly thereafter, on 11 March 2014, the Crimean Parliament declared Crimea's independence from Ukraine. This was followed by a referendum on Crimea's status and unification with Russia on 16 March 2014. The referendum was condemned by most countries and declared to be a violation of international law (The Ukraine Crisis Timeline, 2014). The UN General Assembly declared a resolution (No:68/262) affirming the territorial integrity of Ukraine and calling upon states not to recognize the annexation (UN, 2014). In April 2014, pro-Russian armed groups seized the Donbas region, which borders Russia, to which the Ukrainian government responded with a military counter-offensive (BBC News, 2014c). In May 2014, Petro Poroshenko, a pro-Western candidate, won that year's presidential elections and became the President of Ukraine (BBC News, 2019). Subsequently, an Association Agreement was signed with European Union aimed

at furthering Ukraine's economic integration and political association with the bloc in November 2014, and fully entering into force in September 2017 (European Commission, 2017). Although there have been attempts to resolve the conflicts that can be found in the Minsk Agreements of 2014 and 2015, the agreements have never been fully implemented by the signatories. As a result of these ongoing conflicts, over 10,000 people have been killed and the number of internally displaced persons from Crimea and Donbas has reached nearly 1.5 million (Unian Information Agency, 2019c).

During and after the *Euromaidan*, discussions over the disintegration of Ukraine became one of the heated issues in the country (Vyshniak, n.d., p. 177). The Supreme Council of the ARC passed a resolution in support of Yanukovich and expressed dissatisfaction with the Ukrainian government's reaction to the *Euromaidan* protests. Meanwhile, the political authorities in Crimea requested help from Russia, which further increased Ukrainian fears for its territorial integrity (Zashtowt, 2014, p. 1). The developing crisis led to a number of urgent measures being taken in an attempt to prevent a rise in separatism. Right after then-President Viktor Yanukovich's flight from the country, on 22 February 2014 the *Verkhovna Rada* of Ukraine (Supreme Council of Ukraine) adopted the Resolution on Preventing Separatism Manifestations and Other Encroachments upon the Foundations of the National Security of Ukraine. This was the first legal action of the new Ukrainian government that was meant to combat the threat of separatism in the country. In the resolution, The *Verkhovna Rada* demanded from the Security Service of Ukraine:

to immediately investigate all messages about actions with signs of crimes against foundations of the national security of Ukraine, particularly, encroachments upon territorial integrity and inviolability of Ukraine, as well as to take all drastic measures to stop and prevent threats to national security of Ukraine (Article 2) (Verkhovna Rada of Ukraine, 2014).

One day later, new parliament repealed the 2012 Law on the Principles of State Language Policy, also known as the Kivalov-Kolesnichenko Law, signed by Viktor

Yanukovych, which granted official second language status to minority languages in administrative areas where the population of national minorities exceeded 10% of the population. It had been argued that the 2012 law aimed to eliminate the Ukrainian language (Euromaidan Press, 2014). Therefore, the repeal of the law was a clear course reversal by the new parliament away from Yanukovych's pro-Russian policies and towards pro-Ukrainian policies. The abolishment of the law was swiftly criticized by European institutions. The European Parliament adopted a resolution which called upon the new government to reform existing legislation on minority languages and bring it in line with the ECRML (European Parliament, 2014). This call was joined by the OSCE's High Commissioner on National Minorities, who felt that the issue would contribute to further ethnic unrest in Ukraine (OSCE, 2014). These calls from European institutions to respect the rights of minorities were a deciding factor in then acting-President Oleksandr Turchynov's veto of the parliament's decision to repeal the law (European Parliament, 2018, p. 23). Instead, he ordered the drafting of a new language law which would reflect the interests of all minority groups. However, the parliamentary committee charged with this task never followed through on this request (Csernicskó & Csilla, 2016, p. 565).

While the main beneficiary of the 2012 law was Ukraine's Russian-speaking minority, the law had implications for many minorities such as Hungarians, Romanians, Moldovans, and Bulgarians. Not surprisingly, the abolishment of the law in 2014 was strongly criticized by Hungary, Romania, and Bulgaria, who each sought to protect their minority groups in Ukraine (Gniazdowski, 2014). However, the repeal of the law created an even larger opposition movement in regions with a significant Russian-speaking population such as Crimea, Southern, and Eastern Ukraine (News Ru, 2014). Russia saw the law's repeal as a threat to the Russian-speaking minority and used this as a justification for its military intervention in the country (Ogarkova, 2018). The President of Russian Federation Vladimir Putin claimed that the Russian-speaking population in south-eastern regions, as well as in Crimea, was being threatened and the population was worried about the ethnic

minorities' rights, leading them to ask Russia for help (Kremlin Website, 2014). The Russian-organized 16 March Crimean referendum was accompanied by Russian claims that it was attempting to protect the Russian-speaking minority in Ukraine although the claims regarding threats to Russian-speakers were rejected by the reports of the European Parliament, the UN, OSCE, and the CoE (European Parliament, 2018, p. 23).

In addition to Russian claims of 'protecting' the Russian-speaking minority in Crimea, the official Russian position was 'the Crimeans' or 'the people of Crimea' were exercising their right to self-determination in Crimea (Bowring, 2018, p. 39). This situation created another national and international debate regarding the right to self-determination for indigenous peoples, leading to further questions about the people of Crimea and the people of Ukraine. Who are the people of Crimea as defined by international law? Do Russians in Crimea qualify as a 'people of Crimea' regarding the right to self-determination? In a response to Russia's official position, Bill Bowring, a professor of Law at the UK's Birkbeck College, stated that "Russia has quite simply got it wrong. The only 'people' with a right to self-determination in Crimea is the Crimean Tatar people, an indigenous people of Crimea." (Bowring, 2018, p. 35).

Being acknowledged as an indigenous people has become an issue for a number of Ukraine's ethnic minorities. Borys Babin, who researches indigenous peoples in Ukraine, states that Crimean Karaites and Krymchaks can also be considered to be indigenous peoples of Crimea, based on their long history in the region (Babin, 2014, p. 82). The Gagauz and Urum peoples have also campaigned to be recognized as indigenous peoples. These are peoples for whom there is no kin-state, which distinguishes them from other minorities of Ukraine, such as Belarusians or Poles, each of whom has a kin-state neighboring Ukraine. For Belarusians and Poles, this means that they have no claim to indigenous status (Babin, 2014, p. 83). Other ethnic groups, such as Ruthenians (Rusyns), represent a more complicated case. The Ruthenians are a people that developed an ethnic self-awareness during the rule of the Hapsburg Monarchy, in part due to their Orthodox faith, which differentiated

them from the Catholic Poles (Steenland, 2018). This self-awareness may be enough to secure this group indigenous status, with signs that this may indeed happen in the future (Babin, 2014, p. 84). While determining which groups can be recognized as indigenous peoples of Ukraine is beyond the scope of this thesis, debates over the right to self-determination for indigenous peoples and the positions of their kin-states are highly connected to Ukrainian fears of separatism and the securitization of minority rights issues. As stated in previous chapters, indigenous peoples have more unique rights than minority groups do in international law. This privileged legal position enjoyed by indigenous peoples has incentivized national minorities to adopt the label of indigenous peoples for themselves (Kymlicka, 2010, p. 394).

As a result of these debates amongst the groups of the country, Ukraine's fear of separatism included not only the Russian-speaking population in Eastern Ukraine and Crimea, but also other minorities in the country. There was speculation that Transcarpathia and Bessarabia might follow Crimea and Donbas into conflict with or separation from the Ukrainian state (Waal & Jarábik, 2018). The Hungarian-speaking regions of Transcarpathia have also been a cause for concern. In this region, right-wing Hungarian parties have campaigned for autonomy, something that is viewed with alarm by the Ukrainian state (Ukraine Crisis Media Center, 2017). Consequently, 'the ghost of separatism', which has plagued Ukraine since the early days of independence from the Soviet Union, has been revived in Ukrainian politics (Waal & Jarábik, 2018). The Ukrainian government took measures not only in Crimea and Donbas, but also in the western regions of the country. The Ukrainian government hung posters in Bessarabia which warned of jail time for 'treason', 'public calls for separatism', and other offenses in order to discourage separatist sentiments (Waal & Jarábik, 2018).

The rise of fears of separatism coincided with increased concerns regarding a common national identity for the country. In order to help combat separatism, the state attempted to use the Ukrainian language as a tool with which to unite Ukraine's disparate national identities. On 28 September 2017, the Ukrainian

Parliament adopted the Law on Education (No. 2145-VIII) which regulates the use of the state, minority, and other languages in education. Article 7 of the law, which establishes Ukrainian as the official language of education across the country and changes the provisions of the 2012 law by restricting the use of minority and regional languages in secondary level education, started a national and international debate. According to the law, persons belonging to national minorities are guaranteed the right to education both in their native languages as well as in Ukrainian at the levels of pre-school and primary education, something that has been maintained from the previous law. However, minority languages are not permitted for classroom instruction during secondary school, though students are guaranteed the right to study these languages. In other words, minority languages can be taught as a special subject at the secondary level, but the language of education will be the official language of the state. Critically, the law distinguishes between the rights of indigenous peoples and national minorities. The right to study in a recognized indigenous language is not limited to pre-school and primary education. Interestingly, the law also creates room for the use of English or other official languages of the European Union for use in classroom instruction (Article 7 Paragraph 4).

The new provisions regarding minority languages again unleashed a wave of criticism from minority groups as well as neighboring countries which have minority populations in Ukraine such as Bulgaria, Greece, Hungary, Moldova, Romania, and Russia with the argument that the language law strengthens the position of the Ukrainian language while simultaneously restricting classroom instruction in minority or regional languages (Koval, 2017). On the other hand, the Ukrainian government emphasized that Article 7 “aims to ensure opportunities for all children in attaining an appropriate level of state language proficiency.” In this way, it is argued that the opportunities of every Ukrainian citizen will equate to their participation in higher education and the labor market (Ministry of Education and Science of Ukraine, 2018). As a result of the criticism, the Ukrainian Ministry of Foreign Affairs asked the European Commission for Democracy through Law

(Venice Commission) to review Article 7. In its report (CDL-REF(2017)047) the Venice Commission stated that the law implements two different regimes for national minorities and indigenous peoples. Indigenous peoples receive more benefits from the law than national minorities because they have the right to education in their native languages at more levels of education. However, the report also indicated that there is no established definition for ‘indigenous peoples’ and ‘national minorities’ in the Law on Education, nor in other related laws, such as the 1992 Law on National Minorities in Ukraine or the 2012 Law on the Principles of the State Language Policy. Therefore, the legal foundations are unclear as to which group is which according to the law (Venice Commission, 2017, pp. 9-10). The report stated that:

During the visit to Kyiv, the Venice Commission delegation was given to understand that “indigenous peoples of Ukraine” are those minorities which do not have a kin-state. Specific reference was made to the Crimean Tatar, Karaim, and Krimchak minorities, but this category would presumably also include the Gagauz, the Roma and Ruthenian minorities (Venice Commission, 2017, p. 9).

In addition, there is a distinction made between the national minorities who speak official EU languages such as Bulgarians, Greeks, Germans, Poles, Romanians, Slovaks, and Hungarians and those who speak other minority languages such as Belorussians, Yiddish-speaking Jews, Moldovans, and Russians. While speakers of EU languages may receive classroom instruction in their own language during primary and secondary education, others are not permitted to receive education in their native language after primary school. This means that the second group, which consists largely of Russian-speaking minorities, are at a disadvantage when compared to national minorities who speak official EU and indigenous languages (Venice Commission, 2017, p. 9). The nations of Bulgaria, Greece, Hungary, and Romania issued formal statements of protest to both the CoE and OSCE regarding Ukraine’s language law, which they viewed as an infringement on minority rights. This resulted in the Parliamentary Assembly of the CoE issuing a reprimand to Ukraine and demanding that they alter the Education Act (European Parliament,

2018, p. 11). Although concerns were raised on behalf of different national minorities in several forums, the new education law was presented as being a project to strengthen the status of the Ukrainian language vis-à-vis Russian (Sasse, 2017). Therefore, rather than restricting the languages of other national minorities, it is argued that it is primarily for the de-Russification of the Ukrainian education system (Shandra, 2017).

In 2018, the Constitutional Court of Ukraine declared the 2012 Law on the Principles of State Language Policy unconstitutional (Ukrinform Website, 2018). In response to the repeal of the law, the Ukrainian Parliament adopted the Law on Ensuring the Functioning of Ukrainian as the State Language (No. 2704-VIII, 2019). The law enshrines Ukrainian as the only state language (Article 1). Furthermore, it also frames the enforced usage of Ukrainian, rather than other minority languages, as a means to increase the unity, security, and independence of the country (Article 3, Paragraph 3). The law regulates the use of language in different fields such as state administration, public areas, education, science, and media. According to the law, the working language of state authorities, including the authorities of the ARC, will be Ukrainian (Article 12). In the field of education, provisions implemented according to the Law on Education regarding the linguistic rights of persons belonging to national minorities and indigenous peoples were not altered from the Law on Ensuring the Functioning of Ukrainian as the State Language (Article 21). In the field of media, Ukrainian law mandates that 90% of distributed film content must be in Ukrainian, limiting the amount of content made available to speakers of minority languages (Article 23 Paragraph 6). It is worth noting that the Crimean Tatar language, alongside the languages of other recognized indigenous peoples, English, and the other official languages of the European Union, are exempted from this regulation as it pertains to print media.

Similar to the Law on Education, complaints about this law were again raised by Ukraine's national minorities and their kin-states. Russia asked for the UN Security Council to discuss the issue as it affects Russian-speaking people (Unian Information Agency, 2019b). Hungarian Foreign Minister Péter Szijjártó said that

the new language law infringes upon the rights of ethnic minorities (Hungary Today, 2019). As a response to these complaints, Ukraine emphasized that the law guarantees the rights of national minorities and indigenous peoples. Furthermore, it is stated that a separate law will be drafted regarding the use of national minority and indigenous peoples' languages in accordance with the ECRML (Embassy of Ukraine in Hungary, 2019).

In addition to the changes adopted by the Ukrainian government after the *Euromaidan* and the illegal annexation of Crimea, it is also essential to examine the discourse of the government in order to understand the securitization process of state-minority relations in Ukraine. As previously mentioned, securitization is realized through political discourse in general and the speech act in particular. An issue can be considered to be securitized when political discourse perceives an issue as an existential threat (Buzan, et al., 1998, p. 24). In that context, it is worth examining the discourse of the Ukrainian government as it pertained to indigenous peoples, minorities, ethnic-policy relations, and language policy. After the illegal annexation of Crimea and the outbreak of fighting in Eastern Ukraine, the main focus of the parliamentary debates was on the extraordinary situation in the country. During these discussions, the urgent nature of the 'war' was emphasized, and rhetoric was used linking the conflict to ethnic-national relations. In 2015, O. I. Syroid, the Deputy Chairman of the *Verkhovna Rada* of Ukraine, stated that:

Ukraine is at war... we have to admit that one of the causes of the present-day aggression and our certain inability to resolve the situation is, in fact, lack of the consistent public ethnic-national policy which would apply to the national minorities and, in the first place, interaction inside the society... In order to win the war we have to contemplate and adopt the new public policy in ethnic-national relations (CoE, 2016, p. 7).

V. A. Kyrylenko, the Vice Prime Minister and Minister of Culture of Ukraine stated, "[...] inter-ethnic accord, inter-ethnic peace, good balanced ethnic-national policy is one of the top priorities of the Cabinet of Ministers of Ukraine." (CoE, 2016, p. 7). As conflicts and wars have often encouraged the crystallization of a

country's national identity throughout history, the events in Ukraine constitute critical junctures in the rebirth of Ukrainian national identity as well as in the continued development of Russian–Ukrainian relations (Kuzio, 2018, p. 2). As identity and language constitute two of the most important aspects of Ukrainian nation-building, policymakers' speeches tied the survival of the Ukrainian nation to the preservation of its unique language and identity. In 2014, Petro Poroshenko, then President of Ukraine, said that Ukraine will live as long as the Ukrainian language lives (Press Service of the President of Ukraine, 2014).

The status of Ukraine's official and minority languages, as well as which languages will be used in the classroom, have become hotly debated issues in Ukrainian politics. A discourse analysis of the *Verkhovna Rada* conducted by Nicholas James explored critical shifts in the parliamentary discourse regarding the development of the language and educational law between 2015-2017. The analysis pointed out that a security crisis underpins the perspectives of the policymakers. It seems that there has been a noticeable shift from gradual to rapid in the pace of Ukrainization and that this pace increase is being encouraged by the Ukrainian state. This shift appears to be motivated by the perceived security threat that minorities pose to the state, as well as a desire to join the EU. In 2015, Ukrainian discourse favored rhetoric that focused on Europeanization, modernization, and democracy. In 2016 this had shifted to emphasizing the threat posed by Russia. By 2017, the rhetorical focus had shifted away from topics such as Eastern threats and encouraging homogeneity in Ukraine and towards rhetoric more focused on Ukraine's own national minorities and their place within Ukrainian society (James, 2019).

While discussing the status of Ukrainian and the use of minority languages in education in 2017, Oleh Musiy, a member of the Petro Poroshenko Bloc, emphasized the importance of knowing the state language in order to prevent separatism in the country. In his speech, he stated that:

We have the Ukrainian state, and in our country the only [state] language is Ukrainian. There can be no other [state] languages. We do not want to sow further separatism in the future as the

misunderstandings of the past 25 years have since as the honorable chairman of the committee has said, there are schools in the previous 25 years that prepare students who, after graduation, do not speak Ukrainian (cited in James, 2019).

The same issue was repeated by Liliia Hrynevych, then Minister of Education and Science. She stated that:

I absolutely consider the situation unacceptable, especially in the minority schools of other groups; other language groups, like Hungarian, for example, the minority children, earning state-financed education, at the end of school cannot speak Ukrainian (cited in James, 2019).

In this case, such groups are considered disloyal because they do not and cannot integrate into Ukrainian society as a result of language differences. As previously mentioned, criticism was raised against the 2019 education law by Hungary. As a response to this criticism, the Ukrainian Embassy in Hungary published an explanation in which it was stated that “As of today, the complete ‘ukrainization’ in Ukraine has never happened, so the Ukrainian language needs protection and development, to which this Law does pay special attention”. In addition, the issue of language was linked to the issue of Ukrainian security. The explanation stated that:

Under Russian aggression against Ukraine, the state language policy aimed at establishing Ukrainian as the state language should be considered not only in the humanitarian but also in the security context (Embassy of Ukraine in Hungary, 2019).

It is worth noting that the language issue has always had a role in Ukrainian election campaigns. Petro Poroshenko was one such politician who made a pro-Ukrainian language policy a key part of his election campaign. He used the slogan “Army, Faith, Language” during the 2019 presidential elections to gain support (Kozachenko, 2019). He made the prioritization of the Ukrainian language, the creation of an independent Kyiv-based patriarchate of the Orthodox Church, and the defense of the country the key pillars of his electoral platform.

In addition to the government's own discourse, an analysis of publications in several Ukrainian blogs and news websites which created content in Russian between 2013-2015 has indicated that the Ukrainian language was presented as an 'endangered' language in Ukraine. Tremendous insecurity about the position of the Ukrainian language in Ukraine meant that language had become a securitized issue, with many Ukrainians fearing for the survival of their language (Maksimovtsova, 2019, p. 18). This analysis points out that both the Ukrainian and Russian languages were securitized; however, the number of speech acts which referred to the continued survival of Ukrainian was significantly higher than those which securitized the status of Russian. According to Maksimovtsova, Russia and the Russian language were perceived as a threat to the independence of Ukraine. As such, they have become referent subjects while Ukrainian has become a referent object for securitizing actors in Ukraine (Maksimovtsova, 2019, p. 20).

4.2. The Crimean Tatars' Support to Ukraine's Territorial Integrity

In this section, the critical events by which the Crimean Tatars demonstrated their loyalty to the Ukrainian state, thus establishing the foundation for important changes in the relationship between the Crimean Tatars and the Ukrainian government, is explained. First, the position of the Crimean Tatars during the *Euromaidan* and illegal annexation of Crimea will be described, touching upon a number of critical events during this period. Second, the effects of these events on the Crimean Tatar population will be examined. Third, examples will be provided of the Crimean Tatars' attempts to demonstrate their loyalty and support for the territorial integrity of Ukraine.

As mentioned in the previous chapter, the Crimean Tatar *Mejlis* has always positioned itself as both pro-Ukrainian and pro-Western (Dzhemilev, 2010). The leaders of the *Mejlis* stated that any possible resolution for the problems of the Crimean Tatars would be directly linked to the democratization of Ukraine, and that this is only possible by deepening Ukraine's integration with Europe (İzmirli, 2013a). Therefore, the pro-European atmosphere in Kyiv gave the Crimean Tatars

hope for their own future. During the pro-European protests in Kyiv, Crimean Tatar leaders participated in the protests themselves and organized the participation of their people in the protest movement throughout November and December 2013 (Mejlis of Crimean Tatar People Official Website, 2013). They showed their loyalty to the Ukrainian state and European integration by participating in the *Euromaidan* and waving Crimean Tatar flags alongside Ukrainian and EU flags during the demonstrations (İzmirli, 2013a).

As the *Euromaidan* demonstrations against Yanukovych began to gain strength in Kyiv, the political situation in Crimea, where Yanukovych had a strong base of support, was different than in Kyiv. The parliament of the ARC declared its support for Yanukovych's decision to suspend the EU agreement. Additionally, in early February a parliamentary committee was created to draft petitions requesting assistance from the Russian government (Zashtowt, 2014, p. 1). For this period, Refat Chubarov, head of the *Mejlis*, pointed out that the *Mejlis* had warned the Ukrainian government about separatist intentions and violent policies of the Crimean Parliament and called upon the Ukrainian *Verhovna Rada* to dissolve the Crimean Parliament and to adopt new legislation governing Crimean parliamentary elections which would provide fair representation to the Crimean Tatars (QHA, 2017b). Amidst an atmosphere of increasing fears of separatism in Ukraine, the Crimean Tatars quickly and clearly showed their loyalty to the Ukrainian state by declaring their opposition to separatist movements.

Chubarov, head of the *Mejlis*, states that most of the Crimean Tatars, as well as many Russian, Ukrainian, and other nationalities were aware that the departure of Yanukovych opened up the possibility of a bright future for Ukraine (QHA, 2017b). One day after Yanukovych's departure on 23 February, the Crimean Tatars organized a commemoration of Numan Çelebicihan, the first president of the short-lived Crimean People's Republic, who was killed by the Bolsheviks in 1918. The leader of the *Mejlis* stated that during the event, they promoted a message of equality for every community in Crimea by establishing a parallel between the period of Numan Çelebicihan and the *Euromaidan*. Although some Crimean Tatars

had participated in the Kyiv demonstrations, this commemoration was the first large demonstration organized by the Crimean Tatars in celebration of the *Euromaidan* in Crimea.

After Yanukovych fled the country, tensions dramatically increased in Crimea. On 25 February 2014, pro-Russian activists raised the Russian flag above the Supreme Council of Crimea. In addition, a rumor was spread that the Parliament of Crimea would hold an extraordinary session on 26 February to discuss the secession of Crimea from Ukraine and the unification of the peninsula with Russia. In response to this hearing, Ukraine witnessed the largest protest held in Crimea in the aftermath of the *Euromaidan* on 26 February 2014. A large rally was held in front of the Crimean Parliament, leading to a face-off between pro-Ukrainian and pro-Russian groups. During the rally, the *Mejlis* of the Crimean Tatars, who supported Crimea's continued unification with Ukraine, faced the Russian Union Party (*Russkoye Yedinstvo*), which supported the secession of Crimea from Ukraine. Approximately 10,000 Crimean Tatars attended the rally in defense of Ukraine's territorial integrity and to prevent the Crimean Parliament from adopting measures regarding Crimea's secession. Approximately 3,000 representatives of pro-Russian organizations asked for Crimea to be annexed by Russia (QHA, 2018). In front of the Crimean Parliament, the Crimean Tatars waved both Crimean Tatar national flags and Ukrainian flags while shouting "Crimea is Ukraine!" (Ukrinform Website, 2020). Opposing them were pro-Russian groups chanting "Russia, Russia" and waving Russian flags. The tension between the two groups occasionally spiked. Volodymyr Konstantinov, Speaker of the Crimean Parliament, explained that there would not be a parliamentary session to discuss the secession of Crimea and expressed that the hearing regarding the closed extraordinary session was a provocation. The rallies ended in violence that left some people injured (The New York Times, 2014). Crimean Tatar leader Refat Chubarov stated that there were some armed people among the pro-Russian demonstrators and called for the formation of pro-Ukrainian 'self-defense' groups (BBC News, 2014b). Afterwards, a trial was opened by the new Russian authorities in Crimea for the rally held on 26 February. Some Crimean Tatar activists, including Vice-President of the *Mejlis* Ahtem Çiygöz, were detained

under the accusation of creating ‘collective turmoil’ in Crimea (QHA, 2018). Çiygöz, who was later released, stated that the *Mejlis* of the Crimean Tatar People was the only political group that protested the pro-Russian actions of the Crimean Parliament. Opposition groups, such as *Batkivshchyna*, *UDAR*, and other parties did not give their support to the Crimean Tatars during these dark moments, though they had promised to do so during the elections (QHA, 2019a). Five years after the event, the Chairman of the *Mejlis* of the Crimean Tatar People stated that this event had helped save Ukraine (Unian Information Agency, 2019a). Indeed, the event became the largest rally held by the Crimean Tatars in support of the territorial integrity of Ukraine.

One day after the protest, on 27 February 2014, pro-Russian armed men, sometimes referred to as ‘little green men’ due to their unmarked green uniforms, captured the Crimean parliamentary building and raised Russian flags in place of Ukrainian ones. Although Russia originally denied that these were Russian soldiers and described them as ‘self-defense units’ that had organized to defend their communities from threats to the Russian-speaking population of Crimea, Putin later stated that Russian troops were indeed involved in operations on the peninsula prior to the referendum (Radio Free Europe Radio Liberty, 2019). On 28 February, the UN Security Council held an urgent meeting to review the unfolding situation in Ukraine. During the meeting, the UN expressed its intention to provide assistance to Ukraine (UN News, 2014a). The UN Security Council drafted a resolution which called upon the international community to not recognize the results of the Russian-organized referendum. The resolution was blocked by Russia’s veto. Meanwhile, international observers began entering the region in order to observe the referendum (UN News, 2014b). On the other hand, Russian troops had already been deployed in Crimea since Russia’s intervention there began (Radio Free Europe Radio Liberty, 2014a).

The *Mejlis* declared that they would neither participate in nor recognize the referendum. Dzhemilev stated that the referendum was illegal because the decision to hold the referendum was taken by a parliament that had been seized by a foreign

invader and an issue that affects the territorial integrity of Ukraine cannot be decided by local ballots alone; rather, it can only be decided through a Ukraine-wide referendum. In addition, he said that “We will certainly do everything we can to protect the national sovereignty and integrity of our country” (Radio Free Europe Radio Liberty, 2014b). In the period between the initial decision to hold the referendum on 27 February and the referendum itself on 16 March, tensions between pro-Russians and pro-Ukrainians increased. The leaders of the *Mejlis* warned people to stay home and avoid any violence (Radio Free Europe Radio Liberty, 2014b). In this chaotic atmosphere, some Crimean Tatar activists were kidnapped. One of the activists, Reshat Ametov, was murdered. He was found dead with his body bearing marks of torture on 15 March 2014. Ametov became a symbolic figure of the struggle of the Crimean Tatars against the occupation of their homeland (Crimean Tatar Resource Center, 2020). Ervin Ibragimov, another Crimean Tatar activist who disappeared in Crimea in 2016 and remains missing, has also become a symbol of the Crimean Tatars struggle used to draw the attention of the international community to the situation in Crimea (Coynash, 2019). Since 2014, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has reported that over 40 pro-Ukrainian activists who had been detained in Crimea have been released (OHCHR, 2020).

On 16 March 2014, a referendum was held in Crimea resulting in the peninsula’s unification with Russia, receiving strong international condemnation. The referendum’s organizing authorities claimed that 96.77% of the population had voted in favor of unification. The West swiftly imposed a sanctions regime on the Russian Federation as a result (Unian Information Agency, 2019a). However, the Crimean Tatar leader Dzhemilev stated that according to their records, participation in the so-called referendum was actually around 30-50%, and 99% of the Crimean Tatars who boycotted the referendum (QHA, 2019b). Two days after the referendum, Russia and the new de-facto authorities of Crimea signed the agreement on the accession of Crimea to the Russian Federation (Unian Information Agency, 2019a).

Directly following the referendum, the *Qurultay* of the Crimean Tatar people held a special meeting and adopted a resolution “On the exercising by the Crimean Tatar people of their right to self-determination in their historical homeland – the Crimea” on 29 March 2014. The *Qurultay* based the right of the Crimean Tatars to self-determination on the UNDRIP and called upon the UN, the CoE, the EU, the OSCE, and the Organization of Islamic Cooperation to support them (Website of the Kharkiv Human Rights Protection Group, 2014).

Subsequently, the *Qurultay* organized a special session on 1 April 2014 to determine a roadmap forward for the Crimean Tatars. During the session, one of the debates was over whether or not they should maintain communication with the occupying authorities for the sake of the Crimean Tatars living under the occupation. It was decided that the *Mejlis* would send a number of Crimean Tatar representatives to the occupation government on a limited basis in order to understand the intentions of that government towards the Crimean Tatars. However, the *Mejlis* emphasized that this decision did not mean that they were recognizing the political, legal, economic, and other changes that have occurred in Crimea against the wishes of the Crimean Tatars (QHA, 2014b). The decision to maintain contact with the occupation government was not supported by the public and was never implemented. Since then, the *Qurultay* and the *Mejlis* have struggled against the occupation and have rejected any relationship with the occupying authorities (Şahin, 2018b, p. 157). Mustafa Dzhemlev, the leader of the Crimean Tatars, emphasized that “the Crimean Tatars will continue insist that they remain part of an autonomous territory within Ukraine” (UNPO, 2014).

Both during and after the annexation, the Crimean Tatars who demonstrated their loyalty to Ukraine and supported the territorial integrity of the country have consolidated around the *Mejlis* of the Crimean Tatar People. The people and institutions who displayed loyalty to the new Russian authorities were barred from future membership or further cooperation with the *Mejlis*. For example, some members of the *Mejlis* who did not accept the decisions of the *Qurultay*, such as the *Qurultay*’s boycott of the referendum in March 2014 and parliamentary elections

in September 2014, and cooperated with the occupying authorities were excluded from membership (QHA, 2016a). The *Muftiyat* (the Muftiate), the religious institution of the Crimean Tatars, worked together with the *Mejlis* before the annexation. However, after the annexation of Crimea, the Mufti appeared to collaborate with the new Russian authorities in Crimea. This led the *Mejlis* to end its cooperation with the *Muftiyat* (Danylov, 2015, p. 200).

The resistance of the *Mejlis* to the annexation was seen as a security threat by the Russian authorities, who began to take measures against them. Both Dzhemilev and Chubarov, members of the Ukrainian Parliament, were not allowed entry into Crimea and were labeled as ‘extremists’ (Coynash, 2015a). Serious restrictions were also imposed upon the activities of *Mejlis* and its affiliate institutions, such as the Crimean Tatar media outlets of ATR and the Crimean News Agency (QHA), who did not support the new de-facto authorities and were forced to leave Crimea. These forced relocations were officially referred to as restrictions on the Crimean Tatar community in the OSCE Report of the Human Rights Assessment Mission on Crimea, not only regarding the right to free access to information, but also in regards to the maintenance of the Crimean Tatars’ identity (OSCE, 2015, p. 7). Finally, the *Mejlis* itself was listed as an ‘extremist organization’ by Crimea’s highest court in 2016, banning it from any further activity in Crimea (The Guardian, 2016).

After the referendum, the Crimean Tatars continued to reject and oppose Russian rule in Crimea and asked for help from international organizations. They demonstrated their resistance to Russian rule in various ways. One of the most important was the Crimean Tatars’ 2015 blockade of the border between Crimea and the mainland to block supplies coming in from Ukraine. Regarding the blockade, the leaders of the *Mejlis* stated that over 80% of the supply of food, water, and electricity come to Crimea from Ukraine. They emphasized that mainland Ukraine should not provide any further supplies to the occupying regime. At issue was not only the repression of the Crimean Tatar minority by Moscow, but also the Crimean Tatars’ fear that without action they would be forgotten during international negotiations over Crimea (Interfax-Ukraine News Agency, 2015).

The Crimean Tatar diaspora also played a critical role in the struggle against the Russian occupation by drawing the attention of the international community to Crimea. After the illegal annexation, the Platform of Crimean Tatar Organizations, an umbrella organization for Crimean Tatar organizations, was established in Turkey in 2015, where the largest Crimean Tatar diaspora resides. Aiming to ensure solidarity within the organization, participation with the platform was only allowed under the condition that the participating organization first recognized the *Qurultay* and the *Mejlis* as the highest representative and decision-making institutions of the Crimean Tatars (Şahin, 2018a, p. 67). The Platform of Crimean Tatar Organizations in Turkey organized the Second World Congress of Crimean Tatars as a forum for representatives of Crimean Tatar organizations from around the world, as well as political figures, civil society activists, and researchers (İzmirli, 2015). The goal of the meeting was to develop a strategy for the Crimean Tatar diaspora that would enable them to resist the illegal annexation of Crimea. During the meeting, both leaders and activists from the diaspora, as well as Turkish politicians, declared their opposition and continued resistance to the illegal occupation of Crimea (Euromaidan Press, 2015). In Turkey, 43 out of 50 Crimean Tatar Associations came together to declare that they would oppose the annexation (Şahin, 2018b, p. 158). In addition, they positioned themselves as a bridge between Ukraine and Turkey. During their meetings, they placed the Crimean Tatar flag between the Turkish and Ukrainian flags and opened their ceremonies with the Crimean Tatar, Ukrainian, and Turkish national anthems (Şahin, 2018a, p. 68). Furthermore, they launched several new joint projects and declared that the continued partnership between Turkey and Ukraine is critical for ensuring the rights of Crimean Tatars (Şahin, 2018a, p. 70).

While examining the reactions of the Crimean Tatars to the annexation and the Russian occupying authorities, it is also worth touching upon the effect of the occupation in reawakening the trauma of the deportation of the Crimean Tatars. For many, seeing the Russian soldiers on the peninsula reawakened memories from this part of their history. The speech of *Mejlis* chairman Chubarov, one day before the

so-called referendum, clearly demonstrates the effect that the occupation was having. During the speech, Chubarov stated that they had not forgotten the deportation. They, especially elders who had witnessed the deportation, still remembered their days of exile when they see Russian soldiers in Crimea and grow nervous once again (Hurriyet Web Page, 2014). After the annexation, most of the Crimean Tatars did not trust the Russian authorities, even after those authorities made a commitment to the rights of the Crimean Tatars. During the first session of the *Qurultay* following the illegal annexation, Aishe Seitmuratova, a Crimean Tatar activist, expressed her distrust of the Russian authorities. She referenced three times that the Russians had traumatized the Crimean Tatars in Crimean Tatar history. First, when it seized the Crimea in 1783; second, when it failed to protect the Crimean Tatars from persecution after the formation of the Crimean Autonomous Republic of the USSR; third, when it deported the Crimean Tatars in 1944. She said that “We must, therefore, say bluntly that we know what Russia is” (Website of the Kharkiv Human Rights Protection Group, 2014). Although they could not obtain what they had been demanding from Ukraine, Russia did not constitute a viable option for their interests. During the meeting, Aishe Seitmuratova expressed their hope in the future of Ukraine and her people’s place in it with these words:

Yes, Ukraine was not able to give us all that we wanted. Yet Ukraine itself has yet to raise itself up fully, and I am convinced that at the present time we should build our statehood together with Ukraine and the Ukrainian people (Website of the Kharkiv Human Rights Protection Group, 2014).

In the aftermath of the illegal annexation, the semi-structured interviews conducted by Fethi Kurtiy Şahin in Crimea between 2015-2018 make it clear how many Crimean Tatars remember Russia’s deportation. In one interview, it was stated that some of the elderly prepared emergency bags full of their valuable belongings just in case of another deportation. Furthermore, among those of the older generation who returned to Crimea from exile, there were many who said that if the deportation were to be repeated again, they would set their own houses on fire which they had built with their own hands in order not to leave anything behind for the Russian

soldiers (Şahin, 2018b, p. 159). It is also important to note that there is a minority group of Crimean Tatars that does not differentiate between the Russian and the Ukrainian authorities and oppose both Ukrainian and Russian sovereignty over the peninsula. Nevertheless, the majority of Crimean Tatars did not accept the occupation (Şahin, 2018b, p. 159).

In conclusion, Crimean Tatars who support their homeland remaining within the borders of Ukraine have played a critical political role opposing the illegal annexation of Crimea as an ally of the Ukrainian state. Since Ukraine's independence from the Soviet Union, the Crimean Tatars have emphasized their loyalty to Ukraine. In part because of the difficult relationship between the Crimean Tatars and the local Russian majority, which also dominated the local government apparatus, the Crimean Tatars developed a relationship of mutual-assistance with Kyiv, which could serve as a counter-balance to the local Russian majority (Zashtowt, 2014, p. 2). The *Euromaidan* and the invasion of Crimea only increased their cooperation with the Kyiv government. In national and international platforms, the Crimean Tatars still emphasize their loyalty and support for the territorial integrity of Ukraine. In addition, they draw attention to the issue of kidnapped persons, some of whom remain missing. Furthermore, they continue to warn the international community about the risk of the conflict in Ukraine turning into a frozen conflict, such as exists in Abkhazia and Nagorno-Karabakh (UNPO, 2017). Most of them have consolidated around their self-governing bodies, the *Qurultay* and the *Mejlis*, and have carried out the struggle for their rights within the framework of international law. Both nationally and internationally, they have become a voice for Ukraine against continued Russian aggression. The interests of the Crimean Tatars and the Ukrainian government have unified in the face of a common enemy, a fact which has had a dramatic impact on their relationship (Şahin, 2018b). Therefore, the Crimean Tatars hold a unique place amongst Ukraine's minorities due to their historical ties to the Crimean Peninsula, the impact of the annexation on their way of life, and their alliance with the Ukrainian state in the aftermath of the illegal annexation of Crimea.

4.3. The Desecuritization of the Relationship between the Crimean Tatars and the Ukrainian Government

The relationship between the Crimean Tatars and the Ukrainian government has changed dramatically since the *Euromaidan* and the illegal annexation of Crimea. Starting with these crises, there have been a number of key events that have affected this relationship. In the previous section, the reactions of the Crimean Tatars to the illegal annexation of Crimea were examined in order to explain the causal mechanism that led the Crimean Tatars to support the Ukrainian state following the *Euromaidan* and the annexation of Crimea. In this section, first, the causal mechanism that triggered the desecuritization of the relationship between the Crimean Tatars and the Ukrainian government is identified by examining the Ukrainian government's actions and responses to these same events. Second, Ukrainian activities designed to honor the Crimean Tatars are presented. Third, the discourse of the Ukrainian government is scrutinized to demonstrate the desecuritization process in the country's political discourse.

Following the illegal annexation of Crimea, the first action of the Ukrainian government towards the Crimean Tatars was recognizing them as an indigenous people of Crimea. As previously mentioned, the Crimean Tatars had been demanding to be recognized as an indigenous people of Crimea since their return to the peninsula, which would have granted them special rights beyond minority rights. Until the annexation, Ukraine had not accepted them as an indigenous people, choosing instead to classify them as one of the country's national minorities. On 20 March 2014, the Ukrainian Parliament adopted the Resolution on the Guarantee of the Rights of the Crimean Tatar People as a Part of the Ukrainian State (No: 1140-VII, 2014). The resolution recognizes the Crimean Tatars as an indigenous people of Ukraine and guarantees the preservation and development of their rights (Article 1). For the Crimean Tatars, being recognized as an indigenous people was a critical issue linked to their other demands, such as the protection of their native language, culture, and identity, the right of self-determination, and the recognition of their self-governing bodies. Therefore, obtaining recognition of their

indigenous status opened the door to other rights that the Crimean Tatars had been demanding for years. The resolution recognizes the right to self-determination of the Crimean Tatars within Ukraine (Article 2) and accepts the self-governing bodies, the *Qurultay* and the *Mejlis*, as the highest representative and executive bodies of the Crimean Tatar people (Article 3). It also states that on issues regarding indigenous peoples, the Ukrainian Parliament would work in cooperation with the *Mejlis* as well as the UN, OSCE, and CoE (Article 6). It also declared that the Ukrainian Parliament will start the process of accession for the UNDRIP (Article 4), which Ukraine had initially abstained from adopting in 2007.

With the resolution, Ukraine accepted that the issue of indigenous rights should be approached differently than minority rights. From this perspective, the right to self-determination, which had previously stoked fears of increased separatist claims from national minorities, has been accepted as a right of indigenous peoples, who are considered to be more ‘harmless’ and ‘loyal’ to their states. In other words, the issue which had been discussed from a security-dominated perspective based on suspicion, mistrust, and ‘the myth of separatism’ prior to the annexation of Crimea, was transferred to a ‘safer’ discourse for indigenous peoples. Indeed, amendments to the constitution about the right to self-determination for the Crimean Tatars were added to the Ukrainian political agenda (Interfax-Ukraine News Agency, 2016). A working group was created to draft proposals of the constitutional amendments regarding the ARC and Sevastopol. A Draft Law on the Status of the Crimean Tatar People in Ukraine (No. 6315) was submitted in 2017, recognizing Crimea as the national territory of the Crimean Tatars within a sovereign Ukraine (Coynash, 2017).

Another important aspect of the resolution was the recognition of the *Qurultay* and the *Mejlis* as the official self-government institutions of the Crimean Tatars. Although the Ukrainian authorities worked together with the *Mejlis* before the annexation, they did not officially recognize the *Mejlis* as the official self-governance body of the Crimean Tatars, consisting of the Crimean Tatars elected representatives. With the resolution, the status of the *Qurultay* and the *Mejlis* was

differentiated from other Crimean Tatar organizations. By recognizing the *Qurultay* and the *Mejlis* as the legitimate authorities of the Crimean Tatars, the Ukrainian government also demonstrated that it was willing to work in cooperation with institutions which had shown their loyalty and support for Ukraine's territorial integrity. In this way, the Ukrainian government also sent a message to Crimean Tatar organizations which were cooperating with the occupying Russian authorities that Ukraine would no longer cooperate with them. After the illegal annexation of Crimea, the members of the *Mejlis* have worked to strengthen the ties between the Ukrainian government and the Crimean Tatar population. Although there have been attempts by the Ukrainian government to establish a dialogue with the Crimean Tatars within the framework of a presidential advisory council before the annexation during the administration of Yanukovich, the Ukrainian government had reduced the number of members of the *Mejlis*, arguing that the *Mejlis* could not claim to represent all Crimean Tatars (Wilson, 2013a, p. 423). With the passing of the new resolution recognizing the *Mejlis* and the *Qurultay*, the Ukrainian government changed their stance and allowed for the development of a new relationship with the *Mejlis* of the Crimean Tatars.

After the illegal annexation of Crimea, the Ukrainian government established a number of executive and consultative mechanisms for the protection of national minorities. The indigenous population was also granted a special place within these institutions. Mustafa Dzhemilev was appointed Presidential Commissioner for the Crimean Tatar People by a decree of the President of Ukraine of 20 August 2014 (International Organization for Migration, 2014). Refat Chubarov, the head of the *Mejlis*, became a member of the official UNESCO delegation in Ukraine (Ministry of Foreign Affairs of Ukraine, 2014). In 2014, a department for issues related to the ARC and City of Sevastopol was established within the Ukrainian Cabinet of Ministers. The deputy head of the *Mejlis*, Aslan Ömer Kırımlı, was appointed to the position of Head of the Department (QHA, 2014a). Emine Dzheppar was appointed to the position of First Advisor in 2015, and soon thereafter First Deputy Minister of the Ministry of Information Policy (QHA, 2016b). These appointments

strengthened the relationship between the government and the Crimean Tatars and allowed the Crimean Tatars to raise their demands directly at different levels of the state.

An essential right of indigenous peoples, the restoration of past traumas and the prevention of any new ones, has received significant support from the Ukrainian government. First, Ukraine adopted the Law of Ukraine on the Restoration of the Rights of Persons Deported on Ethnic Grounds (No. 1223-VII, 2014). The law sought to restore the rights of deported peoples, as well as extend rights to their bodies of self-government. According to this law, deportation is defined as the forced migration imposed by the Soviet government on the basis of ethnicity (Article 1). In order to determine who is eligible to have their rights restored, Ukraine considers whether individuals were affected by the actions of the Soviet government's policies of forced displacement (OSCE, 2016). In this way, an important legal step was taken towards the rehabilitation of deported persons, including the Crimean Tatars. Although the Ukrainian government attempted to draft a law defining the status of FDPs and the restoration of their rights, it was repeatedly postponed. Second, the Ukrainian Parliament adopted the Resolution on the Acknowledgement of Genocide of Crimean Tatar People (No: 792-VIII) on 12 November 2015. With this resolution, the Ukrainian Parliament declared the deportation of the Crimean Tatars on 18 May 1944 to be a genocide perpetrated against the Crimean Tatar people (Verkhovna Rada of Ukraine, 2015).

In addition to specific legal regulations on indigenous peoples and deported nations, the laws on the state language and the use of minority languages also distinguished between indigenous and minority groups. While the 2017 Law on Education forbids the use of minority languages for use in classroom instruction in pre-school and primary education, indigenous and official EU languages were exempted from this rule. Nor are these languages restricted in print media under the Law on Ensuring the Functioning of Ukrainian as the State Language in 2018. The Venice Commission reported that this differentiated approach towards minority and indigenous languages places non-EU languages, including Russian, at a

disadvantage. Nevertheless, the report of the Venice Commission finds the explanation of Ukrainian authorities, which states that “[...] the indigenous peoples do not have a kin-State, they are in a situation of vulnerability which warrants more support from the Ukrainian State”, as valid (Venice Commission, 2017, p. 11). Similarly, a separate approach to national minorities and indigenous peoples was adopted regarding the executive and legislative structures that were established following the annexation. Two main units were established for the protection of national minorities under the office of the President: The Department for Internal Policy and The Commissioner for the Affairs of Crimean Tatars. The establishment of a government institution specific to the Crimean Tatars was considered to be ‘favouritism of the Crimean Tatars’ over other minority groups according to the CoE Action Plan for Ukraine 2018-2021. In the report, it is stated that since other minorities have not been granted the same concessions, this represents a breach of the principle of equality amongst national minorities (CoE, 2018, p. 14). In addition to executive structures, there are two advisory bodies under the Office of the President: The Coordinating Council for Civil Society Development and The Council of Representatives of the Crimean Tatars. In the same CoE report, it is pointed out that the Crimean Tatars can present their suggestions directly to the President thanks to The Council of Representatives of the Crimean Tatars. However, the same option is not provided to other national minorities. This disparity in rights has been the cause of increased tensions amongst Ukraine’s national minorities that have not seen the same restoration of their rights as the Crimean Tatars have. (CoE, 2018, p. 27).

The establishment of these specific Crimean Tatar institutions can be evaluated from different perspectives. On the one hand, the differentiated approach can encourage the perception that the Ukrainian government is not treating its national minorities equally. On the other hand, this approach can help address the need for special measures for indigenous peoples. It should again be noted that there is a dual track in international law for national minorities and indigenous peoples. This dual-track system is also reflected in two different CoE evaluations. Although

indigenous peoples are accepted as special groups, being more vulnerable and requiring a mechanism of special protection under international law, the CoE reports state that the specific structures granted to these groups are not-permitted according to the FCNM which requires states to treat all minorities in their territory equally, insofar as moral recognition is concerned (CoE, 2018, p. 61).

In addition to legal and executive changes regarding the rights of indigenous people, the Ukrainian state also took steps to honor the support of the Crimean Tatars such as raising their flag, the celebration of days important to the Crimean Tatars, and awarding certain Crimean Tatar individuals for heroism. During the *Euromaidan* protests and the illegal annexation of Crimea, the Crimean Tatars raised the Crimean Tatar national flags together with Ukrainian flags in a show of loyalty and support for the Ukrainian state. As a response to this show of solidarity, the Crimean Tatar flag has been raised in front of the Ukrainian Ministry of Foreign Affairs since 2016 as a symbolic show of support that will continue until the liberation of Crimea (QHA, 2016c). Afterwards, on Crimean Tatar Flag Day (26 June), the Ministry of Foreign Affairs and the Ukrainian Embassies in several countries raised the Crimean Tatar national flag in front of their buildings (QHA, 2017c). In addition, a communication campaign was launched named “Two Flags, United Country” by the Ministry of Information Policy of Ukraine (Ministry of Information Policy of Ukraine, 2017). In this way, the Ukrainian state honored the struggle of the Crimean Tatars in support of Ukraine’s territorial integrity and emphasized the solidarity between the Ukrainian state and the Crimean Tatars. Furthermore, a number of days which carry particular importance for Crimean Tatar history have been remembered and honored by the Ukrainian authorities. The day of deportation of the Crimean Tatars (18 May) was declared the Day of Commemoration of Victims of Genocide of the Crimean Tatar People (Verkhovna Rada of Ukraine, 2015). The Day of Crimean Tatar Journalism (April 10), dedicated to İsmail Gasprinski, who published the first Crimean Tatar newspaper on 10 April 1883, was celebrated by the Ministry of Information Policy. Through this action, the government hoped to increase awareness of the issue of the suppression of press freedoms in Crimea

(Ministry of Information Policy of Ukraine, 2016a). To honor the courage and resistance of Crimean Tatars against the illegal annexation of Crimea, 26 February was declared the “Day of Resistance against the Occupation of Crimea and Sevastopol” (President of Ukraine Official Website, 2020). In 2017, Crimean Tatar activist Reshat Ametov, killed in 2014 for his support for Ukraine, was awarded the title of “Hero of Ukraine” by decree of President Petro Poroshenko. Poroshenko stated that “He is not only a Hero, but also a symbol of the struggle for Crimea and the hope that we will return Crimea.” (ATR, 2019). In addition, Poroshenko awarded Crimean Tatar leader Mustafa Dzhemilev with the “Order of Freedoms” in 2018 stating that, “Mustafa Dzhemilev is a real hero of the Crimean Tatar and Ukrainian people. His contribution to the struggle for the values of democracy and freedom is invaluable.” (Unian Information Agency, 2018b).

While scrutinizing the changes to the approach of the Ukrainian government, it is also important to examine the discourse of the Ukrainian government towards the Crimean Tatars following the annexation of Crimea. In speeches, solidarity between the Ukrainian state and the Crimean Tatars was emphasized strongly. In September 2014, Ukrainian president Poroshenko spoke before the US Congress and drew attention to the pressures that the Crimean Tatars are experiencing. In his speech, Poroshenko said:

Ukraine will always stand together with the Crimean Tatar people, whose language, rights, and culture are being trampled upon right now – as they were many years ago under Soviet rule. I urge America and the world not to be silent about these crimes. It is Ukrainians and Crimean Tatars who are being oppressed in Crimea today. And it is time for all people of good will to rephrase John Kennedy’s words from over 50 years ago: “I am a Crimean Tatar” – and there is nothing that would make me give up my freedom!” (The Ukrainian Weekly, 2014, p. 18)

In the following years, the same discourse was used in different platforms and turned into a campaign to support the Crimean Tatars together with the involvement and participation of state authorities in Ukraine and Ukrainian embassies in several countries. The embassy staff held Crimean Tatar flags and carried signs written “I

am [a] Crimean Tatar” and “Crimea is Ukraine” inspired by Poroshenko’s speech (International Committee for Crimea, 2015). The Ministry of Information conducted a nationwide social campaign using these mottos and videos of Crimean Tatars and Ukrainians in Crimea on different communication platforms including social media, radio, and television (Ministry of Information Policy of Ukraine, 2016b).

The Crimean Tatars’ will and spirit to defend their homelands have been appreciated. On the 25th anniversary of Ukraine’s independence, the governor of Kharkiv, expressed his appreciation for and solidarity with the Crimean Tatars. He stated:

Ukraine succeeded as a state. The Ukrainian people have proved their unity. And you know the Crimean Tatars also set the tone in many ways... We study under the Crimean Tatar people how to express the will and spirit... We are together! (QHA, 2016d).

In addition to solidarity, the Ukrainian state has also made use of official speeches in an attempt to make peace with the past. At the World Crimean Tatar Congress, held in Turkey in 2015, the Ukrainian Foreign Minister expressed his regret that the former government had not trusted the Crimean Tatars enough. He stated:

[...] I want to thank you today for your support. And, perhaps, to apologize for the lack of confidence in the former government for Crimean Tatars... Not enough support has been shown. Not enough cooperation has been made. But yesterday’s mistakes cannot change today’s reality (QHA, 2015a)²⁰.

The speeches made by Ukrainian authorities during the World Crimean Tatar Congress indicated that the Ukrainian state’s perception of the Crimean Tatars had changed. While the rights stemming from their classification as an indigenous people, such as self-determination and territorial autonomy, were viewed with suspicion and from the perspective of Ukraine’s national security in the past, more recently the Crimean Tatars and their rights have been approached in a more

²⁰ My translation from the original Turkish source.

relaxed manner, without the fear of separatism. In his address to the Congress, Poroshenko stated that he planned to grant Crimea both national and territorial autonomy within the structure of the Ukrainian state (QHA, 2015b). Speaking later during a press conference, Poroshenko took things a step further by suggesting that changes be made to the Ukrainian constitution to ensure that the Crimean Tatars could receive the appropriate classification status:

I think it was a mistake that for 23 years prior to the Russian annexation of Crimea, Ukrainian authorities failed to grant an appropriate status of autonomy to the Crimean Tatars. I am ready to make a few changes to the Constitution, including on the Crimean autonomy. What will be the format of autonomy? The Constitutional Commission should suggest that to me (Euromaidan Press, 2017).

Although discourse surrounding the issue of autonomy has been burdened with suspicions of separatism in the past, it has increasingly been discussed in a de-securitized fashion within the context of indigenous peoples' rights. Indeed, Emine Dzheppar, the First Deputy Minister of Information Policy of Ukraine sought to distance the issue of increase Crimean Tatar autonomy from the issue of separatism saying that they have no relation to one another (Unian Information Agency, 2018a).

The status of Crimea and the Crimean Tatars have become a critical issue for Ukraine in its campaign to attract international attention in the national and international arena and push for de-occupation of the Crimean Peninsula. Ukrainian discourse regarding the illegal annexation of Crimea by the Russian Federation places the annexation within the framework of the historical traumas previously experienced by the Crimean Tatars. Within this framework, Crimean Tatar autonomy started to be framed within the context of the self-determination rights of an indigenous people. Additionally, the Crimean Tatars represent an ally for Ukraine in their campaign to end the occupation of the peninsula (Krym Realii, 2019).

It is worth noting that there remain a number of legal issues to be completed by the Ukrainian government regarding the Crimean Tatars, such as the adoption of the Law on Indigenous Peoples of Ukraine, which would make the standards of the UNDRIP into Ukrainian law, the adoption the National Action Plan for the Protection of the Rights of Indigenous Peoples of Ukraine, an amendment of the constitution regarding the national-territorial autonomy of the Crimean Tatar people within Ukraine, and the ratification of the ILO Indigenous and Tribal Peoples Convention (No: 169) (Crimean Tatar Resource Center, 2019). Importantly, discussions over these issues have been desecuritized and returned to normal political discourse. In the aftermath of the annexation, changes to both legal issues and political discourse have shown that the rights of indigenous peoples were considered to be distinct from those of national minorities, and that issues such as the right to self-determination have been transferred from a securitized to a normal political discourse.

CHAPTER 5

CONCLUSION

Beginning with the *Euromaidan* and continuing with the illegal annexation of Crimea and the ongoing war with Russian-backed separatist groups in Donbas, a new era in Ukrainian politics, including minority policy, has begun. Considering these critical junctures in Ukrainian history, this thesis examined Ukraine's minority policies and its relationship with its national minorities before and after the illegal annexation of Crimea in 2014, focusing on the Crimean Tatars, an indigenous people of Crimea.

My research has demonstrated that since the annexation of Crimea, minorities have been increasingly perceived as potential threats to both national security and a unified national identity. This has led to the discourse surrounding them being merged with the greater discourse on security, a process known as securitization. However, the illegal annexation of Crimea affected the relationship between the Ukrainian government and the Crimean Tatars differently than with other minorities. After the annexation of Crimea, Ukrainian discourse on Crimean Tatar issues was desecuritized. In other words, while Ukrainian national discourse on minorities was securitized after the annexation of Crimea, discourse on the Crimean Tatars was desecuritized. Within this framework, securitization theory was used to analyze changes in Ukraine's approach to minority rights. The analysis is based on a qualitative case study research method. In order to perform this qualitative case study, explaining-outcome process tracing was used to demonstrate each step of how the Crimean Tatars went from being a securitized to a desecuritized group.

My research for the period of 1991-2014 has shown that following independence in 1991, Ukrainian authorities implemented minority protection policies in line with various international standards, as well as various mechanisms as part of their

European integration process. At the international level, Ukraine signed key treaties related to the protection of national minorities, including the Council of Europe's FCNM and ECRML. However, at the national level, minority policy has been a complex phenomenon throughout the process of nation building, as has also been the case in many post-Soviet countries. Ukrainian authorities have been attempting to develop an appropriate state policy towards minorities that balances national minorities' demands while guaranteeing their loyalty to the state. The Law on National Minorities (1992) is a good example of Ukraine's cautious policy towards minority groups. This law guarantees equal social, economic, and cultural rights to every citizen regardless of their national origin and supports the development of national self-awareness and self-expression (Article 1). This article, however, is followed by another article which warns that all citizens of Ukraine shall protect the state's sovereignty and territorial unity (Article 2). This principle of balancing the guarantees of the rights of national minorities while ruling out any legal foundations for challenging the sovereignty or territorial integrity of the state forms a red thread that can be traced through multiple Ukrainian regulations on minority rights.

Regarding Ukraine's minority policies for this period, it is clear that, as in many Eastern European countries which have a history of imperialism, collaboration, border changes, and view their national minorities as fifth columns, Ukraine did not consider national minorities independently from their kin-states. This view has played a definitive role in the relationship between Ukraine and its national minorities. Among these relationships with national minorities, the relationship with the Russian minority and the Russian Federation have been of particular importance for Ukraine because of the power this group has to affect politics in the country. Besides, the influence of the Russian Federation on Ukraine's Russian-speaking minorities, Russia's influence in the Black Sea region, and the strong historical ties between the two states have caused Ukraine to act with caution regarding its Russian-speaking minority. In the pre-annexation period, Ukraine did not view the Crimean Tatars' issues as being distinct from the relationship triangle between Ukraine, the Russian-speaking minority, and the Russian Federation.

The Crimean Tatars had been demanding recognition not only as national minorities but also as an indigenous people since their return to Crimea after the collapse of Soviet Union. As an indigenous people, they had proposed special legislation and measures in order to protect their indigenous identity, including the right to self-determination. However, the Ukrainian government, which abstained from adopting the UNDRIP in 2007, approached this issue with suspicion, questioning the ‘real intent’ of the Crimean Tatars. Discussions over the right to self-determination were not distinguished from Ukrainian fears of separatism. Although the self-governing body of the Crimean Tatars, the *Mejlis*, has always positioned itself as both pro-Ukrainian and pro-Western and emphasized that they supported the territorial integrity of Ukraine, issues related to indigenous rights had been related to the loyalty question since before the illegal annexation occurred.

My research has shown that prior to 2014, the rights of the Crimean Tatars, stemming from their indigenous status, were ignored by the Ukrainian government which argued that all national minorities were equal, without differentiating between indigenous peoples and national minorities. Another argument of the Ukrainian government was the deficiency of available financial resources to meet the demands of the Crimean Tatars. Although the response to the demands which required economic resources, such as housing and employment, can be explained by the country’s poor economic situation, the response to demands which did not require additional financial resources, such as granting the Crimean Tatars indigenous status, requires additional clarification. This study shows that there were two main reasons behind Ukraine’s neglectful policy towards the Crimean Tatars before the annexation of Crimea. Firstly, Ukraine approached the Crimean Tatars with suspicion due to their perceived disloyalty to the state. Secondly, Ukrainian governments worried about any possible increase of tensions between Russians, who constituted the majority of Crimea’s population, and the Crimean Tatars which could foment instability in Crimea and also spill over to other regions. Therefore, before the illegal annexation of Crimea, Ukraine had maintained a cautious policy of avoiding any activity which could irritate the Russian minority and the Russian Federation.

For the period between 1991 and 2014, it can be said that the Ukrainian state had been approaching its national minorities through the lens of national security and loyalty to the state because it was always concerned with the country's lack of a strong national identity and the risk of separatism in regions with large minority populations, including Crimea. The Crimean Tatars had not been considered differently from other minorities in terms of Ukraine's suspicious approach about their loyalty to the state. In addition, the impact of the Russian Federation on the Russian-speaking minority and Crimea put additional pressure on Ukraine regarding the demands of the Crimean Tatars. As a result, this study shows that Ukraine had pursued a cautious policy of suspicion towards the Crimean Tatars before the annexation of Crimea.

The second part of my research examines the period after the *Euromaidan*, the illegal annexation of Crimea, and the conflict in Donbas. Ukraine, as a country always concerned with separatism, carried with it a deep fear for the territorial integrity of the country after these events, and this fear has affected Ukraine's approach towards its national minorities. After the annexation of Crimea and conflict in Donbas, the fear of separatism had spread to include other regions, such as Bessarabia and Transcarpathia. Furthermore, the official Russian position, which argues that Crimea's unification with Russia came about as the result of 'the people of Crimea's' right to self-determination, ignited another debate around the rights of indigenous peoples and the right to self-determination in different regions.

As conflicts and wars have often served to strengthen national identity throughout history, these events have also led Ukraine to act in defense of Ukrainian national identity. In this process, the first essential step, which has triggered the other changes related to minorities, was the securitization of the Ukrainian national identity. In an attempt to unite the country around a strong national identity and to protect Ukraine's territorial integrity, issues related to national identity were given the utmost priority. This thesis shows how status of the state language constituted a good example of how societal identity was debated, endangered, and securitized in this process. Since any threat to the state language was perceived as a threat to

state sovereignty, urgent measures were taken by the state to protect of the state language. Legislative changes related to linguistic and educational rights, adopted quickly as urgent measures, have affected some rights of the national minorities and led to discontent amongst these groups and their kin-states. The relationship between Ukraine, its national minorities, and their kin-states has remained strained following the annexation of Crimea. As a result, the securitization of the Ukrainian identity also caused the securitization of minority rights, because issues about minority rights, such as the right of instruction in a native language, were discussed in a securitized societal identity atmosphere. This research has demonstrated that although Ukraine had a securitized relationship with its minorities before the annexation of Crimea, the increased need for national security and the revival of a common Ukrainian identity increased the securitization of minority rights in Ukraine after the annexation of Crimea.

While the general perception concerning minorities has been securitized, the relationship between the Ukrainian state and the Crimean Tatars has developed differently than for other minorities following the annexation of Crimea. The role of Crimean Tatars in the process of annexation of Crimea differs from the other minorities for a number of reasons. First of all, as they are an indigenous people of Crimea, were deported from their homelands in 1944, and returned to Crimea after the collapse of Soviet Union, they have a unique historical connection to Crimea and Russia's policies. This has caused them to develop a different level of sensitivity towards these issues than the other minorities in Ukraine have done. The illegal annexation of Crimea by the Russian Federation has reawakened the traumatic memory of deportation for the Crimean Tatars. Secondly, due to the fact that they live in Crimea, the annexation has affected their lives more directly than other minorities in the country. In the aftermath of the annexation, more than 20,000 Crimean Tatars have been forced to move to the mainland of Ukraine. Last but not least, they actively resisted the annexation and continued to support the territorial integrity of Ukraine. From the first day of illegal annexation, they declared they would not recognize Russian rule over the peninsula and boycotted the Russian-

held referendum. The Crimean Tatars have been one of Ukraine's most important partners in resisting Russia and when asking for help from international institutions.

The resistance of the Crimean Tatars against Russia's annexation of Crimea and their support for the territorial integrity of Ukraine have laid the foundation for the desecuritization of the relationship between Ukraine and the Crimean Tatars. It is a fact that the Crimean Tatars had supported the territorial integrity of Ukraine prior to the annexation of Crimea as well. However, their active participation in the resistance against Russia's occupation has proven their loyalty to Ukraine. Besides, with the intervention of the Russian Federation in Crimea, the need to maintain a cautious policy in order to not irritate the Russian minority and the Russian Federation disappeared for Ukraine. Following the annexation, a new Ukrainian-Crimean Tatar alliance has been created to resist a common Russian enemy (Şahin, 2018b). The interests of the Crimean Tatars and Ukraine have united, and they have become strategic allies for liberation of Crimea. As a result, acceptance of the Crimean Tatars as a 'loyal' group who support the territorial integrity of Ukraine, changing the dynamics between Ukraine and the Russian Federation, and the unification of the interests of the Crimean Tatars and Ukraine against their common enemy have led to the desecuritization of the relationship between Ukraine and the Crimean Tatars.

During the process of desecuritization, the most important step taken by the Ukrainian state towards the Crimean Tatars was granting the Crimean Tatars indigenous status. Accepting the Crimean Tatars as an indigenous people, rather than as a national minority, has played a key role in the desecuritization process because while national minorities are usually perceived as a threat to national security, indigenous people are perceived as being loyal to the state due to their small size and political weakness in regional and geopolitical struggles (Kymlicka, 2011, p. 203). Therefore, recognizing the Crimean Tatars as the indigenous people meant accepting their loyal position to the state as well as accepting the wide range of rights provided to indigenous peoples in the UNDRIP, including rights to self-determination, the establishment and control of their separate institutions, the

practice and revitalization of their cultures, and the development and management of indigenous lands. Within that framework, new steps were taken by the Ukrainian government to elevate the status of the Crimean Tatars, including recognizing their self-government institutions, declaring the 1944 deportation as genocide, and establishing new executive and consultative mechanisms related to the Crimean Tatars in state institutions. In addition to this, the Ukrainian government took steps to honor their support for the state's territorial integrity. The solidarity between the Ukrainian state and Crimean Tatars was emphasized in official discourses and state campaigns. Furthermore, the Ukrainian authorities made clear that they wished to make peace with the past and apologized for the lack of trust the former government had shown the Crimean Tatars. Although there are still several legal issues to be completed by the Ukrainian government, issues related to the Crimean Tatars are now discussed without questioning their loyalty to the state, in part due to the recognition of their indigenous status.

As a result, Ukrainian policy, which had approached the Crimean Tatars with distrust, has been replaced with new policies which accept them as partners in the fight for the territorial integrity of Ukraine. The Ukrainian government's discourse concerning the Crimean Tatars developed in a new direction in recognition of the changed relationship between them and the Crimean Tatars. This has in turn led to a change in perceptions about the group in the country. The rights of the Crimean Tatars, which had been ignored or discussed within the framework of national security, were transferred from a securitized discourse to normal politics, which led to the desecuritization of the relationship between the Ukrainian state and the Crimean Tatars. This research has shown that three factors played critical role in the desecuritization of this relationship: The Crimean Tatars' support for and loyalty to the Ukrainian state during the illegal occupation and annexation of Crimea, the changing dynamics between Ukraine and the Russian Federation regarding Crimea, and the unification of the interests of the Crimean Tatars and Ukraine against a common enemy. It has to be noted that any changes to these factors can also affect the relationship between them. Since the land of Crimean Tatars is now under *de facto* control of the Russian Federation, recognizing them

as an indigenous people of Crimea and making an ally with the Crimean Tatars can also be evaluated as a strategic move taken by Ukraine to fight together for the liberation of Crimea in the international arena. Therefore, it is essential to observe Ukraine's future policy and discourse towards indigenous peoples, as well as any changing dynamics with Russian Federation.



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APPENDICES

A. TURKISH SUMMARY / TRKE ZET

Ukrayna’da Kasım 2013- Şubat 2014 tarihleri arasındaki AvroMeydan olayları ile başlayan, ardından Rusya Federasyonu’nun Mart 2014’te Kırım’ı işgali ve yasa dışı ilhakı ve sonrasında Ukrayna’nın doğusunda yer alan Donetsk ve Luhansk bölgelerinin Nisan 2014’te bağımsızlıklarını ilan etmeleri ile devam eden süreç, Ukrayna tarihinde önemli bir dönüm noktası olmuştur. Ukrayna iç ve dış politikasının yeniden şekillendiği bu süreçte, Ukrayna devleti ile Ukrayna’da yaşayan ulusal azınlıklar arasındaki ilişkilerde de değişiklikler meydana gelmiştir. Bu çerçevede, azınlık hakları alanında çeşitli düzenlemeler yapılmıştır. Bu tezde, Kırım’ın 2014’te Rusya tarafından yasa dışı ilhakı öncesi ve sonrasında Ukrayna’da azınlık hakları alanında gerçekleşen gelişmeler ele alınarak, 2014 olayları sonrasında Ukrayna devleti ile Kırım’ın yerli halkı olan Kırım Tatarları arasındaki değişen ilişkiler incelenmektedir. Bu kapsamda, 2014 sonrası dönemde oluşan toplumsal birlik ve ulusal güvenlik kaygılarının Ukrayna’daki azınlık politikalarının güvenlik söylemi çerçevesinde ele alınmasına neden olduğu ve azınlık politikalarının güvenlileştirildiği; bununla birlikte Ukrayna devleti ile Kırım Tatarları arasındaki ilişkinin ülkedeki genel azınlık politikalarından ayrıldığı ve güvenliksizleştirildiği savunulmaktadır. Ukrayna devleti ile Kırım Tatarları arasındaki ilişkinin yeniden şekillenmesi, Kırım’daki siyasi dinamiklerin değişmesi ve Kırım’ın Rusya tarafından ilhakı sırasında Kırım Tatarlarının Ukrayna’nın toprak bütünlüğü için verdikleri mücadele ile birlikte gerçekleşmiştir. Bu çerçevede, Ukrayna, Kırım Tatarlarını Kırım’ın ‘yerli halk’ı olarak tanıyarak onları ulus devletler tarafından genellikle ülke bütünlüğü için ‘potansiyel tehdit’ olarak algılanan ‘ulusal azınlıklar’ kategorisi içinde değil, ülkeler için ‘zararsız’ ve ‘sadık’ topluluklar olarak kabul edilen ‘yerli halk’ kategorisi içinde değerlendirmiştir.

Arka Plan

Ukrayna 603.628 km² yüz ölçümü ve 41.902.416²¹ nüfusu ile Doğu Avrupa'da Rusya'dan sonra en büyük toprağa ve nüfusa sahip ülkedir. Avrupa ile Rusya arasındaki 'köprü' olarak nitelenen jeostratejik konumu, Ukrayna'yı ekonomik, siyasi, askeri vb. pek çok yönden etkilediği gibi demografik açıdan da etkilemiştir. Yüzyıllar boyunca çeşitli devletlerin hükümdarlığı altında kalmış, büyük göçlere ve savaflara şahit olmuş bugünkü Ukrayna topraklarında 130'dan fazla farklı etnik grup yaşamaktadır. Sovyet sonrası Ukrayna'da 2001 yılında gerçekleştirilen ilk ve tek nüfus sayımına göre toplumun %77,8'i Ukrayınler, %17'sini Ruslar oluşturmaktadır. Ülkedeki diğer etnik gruplar ve nüfusa oranları şu şekilde sıralanmaktadır: Beyaz Ruslar (%0,6), Kırım Tatarları (%0,5), Moldovalılar (%0,5), Bulgarlar (%0,4), ve Macarlar (%0,4). Bununla birlikte, aynı nüfus sayımına göre 2.024.000 nüfuslu Kırım'da Rus etnik grubu %58,3 nüfus oranlarıyla yarımada da çoğunluğu oluşturmaktadır. Ardından Ukrayınler (%24,3) ve Kırım Tatarları (%12,3) gelmektedir.

Sovyetler Birliği'nin dağılması ile birlikte 1991'de bağımsızlığını kazanan ve ulus devlet inşası sürecine giren Ukrayna'da bu farklı unsurları ortak ve kapsayıcı bir ulusal kimlik altında birleştirmek öncelikli konulardan biri olmuştur. Bağımsızlığının ilk yıllarında, Sovyetler Birliği, sosyalizm ve Rus kimliği etkisinden çıkmak Ukrayna hükümetinin önceliklerinden olsa da Rusya Federasyonu'nun bölgedeki etkisi ve iki ülke arasındaki köklü bağlar nedeniyle bu etkiden tam olarak sıyrılamamıştır. Bu süreçte, azınlıklar ile kurulan ilişkiler ülkedeki 'biz' ve 'öteki'nin oluşmasında rol oynamıştır. Azınlıklar ile ilişkilerde bir taraftan kapsayıcı ve sivil bir politika geliştirilirken diğer taraftan azınlıkların ülkeye olan sadakatlerinin sorgulandığı şüpheci bakış açısı varlığını sürdürmüştür. Siyasi sınırlarının değişmesi sonucu nüfusunun bir bölümü komşu ülkelerde kalmış veya komşularının etnik gruplarını ülkesinde barındıran pek çok Doğu Avrupa ülkesinde olduğu gibi, Ukrayna'da da ulusal azınlıklara güvenlik perspektifinden

²¹ İşgal altında bulunan Kırım, Ukrayna resmi verilerinde nüfusa dahil edilmemektedir.

bakılmıştır. Azınlıklar kendi akraba devletleri ile işbirliği yapabilecek ve ülkenin bütünlüğüne tehdit oluşturabilecek gruplar olarak görülmüştür. Bu kapsamda, ulusal azınlıkların akraba devletleri ile ilişkileri ve Ukrayna'ya sadakatleri ülkedeki ulusal azınlıklar ile olan ilişkileri belirleyen temel faktörlerden biri olmuştur.

Kırım Tatarları

Tezde incelenen Kırım Tatarları nüfus bakımından ülkedeki büyük bir azınlık grubunu oluşturmamakla birlikte, Ukrayna'nın 2014 sonrası azınlık politikalarında özel bir yer tutmaktadır. Kırım Tatarlarının ülkedeki önemine ışık tutmak ve hangi noktalarda diğer azınlık gruplarından ayrıldığını göstermek için Kırım Tatarlarını tarihine kısaca değinmek yerinde olacaktır.

Kırım'ın yerli halklarından olan ve bugün büyük çoğunluğu Kırım'da yaşayan Kırım Tatarları, Kırım Tatarca konuşmaktadırlar. Etnik olarak heterojen oldukları kabul edilen Kırım Tatarlarının tarihi devletleri, 1441-1783 yılları arasında tarih sahnesinde kalan ve 1475 yılında Osmanlı İmparatorluğu'nun himayesine giren Kırım Hanlığı'dır. Uzun yıllar Kırım'da asli unsuru oluşturan Kırım Tatarları, 1783'te Kırım'ın Rus İmparatorluğu tarafından işgal edilmesinin ardından Osmanlı İmparatorluğu topraklarına büyük göçler vermişler ve yarımada'daki çoğunluklarını kaybetmişlerdir. Rus İmparatorluğu'nun çöküşü ile birlikte 1917'de Kırım Tatar Millî Kurultayı toplanmış ve Kırım Halk Cumhuriyeti ilan edilmiştir. Bununla birlikte, 1918'te Kırım Tatar Cumhuriyeti Başkanının Bolşevik Hükümeti tarafından idam edilmesi ile Cumhuriyet sona ermiştir.

İkinci Dünya Savaşı'nda Sovyetler Birliği'ne karşı Almanlar ile iş birliği yaptığı iddia edilen Kırım Tatarları, 18 Mayıs 1944'te anavatanlarından Orta Asya ve Sibirya'ya sürgün edilmişlerdir. Sürgün sırasında ve ilk yerleşim yerlerindeki kötü koşullar nedeniyle Kırım Tatarlarının %46'sı hayatını kaybetmiştir. Sürgün yerlerinden Kırım'a 1989 yılından itibaren dönmeye başlayan Kırım Tatarlarının geri dönüşü Sovyetler Birliği'nin dağılmasının ardından devam etmiştir. Günümüzde yaklaşık 300.000'e ulaşan nüfuslarıyla Kırım yarımadasının ana Müslüman nüfusunu oluşturmaktadırlar.

Geri dönebilen Kırım Tatarları anavatanlarında ekonomik, siyasi, kültürel pek çok zorlukla karşılaşmışlardır. Ana vatanlarında tehdit olarak algılanarak 1944'te sürgün edilen Kırım Tatarları, 2014'te Rusya'nın Kırım'ı işgali ve yasa dışı ilhakı sonucunda ana vatanlarında Rusya tarafından, özellikle de Kırım Tatar milli hareketine destek verenler, bir kez daha tehdit olarak algılanmışlardır. Kırım'ın işgalinin ardından, 20.000'den fazla Kırım Tatarı Ukrayna ana karasına göç etmek zorunda kalmıştır.

Araştırma Yöntemi

Nitel araştırma yöntemine dayanan bu tezde örnek olay (vaka) incelemesi yapılmış, araştırma verileri doküman analizi ile desteklenmiştir. Birincil kaynaklar olarak, azınlıklar ve yerli halklara ilişkin ulusal ve uluslararası anlaşmalar, yasalar, raporlar ve resmi istatistikler kullanılmıştır. Bu çerçevede, Ukrayna'daki yasal düzenlemelerin yanı sıra Birleşmiş Milletler, Avrupa Konseyi, Avrupa Birliği ve Avrupa Güvenlik ve İşbirliği Teşkilatı bünyesinde yer alan azınlıklar ve yerli halklara ilişkin belgeler ve Ukrayna'nın bu alandaki izleme raporları incelenmiştir. İkinci kaynaklar olarak ise konuya ilişkin akademik makale, kitap, haber ve röportajlardan faydalanılmıştır.

Kırım Tatarlarına ilişkin bir değişim sürecinin anlatıldığı çalışmada, temel süreç izleme yöntemlerinden biri olarak tanımlanan 'sonuç açıklayıcı süreç izleme' yöntemi kullanılmıştır. Bu yöntemle, vaka merkezli belirli bir sonuç üzerinden, sonucu ortaya çıkaran nedensel mekanizmalar analiz edilmektedir. Tez kapsamında, Kırım Tatarlarının Ukrayna siyasetinde güvenliksizleştirilmesi sürecinin nasıl ve neden meydana geldiği, bu değişime neden olan önemli anlar ve kritik bağlantılar bu çerçevede ele alınmıştır.

Kuramsal Çerçeve: Güvenlikleştirme Kuramı

Güvenlikleştirme (*securitization*) kuramı özellikle Soğuk Savaş döneminde benimsenen devletlerin askeri güvenliğini önceleyen realist/geleneksel güvenlik anlayışını genişleterek ekonomik, siyasi, çevresel ve toplumsal sektörleri güvenlik

kavramına dahil etmiştir. Soğuk Savaş sonrası Kopenhag Okulu içinde yer alan Barry Buzan, Ole Wæver ve Jaap de Wilde tarafından geliştirilen bu kurama göre, ülkelerin güvenlik gündemlerinin içerisinde sadece askeri güvenlik kaygıları yer almamakta, ekonomik, siyasi, çevresel ve toplumsal kimliğe dayalı kaygılar da güvenlik meselelerinin bir parçasını oluşturmaktadır. Burada önemli olan karşılaşılan sorunun gerçek bir tehdit olup olmadığından çok, bir konuya ilişkin söylemin siyasi seçkinler ve karar alıcılar tarafından yeniden inşa edilerek güvenlik tehditleri kapsamına alınması veya bu kapsamın dışında bırakılmasıdır. Bu çerçevede, tehdidin yeniden inşa edilmesinde ‘söz-eylem’ yaklaşımı güvenlikleştirme ve güvenliksizleştirme sürecinde önemli bir yer tutmaktadır. Bir meselenin ulusal güvenliğe tehdit olarak algılanması durumunda, karar alıcılar sorunu ‘beka’ sorunu olarak sunarak konuyu olağan siyasi süreçlerin dışına çıkarabilmekte ve çözüm bulma süreçlerini meşrulaştırabilmektedirler.

Güvenlik kavramına dahil edilen sektörlerden toplumsal sektör toplumsal kimliğe yönelik tehditleri incelediğinden tezde bu sektör üzerinde ayrıca durulmaktadır. Ukrayna’nın gerek 1991’de bağımsızlığını kazanmasının ardından başlatılan ulus inşası sürecinde, gerekse AvroMeydan olayları sonrasında güçlendirilen ‘biz’ kimliğinde toplumsal güvenlik ön plana çıkmaktadır. Ukrayna kimliği üzerinden tanımlanan ‘beka’ sorunları meselenin güvenlik gündemine çekildiğini göstermektedir. Bu kapsamda, azınlık hakları ve azınlıklar ile kurulan ilişkilerde de azınlığın ulusal kimliğe yönelik tehdit oluşturması veya ulusal kimliği güçlendirici bir konumda bulunması önem arz etmektedir.

Kavramsal Çerçeve: Ulusal Azınlıklar ve Yerli Halklar

Ukrayna’daki azınlık haklarının yerli halklardan biri olan Kırım Tatarları özelinde incelendiği bu tezde, ‘ulusal azınlıklar’ ve ‘yerli halklar’ kavramları önemli bir yer tutmaktadır. Bu nedenle, söz konusu kavramların ulusal-uluslararası hukuk ve güvenlikleştirme kuramı bağlamında nerede konumlandığı tezdeki tartışmalar açısından aydınlatıcı olacaktır.

Uluslararası hukukta tek bir azınlık tanımı bulunmamakla birlikte, genel kabul gören tanımlarda ulusal azınlıkların öne çıkan kriterleri şu şekilde sıralanabilir: Bir devlette nüfus bakımından azınlıkta olma, hakim pozisyonda olmama, etnik, dini veya dilsel nitelikleri bakımından toplumun diğer kesimlerinden farklılık gösterme, kimliğini koruma ve gelecek nesillere aktarma konusunda bir irade gösterme. Tartışmalı olmakla birlikte yaşadığı devlete vatandaşlık bağı ile bağlı olma da bu kriterler arasında sayılmaktadır. Ukrayna’da 1992’de kabul edilen “Ulusal Azınlıklar Hakkında Kanun”da azınlıklar “Ukrayna milletinden olmayan ve birbirlerine ulusal özbilinç ve yakınlık duygusu gösteren Ukrayna vatandaşları” olarak tanımlandığı için azınlık olma kriterlerinde vatandaşlık bağının arandığı görülmektedir.

Uluslararası hukukta yerli halkların öne çıkan özellikleri ise; işgal veya sömürgecilik öncesi bulundukları toprakların yerli halkı olmaları ancak topraklarının işgal edilmesi, zorla asimile edilme, işkence ve baskı gibi bir dışlamaya maruz kalarak şu anda aynı topraklarda egemenliği bulunduran toplum karşısında azınlıkta kalmaları, yerli halk olarak kimlik bilincine sahip olmaları, kimliklerini ve toplumsal kurumlarını koruma ve gelecek nesillere aktarma iradesi göstermeleri olarak sıralanabilir. Yine tartışmalı olmakla birlikte dünyadaki örneklerinden yerli halkların aynı zamanda akraba/soydaş devleti bulunmayan ve bulundukları topraklarda bir devlet kurma çabası içinde olmayan halklar olduğu da yerli halklara ilişkin işaret edilen hususlardır. Bu bağlamda yerli halklar, azınlık grupların güçten yoksun bırakılmış ve özel bir muameleye gereksinim duyan kesimleri olarak görülebilir. Ukrayna yasalarında yerli halklara ilişkin düzenlemeler olmakla birlikte, yerli halkların tanımına yer verilmemektedir. Bununla birlikte, Ukrayna’nın yerli halklara ilişkin uluslararası kuruluşlara yaptığı açıklamalarda yerli halkların ulusal azınlıklara göre daha hassas topluluklar olduğu ve akraba devletlerinin olmadığı kriterlerini ifade ettiği görülmektedir.

Yerli hakların topraklarına bağlılıkları, geçimlerini sağlamaları ve kimliklerini korumalarının bir parçası olarak görülmektedir. Bu nedenle, bu toplulukların anavatanlarında kalmaları, kendi öz yönetim organlarına sahip olmaları ve tarihte

yaşamış oldukları travmaları onarabilmeleri için yerli halklara özel düzenlemeler gerekli görülmektedir. Kendi kaderini tâyin hakkını da (*self-determination*) içeren söz konusu özel düzenlemeler uluslararası hukukta yerli halkların haklarına ilişkin tartışmalara neden olmakta, bu özel haklar nedeniyle daha çok azınlık grubunun yerli halk olarak tanınmayı talep ettiği, bunun da yerli halk kavramının içini boşalttığı hususu tartışılmaktadır.

Ulusal azınlıklar ve yerli halklar arasındaki bu farklar, bulundukları devletlerin onlara olan bakış açısını ve toplumun algısı etkilemektedir. Genellikle sınır değişiklikleri sebebiyle bir başka bir ülkede azınlık konumunda kalmış ulusal azınlıklar için akraba devleti ile iş birliği yapabileceği veya ayrılıkçı hareketlerde bulunabileceği algısı yaygınken, yerli halklar ülke bütünlüğüne tehdit oluşturmayacak, ‘zararsız’ gruplar olarak algılanmaktadır.

Kırım’ın Yasa Dışı İlhakı Öncesinde Ukrayna’da Azınlık Hakları ve Kırım Tatarları ile İlişkiler (1991-2014)

Ukrayna 1991’de bağımsızlığını kazanmasından 2014’te Kırım’ın ilhaka kadar geçen sürede, üyesi olduğu uluslararası kuruluşlar ve taraf olduğu uluslararası anlaşmalar ile azınlıklara ilişkin pek çok düzenleme yapmıştır. Bu kapsamda, Ukrayna’nın Avrupa Konseyi sisteminde azınlıklara ilişkin temel belgelerden kabul edilen “Azınlıkların Korunmasına İlişkin Çerçeve Sözleşme”yi ve “Bölgesel ve Azınlık Dilleri Avrupa Şartı”nı imzalayan ülkelerden olması azınlık haklarının gelişiminde önemli adımların atılmasını sağlamıştır. Bununla birlikte Ukrayna, Birleşmiş Milletlerde 2007’de kabul edilen “Birleşmiş Milletler Yerli Halklar Bildirisi”ni onaylayan ülkeler arasında yer almamıştır. 1991-2014 yılları arasında, uluslararası düzenlemelerde Avrupa sistemi ile entegrasyon süreci sürdürülmüş ve uluslararası azınlık hakları standartlarının yakalanması yönünde adımlar atılmıştır.

Uluslararası düzenlemelerde Batı ile entegrasyon kapsamında nispeten istikrarlı bir azınlık hakları politikası sürdürülse de ulusal düzenlemelerde Ukrayna hükümeti ülke içindeki dinamikleri göz önünde bulundurarak daha ihtiyatlı bir azınlık politikası izlemiştir. Ulusal düzenlemelerde bir yandan sivil ve kapsayıcı

düzenlemeler yapılırken, bir yandan da ulusal bütünlüğüne tehlike oluşturabilecek herhangi bir açık kapı bırakılmaması yönünde temkinli hareket edilmiştir. 1992 yılında kabul edilen “Ulusal Azınlıklar Hakkında Kanun” bu ihtiyatlı davranışın güzel bir örneğini teşkil etmektedir. Ana dilde eğitimden siyasi temsile çeşitli alanlarda düzenlemeler getiren kanunda, kökenine bakılmaksızın tüm Ukrayna vatandaşları için eşit sosyal, ekonomik ve kültürel haklar garanti edilmektedir. Bununla birlikte, tüm Ukrayna vatandaşları devletin egemenliğini ve toprak bütünlüğünü korumaları konusunda da uyarılmaktadır. Söz konusu ihtiyatlı tutumun 1991-2014 döneminin pek çok düzenlemesinde görmek mümkündür. Bu dönem azınlık politikalarına ilişkin diğer bir husus, dil politikalarının özel bir konumda olmasıdır. Dil politikaları ülkenin çoğunlukla Ukrayince konuşan batı bölgeleri ile çoğunlukla Rusça konuşan doğu ve güney bölgeleri arasında bir siyasi çekişme aracı olmuş, bu dillere verilen haklar ülkenin Batı ve Rusya eksenindeki konumuna göre şekillenmiştir. Ukrayna’da dilsel ve etnik sınırlar tam olarak örtüşmemektedir. Rusça konuşan halklar kategorisinde bazı Ukrayinler ile birlikte pek çok azınlık grup da yer almaktadır. Bu kapsamda, özellikle Rusçanın kullanımına ilişkin azınlık hakları düzenlemeleri, sadece Rus azınlığı değil, pek çok grubu etkileyebilmektedir. Bu çerçevede, siyasilerin etki alanlarına göre dil hakları bir seçim politikası aracı haline gelmiştir.

1991-2014 döneminde Ukrayna’nın Kırım Tatarlarına yönelik politikalarına bakıldığında, ülkedeki azınlıklara yönelik genel tutum olan temkinli ve şüpheci yaklaşımın Kırım Tatarları için de sürdürüldüğü görülmektedir. Sürgün yerlerinden ana vatanları Kırım’a dönen Kırım Tatarları için genel olarak azınlıkların talep ettiği haklardan ayrı tutulabilecek bazı temel ihtiyaçları olmuştur. Geri dönüşlere ilişkin yasal düzenlemeler, yerleşim, istihdam, entegrasyon, öz yönetim organlarının tanınması ve kültürel kimliğin canlanması başlıkları altında sıralanabilecek bu ihtiyaçların genel azınlık politikalarından ayrı bir şekilde ele alınması için Kırım Tatarları yerli halk olarak tanınma taleplerini ilk günden itibaren Ukrayna makamlarına iletmışlerdir. Bununla birlikte Ukrayna makamları, azınlıklar arası eşitlik vurgusu yaparak Kırım Tatarlarının ihtiyaçlarını yerli haklar

kapsamında değil azınlık hakları kapsamında değerlendirmiştir. Azınlıklara yönelik ulusal düzenlemelerde sürgüne uğrayan halklara ayrı bir yer verilmiş olmakla birlikte, Kırım Tatarlarının yerli halk olarak tanınma talepleri göz ardı edilmiştir. Uluslararası kuruluşlarında da katkıları ile sürgünden geri dönenlerin entegrasyonuna yönelik çeşitli projeler başlatılmış ancak Ukrayna'nın içinde bulunduğu ekonomik zorluklar nedeniyle, sürgün edilen haklar için ayrılan bütçe kısıtlanmış ve ihtiyaçların karşılanmasına yeterli olmamıştır. Ukrayna makamları, Kırım Tatarlarına yönelik çalışmalarda ekonomik zorluklar nedeniyle yeterli katkının sağlanamadığını zaman zaman dile getirmiştir. Bununla birlikte, Kırım Tatarları yerleşim ve istihdam gibi bazı alanların maddi imkânlarla dayandığını, bu kapsamdaki eksiklerin anlaşılabileceğini ancak yerli halk olarak tanınma, akabinde kendi kaderini tayin hakkı ve öz yönetim organlarının tanınması gibi bazı faaliyetlerin maddi imkânlar ile ilgili olmadığını tekrarlamışlardır.

Kırım Tatarlarının seçilmiş temsilcilerinden oluşan öz yönetim organları olan Kırım Tatar Milli Kurultayı ve Meclisi, Sovyetler Birliği'nin dağılmasından itibaren Ukrayna'nın Batı ile entegrasyonunu savunmuşlardır. Bu kapsamda, Ukrayna seçimlerinde Batı yanlısı ve Ukrayna milliyetçisi partiler ile iş birliği yapmışlardır. Meclis temsilcileri Kırım Tatarlarının, Ukrayna'nın bağımsızlığı ve toprak bütünlüğünün Kırım'daki en önemli savunucuları olduğunu vurgulamışlardır. Bu bağlamda, 2014 öncesi Kırım Tatarlarının Ukrayna makamlarına karşı tutum ve talepleri tutarlı bir seyir izlemiştir. Bununla birlikte, Ukrayna makamlarının Kırım Tatarlarına karşı tutumları daha önce azınlıklar için belirtilmiş olan şüpheli yaklaşımdan ayrılmamıştır. Özellikle Kırım Tatarlarının kendi kaderini tayin hakkına ilişkin tartışmalarda, Kırım Tatarlarının “asıl niyeti” sorgulanmış, konu ayrılıkçı hareketlerden bağımsız tutulmamıştır. 2014 öncesi Ukrayna'nın Kırım Tatarları ile kurduğu ilişkide dikkat edilecek diğer bir husus, Ukrayna'nın Rusya'yı ve Rus azınlıkları rahatsız edebilecek her adımdan kaçınmasıdır. Kırım Tatarlarının yerli halk olarak tanınması durumunda sağlanacak kendi kaderini tayin hakkının, Rus azınlıkları ve Rusya'yı rahatsız edebileceği düşüncesi Ukrayna'nın Kırım Tatarlarına yönelik politikalarını etkileyen bir unsur olmuştur.

Kırım'ın Yasa Dışı İlhakı Sonrasında Ukrayna'da Azınlık Hakları ve Kırım Tatarları ile İlişkiler (2014 ve Sonrası)

Rusya yanlısı olarak bilinen eski Ukrayna Başkanı Viktor Yanukoviç'in Avrupa Birliği (AB) ile imzalanması beklenen AB ile Ortaklık Antlaşması'nı Kasım 2013'de askıya aldığını açıklaması, ülkede üç aydan fazla sürecek olan ve AvroMeydan olarak bilinen AB yanlısı kesimin protesto gösterilerini başlatmıştır. Ukrayna hükümetinin gösterilere sert müdahalesi sonucu protestolar artmış, pek çok kişi hayatını kaybetmiştir. Olaylar Yanukoviç'in Rusya'ya sığınması ve Ukrayna'da Batı yanlısı yeni yönetimin hükümet kurması ile son bulmuştur. AvroMeydan'ın ardından 2014'te Rusya'nın Kırım'ı ilhakı ve Ukrayna'nın doğu bölgesindeki Rusya yanlısı ayrılıkçı gruplar ile başlayan savaş Ukrayna için bir dizi değişikliği tetiklemiştir. Bu süreçte, pek çok alanda olduğu gibi azınlık politikaları üzerinde de değişiklikler olmuştur.

Tarih boyunca görülen çatışma ve savaşların kimlikleri keskinleştirici etkisi, Ukrayna'da da görülmüştür. AvroMeydan ile birlikte ülkede var olan Rusya yanlısı ve AB yanlısı iki grup arasındaki kutuplaşma artmıştır. Ukrayna ulusal kimliği tehlikede görülmüş ve Ukrayna kimliğinin korunması yönünde acil önlemler alınmıştır. Ukrayna kimliğinin önemli bir göstergesi olan Ukrayna dilinin korunmasına yönelik adımlar bu süreçte öne çıkmıştır. Yanukoviç'in ülkeyi terk etmesinden bir gün sonra Yanukoviç döneminde kabul edilen, azınlık dillerinin ülke nüfusunun en az yüzde 10'u tarafından anadil olarak konuşulduğu bölgelerde 'bölgesel dil statüsü' kazanarak resmi dil olarak kullanılmasını sağlayan 2012 tarihli "Ukrayna Dil Politikası Kanunu" iptal edilmiştir. Söz konu karar ülkenin Rusça konuşan azınlıkları başta olmak üzere pek çok azınlık grubu tarafından tepkiyle karşılanmıştır. Macaristan, Bulgaristan, Moldova, Romanya makamları konuya ilişkin eleştirilerini Ukrayna makamlarına iletmışlerdir. Rusya Federasyonu Devlet Başkanı Vladimir Putin, Ukrayna'daki Rusça konuşan nüfusun tehdit altında olduğunu ve Rus azınlıkların Rusya'dan yardım istediğini iddia etmiştir. Putin, Kırım'ın işgali ve ilhakı sürecinde Rus azınlıkların haklarını korudukları iddiasını sürdürmüş, uluslararası hukukta Kırım halkının kendi kaderini tayin hakkını

kullanarak Ukrayna'dan ayrıldığını savunmuştur. Bu çerçevede, hangi grupların kendi kaderini tayin hakkına sahip olduğu tartışmaları ülkede meydana gelebilecek ayrılıkçı senaryoları tetiklemiştir. Sonuç olarak, ülkenin toprak bütünlüğü tehlikede görülmüş ve Ukrayna'da her dönem olan azınlıkların sadakatlerine duyulan şüphe artmıştır. Ukrayna ulusal kimliğini güçlendirme ve ülke bütünlüğünü sağlamaya yönelik adımlar ileriki yıllarda da devam etmiş ve 2017'de kabul edilen “Eğitim Kanunu” ve 2019'da kabul edilen “Ukrayin Dilinin Devlet Dili Olarak İşleyişinin Sağlanması Kanunu” da azınlık gruplar ve akraba devletleri tarafından azınlık dillerinin kısıtlandığı gerekçesiyle eleştirilmiştir.

2014 sonrasında Ukrayna hükümeti ile azınlıklar arasında gerginleşen ilişkiler Kırım Tatarları için farklı bir seyir izlemiştir. Kırım Tatarlarının Kırım'ın Rusya tarafından yasa dışı ilhakı sırasında izledikleri Ukrayna'nın toprak bütünlüğünü savunan politika bu süreçte önemli bir rol oynamıştır. Kırım'ın işgalini ilk günden itibaren protesto eden Kırım Tatarları, Ukrayna yanlısı gösterilerde Kırım Tatar millî bayrakları yanında Ukrayna bayrakları ile Ukrayna'ya bağlılıklarını göstermişlerdir. Yarımada'daki Rus otoritesini tanımayacaklarını ve Kırım'da Rusya'nın baskısı altında gerçekleştirilen referandumu boykot edeceklerini açıklayan Kırım Tatar Milli Meclisi, Kırım'da Ukrayna'nın toprak bütünlüğünü savunan Ukrayna hükümetinin en önemli ortağı haline gelmiştir. Meclis bu süreçte Rus yanlısı üyelerinin Meclis üyeliklerini sonlandırmış ve tamamen Ukrayna yanlısı bir tutum izlediğini göstermiştir. Ukrayna yanlısı tutumuyla Rusya yanlısı grupların odağı haline gelen Meclis, terörizm ve aşırıcilık suçlamalarına maruz kalmıştır. Kırım Tatarlarının millî lideri Mustafa Abdülcemil Kırımoğlu'nun Kırım'a girişi yasaklanmıştır. Çeşitli baskılara maruz kalan Kırım Tatar Milli Meclisi, Kırım Haber Ajansı ve Kırım Tatar televizyon kanalı ATR, Kırım'dan Ukrayna'nın ana karasına taşınmak zorunda kalmıştır. Kırım'ın Rusya tarafından işgalini protesto eden Ukrayna yanlısı gösterilerin düzenlenmesinin ardından tutuklanan Kırım Tatarı Reşat Ametov daha sonra ölü bulunmuş ve Kırım Tatarlarının direnişinin sembol isimlerinden biri haline gelmiştir. Kırım Tatarları bir yandan baskılar ile mücadele ederken bir yandan Kırım Tatar diasporasının da

desteđi ile toplantılar düzenlemiş ve Kırım Tatarlarının ana vatanlarında millî coğrafi özerlik oluşturulması da içeren, yerli halk olarak taleplerinin karşılanmasına yönelik stratejiler belirleyerek, Ukrayna hükümeti ile ortak projeler oluşturmaya başlamışlardır.

Ukrayna makamları Kırım Tatarlarının Ukrayna'nın toprak bütünlüğüne verdiği desteğe kayıtsız kalmamıştır. Ukrayna hükümetinin Kırım Tatarlarına yönelik yaklaşımının seyrini değiştiren ilk adım Kırım Tatarlarının yerli halk olarak tanınması olmuştur. 2007'de Birleşmiş Milletler tarafından kabul edilen “Yerli Halklar Bildirisi”nde çekimser oy kullanan Ukrayna, bildiriye tanıma sürecini başlattığını açıklamış ve Kırım Tatarlarını Ukrayna'nın yerli halkı olarak tanımıştır. Yerli halk olarak tanınma, Kırım Tatarlarının uzun yıllardır mücadele verdikleri anavatanlarında kendi kaderini tayin hakkı, öz yönetim organlarının tanınması, geçmiş travmaların rehabilitasyonu ve yerli halk olarak kimliklerinin korunmasına yönelik hakları da aralayan bir kapı olmuştur. Ukrayna'nın yıllarca bir siyasi parti veya organizasyon olarak tanımakta ısrar ettiği Kırım Tatar Milli Meclisi, Kırım Tatarlarının öz yönetim organı olarak tanınmıştır.

Ukrayna Cumhurbaşkanlığı ofisinde ulusal azınlıkların korunmasına yönelik oluşturulan yürütme ve danışma birimlerinde Kırım Tatarları için ayrı bir birim oluşturulmuştur. Bu sayede, Kırım Tatarları taleplerini doğrudan Başkanlık makamına iletme imkânı bulmuşlardır. Devlet kurumlarına çeşitli Kırım Tatarları atanmış ve Kırım Tatarlarına yönelik çalışmalar hızlandırılmıştır. Kırım Tatarlarının Ukrayna'ya desteğini onurlandıran ve Ukrayna devleti ile Kırım Tatarları arasındaki birliği vurgulayan kampanyalar başlatılmıştır. Kırım'ın işgali sürecinde verdikleri mücadeleye sembolik bir destek olarak, Ukrayna Dışişleri Bakanlığı binası önünde Kırım Tatar bayrağı çekilmiştir. Ülke çapında “İki Bayrak, Bir Devlet” kampanyası başlatılarak Kırım Tatarları ile dayanışma vurgulanmıştır. 18 Mayıs 1944 sürgünü Ukrayna tarafından soykırım olarak kabul edilmiştir ve her 18 Mayıs'ta devletin en üst temsilcileri tarafından Kırım Tatarları için anma törenleri düzenlenmeye başlanmıştır. Ukrayna yanlısı eylemler sonrasında öldürülen Reşat Ametov'a Ukrayna kahramanı unvanı verilmiştir.

Kırım Tatarlarına yönelik gerçekleştirilen düzenlemeler ve onurlandırıcı eylemlerin yanı sıra, Ukrayna devleti Kırım Tatarlarına yönelik yeni bir söylem geliştirmiştir. Ukrayna devletinin en üst makamları, konuşmalarında Kırım Tatarlarına Ukrayna'nın toprak bütünlüğüne desteklerinden dolayı teşekkürlerini ileterek ve Ukrayna devleti ile Kırım Tatar halkının Kırım'ın geri alınması için hep birlikte mücadele vereceklerini vurgulamışlardır. Ukrayna Devlet Başkanı Petro Poroşenko, Kırım Tatarlarına yönelik baskıları anladığını göstermek amacıyla “Ben de Kırım Tatarıyım” ifadesini kullanmıştır. Poroşenko ayrıca, Kırım Tatarlarına ulusal-bölgesel özerklik statüsünün verilmesine yönelik gerekli hazırlıkları başlattıklarını açıklamıştır. Ukrayna Dışişleri Bakanı, eski hükümetler Kırım Tatarlarına yeterince güvenmediği için onlar adına özür dilediğini ifade etmiştir. Geçmişte Kırım Tatarlarına duyulan şüpheli yaklaşım kabul edilerek, geçmişle barış sağlamaya yönelik bir söylem geliştirilmiştir.

Günümüzde Ukrayna hükümetinin tarafından tamamlanması gereken Kırım Tatarları ile ilgili bir takım yasal düzenlemeler bulunmaktadır. Birleşmiş Milletler Yerli Halklar Hakları Bildirisi'nin standartlarında yerli halklara ilişkin kanunun kabul edilmesi, Ukrayna yerli halklarının haklarının korunmasına ilişkin ulusal eylem planının kabul edilmesi, Kırım Tatar halkının ulusal-bölgesel özerkliğine ilişkin olarak Ukrayna Anayasası'nda gerekli düzenlemelerin yapılması, Uluslararası Çalışma Örgütü'nün 169 sayılı Bağımsız Ülkelerde Yerli ve Kabile Halkları Sözleşmesi'nin onaylanması Ukrayna tarafından yapılması beklenen bazı adımlardır.

Bununla birlikte, tez kapsamında odaklanılması gereken nokta Kırım Tatarları ilgili konuların, kendi kaderini tayin hakkı dahil olmak üzere, Ukrayna siyasetinde güvenlik odaklı bir yaklaşımdan sıyrılmasıdır. Ülke liderlerinin Kırım Tatarlarının haklarına ilişkin yaklaşımını ve söylemini değiştirmesi ve Kırım Tatarlarının haklarının azınlık haklarından ayrı olarak yerli halklar kapsamında ele alınmaya başlanması ile Kırım Tatarlarının Ukrayna'ya olan sadakatlerinin sorgulanmadığı, Kırım Tatarlarına şüphe ile yaklaşılmadığı bir ilişki zemini oluşmuştur.

Sonuç

Sonuç olarak ülkenin toprak bütünlüğün sağlanmasına ilişkin kaygılarının arttığı 2014 olayları sonrasında ülkede azınlıklara karşı her zaman var olan şüpheli yaklaşım artmış ve potansiyel ayrılıkçı senaryolar tartışılmıştır. Bu süreçte özellikle ulus kimliğinin zayıf olduğu düşünülen doğu ve güney bölgelerde yaşanan ayrılıkçı hareketler, toprak bütünlüğünün korunması için ülkede güçlü bir Ukrayna kimliği altında birleşmesi ihtiyacını arttırmıştır. Ukrayna kimliğinin en önemli parçalarından biri olarak görülen Ukraynecinin tehdit altında görülmesi bu konuda bazı acil önlemler alınmasına sebep olmuştur. Bu kapsamda yapılan düzenlemelerin azınlık dillerinin kullanımında bazı kısıtlamalar getirmesi sebebiyle Ukrayna hükümeti ile azınlıklar arasındaki ilişkiler gerilmiştir. Bu çerçevede, azınlıklara yönelik tartışmalar ulusal kimlik ve güvenlik eksenine taşınmış ve güvenlikleştirme söylemi artmıştır.

Bununla birlikte, Ukrayna hükümeti ile Kırım Tatarları arasındaki ilişkiler 2014 sonrasında farklı bir seyir izlemiştir. Kırım Tatarlarının Ukrayna'nın toprak bütünlüğüne verdiği destek ve mücadele sonrasında, uzun yıllar sürdürülen Kırım Tatarlarına yönelik şüpheli yaklaşım terk edilmiş ve Kırım Tatarlarının ülkeye olan sadakatlerinin sorgulanmadığı bir ilişki geliştirilmeye başlanmıştır. Kırım Tatarlarının Ukrayna tarafından yerli halk olarak tanınması bu ilişkinin seyrini değiştirmiştir. Potansiyel tehdit unsuru olarak görülen ulusal azınlıklar yerine ülkelerinde potansiyel bir tehdit unsuru olarak görülmeyen, güçten yoksun bırakılmış gruplar olarak algılanan yerli halklar statüsüne geçiş, Ukrayna ile Kırım Tatarları arasındaki ilişkilerin güvenliksizleştirilmesinde en önemli adım olmuştur. Uluslararası hukukta da azınlıklardan ayrı bir kategoride değerlendirilen yerli halklar, Ukrayna siyasetinde de azınlıklardan farklı değerlendirilmeye başlanmıştır. Kırım Tatarları, Kırım'ın geri alınması yönünde geliştirilen stratejilerde Ukrayna'nın en önemli partneri konumuna gelmiştir. Bununla birlikte belirtmek gerekir ki 2014 öncesi Ukrayna'nın Kırım Tatarlarına olan şüpheli yaklaşımında, Ukrayna'nın Rus azınlıkları ve Rusya'yı kızdıracak herhangi bir adımdan kaçınması ve temkinli davranmasının rolü büyüktür. Bu kapsamda, Ukrayna'nın

Kırım Tatarlarına yönelik yaklaşımın deęişmesinde Kırım'ın řu anda *de facto* olarak Rusya'nın hakimiyetinde olması etkin rol oynamaktadır. Bu nedenle, Ukrayna'nın Kırım Tatarlarına yönelik geliřtirdięi politika konjonktürle birlikte deęişen stratejik bir adım olarak deęerlendirilebilir. Ukrayna'nın yerli halklara iliřkin politikasının deęerlendirilmesinde, bundan sonra yerli halklara iliřkin atılacak yasal adımlarla birlikte, Kırım'da meydana gelebilecek olası siyasi deęiřikliklerde Ukrayna'nın tutumunun izlenmesi önem arz etmektedir.



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