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Trapped in the Quadratic Nexus: The Role of the Language Issue in Ukraine's Conflict

Abstract: Russia's ongoing aggression against Ukraine has resulted in the need to reassess all of Ukraine's previous ethnolinguistic and identity policies that have been enacted since its independence. Internal contradictions within Ukraine and the vulnerability of its policies were skillfully used by Russia in 2014, resulting in the annexation of the Crimean Peninsula and the war in the Donbass region. For a genuinely bilingual state, such as Ukraine, language policies are among those topics that trigger strong emotions in society. This text analyzes the language-related rhetoric of foreign actors within the context of Russia's ongoing aggression. Assuming Russia's claims against Ukraine, the text applies Rogers Brubaker's triadic nexus theory adjusted to David Smith's quadratic nexus, taking into account Ukraine's geopolitical preferences crystallized in the country's European integration. Based on the analysis of the language-related legislation and official statistics, the text concludes that Ukraine failed to elaborate consistent language policies that address the needs of all its diverse regions in a balanced manner. It also shows that Ukraine was late in the objective assessment of Russia's threat that stemmed from ethnic and linguistic domains.

Introduction

Ethnic and linguistic issues were among the formal arguments that Russia's authorities exploited in trying to explain its aggressive policies against Ukraine that started in 2014 when Russia annexed the Crimean Peninsula. In his so-called "Crimean speech" delivered on March 18, 2014, Russia's president Vladimir Putin referred to the plans of Ukraine's post-Yanukovich authorities to revise language policies, interpreting the plans as an infringement of minority rights (Address by President of the Russian Federation, 2014). He also spoke about the attempts to "deprive [Ukraine's] Russians of their historical memory, and even of their language and to subject them to forced assimilation." As the conflict

expanded to the southeastern regions of Ukraine, the proposals to resolve it addressed, inter alia, linguistic contexts. The Package of Measures for the Implementation of the Minsk Agreements (2015) explicitly mentions the right for linguistic self-determination in the areas controlled by the pro-Kremlin separatist groups in the Donetsk and Luhansk regions. On February 21, 2022, a few days before the full-scale Russian invasion, Putin signed decrees on the recognition of the so-called Donetsk People's Republic (DNR) and Luhansk People's Republic (LNR), where it was claimed that Ukraine refused to peacefully resolve the conflict in accordance with the Minsk agreements. On the same day, in his address, Putin claimed that Ukraine continued de-Russification and forced assimilation policies, and that ethnic Russians were treated as strangers, while the Donbass separatists had been fighting for their rights to live on their land, speak their own language, and the preserve their culture (Address by President of the Russian Federation, 2022).

This article analyzes the linguistic context of the conflict in the Crimea, Donbass, and, where relevant, the wider Ukrainian territory. The text seeks to address the linguistic issues in the context of the international discourse over possible solutions to the conflict around Ukraine starting from 2014 when Russia annexed a part of the Ukrainian territory and gained effective control over another part thereof through its proxies. Because the topics addressed in this text deal with the ongoing military conflict, it seeks to focus on two aspects. On the one hand, it includes a content analysis of the relevant legislation, agreements, and accompanying public statements. On the other hand, it tries to describe the developments around Ukraine and its specific regions within the classical triadic nexus framework developed by Rogers Brubaker and adjusted by David Smith to a quadratic nexus to address the role of foreign actors.[1]

Although the 2014 political crisis in Ukraine as well as the current war could have different complex and interdisciplinary explanations that bring together history, nationalism, colonial studies, and similar research domains, this paper is centered around the ethnolinguistic aspects and their embodiment in the relevant legal acts, agreements, assessments, and public statements. This forms its thematic limitation. The article deals with a highly emotional, ongoing issue that, by many, could be interpreted as a distribution of Russia's propagandist narratives. Such a distribution is by no means the goal of this article. On the contrary, all references to Russian official documents and statements are envisaged to document how the Kremlin's narratives exploited ethnolinguistic issues in justifying its aggressive motions against Ukraine and to identify the main patterns of these policies.

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1   David J. Smith, "Framing the national Question in Central and Eastern Europe: A Quadratic Nexus?," *The Global Review of Ethnopolitics* 2, no. 1 (2002): 3–16; David J. Smith, "The 'Quadratic Nexus' Revisited: Nation-Building in Estonia Through the Prism of National Cultural Autonomy," *Nationalities Papers* 48, no. 2 (2020): 235–250; Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996).

For this purpose, the attitudes of other relevant international actors are also examined to provide a more comprehensive picture of the situation surrounding Ukraine. For example, alterations of Ukrainian language-related legislation triggered very negative emotions and statements from the public officials of Hungary. They all could be illustrated by a statement of Hungarian Minister of Foreign Affairs and Trade Péter Szijjártó. In February 2023, he claimed that Hungary did not require any new linguistic or educational rights for Ukraine's Hungarian minority but demanded the restoration of "the situation that had existed until 2015" (Government calls for protection of rights of ethnic Hungarians in Transcarpathia, 2023).

Therefore, the text provides an additional set of insights relevant to better understand the ethnolinguistic context in Ukraine as well as the post-Soviet space in general. The article is structured as follows. After an introduction of the main concept and analytical framework, the empirical parts deal with the analysis of the role of the ethnolinguistic component in the ongoing conflict in Ukraine, addressing the logic of Russia and other foreign actors and international organizations, as well as Ukraine's domestic diversity through the prism of actual conflict and its possible further implications.

Main concepts and analytical framework

The evidence from Ukraine confirms that the language issue is closely related to the country's domestic policies aimed at the promotion of the Ukrainian identity and the country's foreign policy preferences, which fit the framework of a geopolitical choice. In this way, this combination of in parallel-developed elements emphasizes a crucial role of the region's major geopolitical actors, including interstate integration initiatives and international organizations.

For many countries in Central and Eastern Europe, "language is universally interpreted as the innermost sanctum of ethnicity".[2] Ukraine is not an exception to this trend. As Palermo argues, Ukraine's diversity has implications that include "a cultural, linguistic, geopolitical and nation-building related component, which is exemplified by the language issue".[3] Contemporary Ukrainian society shows a profound example of a situation when ethnic and linguistic contents do not always coincide with each other. It specifically refers to the distribution and role of the Russian language in Ukraine that substantially

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2   George Schöpflin, *Nations, Identity, Power: The New Politics of Europe* (London: C. Hurst & Co. Publishers, 2000): 116.
3   Francesco Palermo, "The Elephant in the Room: Ukraine between Decentralization and Conflict," *Ethnopolitics* 19, no. 4 (2020): 374.

exceed the number of ethnic Russians. At the same time, studies involving some scholars of Ukrainian origin tend to frame the unofficial bilingualism in terms of two quite stable categories, meaning that the Russian and Ukrainian speakers comprise two different groups that are counterposed to each other.[4] This framework of Ukrainian–Russian bilingualism underlines the symbolic importance of language as an identity marker both at the individual and state levels.

In turn, a significant number of other scholars[5] refer to Ukraine as a genuinely bilingual state. However, Ukrainian–Russian bilingualism is often perceived negatively or even stigmatized by being linked with Ukraine's negative historical experiences.[6] A significant number of Ukrainian intellectuals see it as a burden and restraint for the development of national identity, which explains why any law or bylaw that could potentially increase the legal status of the Russian language is regarded as a direct threat to the Ukrainian language.[7] Thus, the 2012 Law of Ukraine "On the principles of the state language policy," colloquially known as Kivalov-Kolesnichenko law, which was aimed at ensuring the linguistic rights of national minorities, was perceived negatively, frozen just after the Euromaidan, and subsequently repealed. Csernicskó and Máté see the attempt to abolish the 2012 language law as "the pretext of the newest and most serious crisis in Ukraine"[8], while the language issue was used by Russia's officials as an important element of its propaganda narratives aimed at justifying aggressive motions against Ukraine. Facing a de facto Ukrainian–Russian bilingualism, Ukrainian authorities have constantly pursued policies aimed at the promotion and support of the Ukrainian language. Meanwhile, the Russian language has enjoyed the status of a minority language. According to Article 10 of the

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4   Volodymyr Kulyk, "Memory and Language: Different Dynamics in the Two Aspects of Identity Politics in Post-Euromaidan Ukraine," *Nationalities Papers* 4, no. 6 (2019): 1030–1047; Volodymyr Kulyk, "Identity in transformation: Russian speakers in post-Soviet Ukraine," *Europe-Asia Studies* 71, no. 1 (2019): 156–178; Volodymyr Kulyk, "Beliefs about language status and corpus in focus group discussions on the Ukrainian language policy," *International Journal of the Sociology of Languag* 212 (2011): 69–89; Taras Kuzio, "Euromaidan revolution, Crimea and Russia–Ukraine war: why it is time for a review of Ukrainian–Russian studies," *Eurasian Geography and Economics* 59, no. 3–4 (2018): 529–553; Taras Kuzio, *Ukraine: State and Nation Building* (London: Routledge, 1998).

5   Laada Bilaniuk, "Language in the balance: The politics of non-accommodation on bilingual Ukrainian–Russian television shows," *International Journal of the Sociology of Language* 201 (2010): 105–133; Bill Bowring, "The Russian language in Ukraine: Complicit in genocide, or victim of state-building?," in *The Russian Language Outside the Nation*, ed. Lara Ryazanova-Clarke (Edinburgh: Edinburgh University Press, 2014): 56–78.

6   Aneta Pavlenko, "Language rights versus speakers' rights: On the applicability of western language rights approaches in Eastern European contexts," *Language Policy* 10 (2011): 52.

7   István Csernicskó, "Language policy in Ukraine: The burdens of the past and the possibilities of the future," in *Future Research Directions for Applied Linguistics*, ed. Simone E. Pfenninger, Judit Navracsics. Bristol: Multilingual Matters, 2017. 120–148.

8   István Csernicskó and Máté Réka, "Bilingualism in Ukraine: Value or Challenge?," *Sustainable Multilingualism* 10, no. 1 (2017): 19.

Constitution of Ukraine, the Russian language has been distinguished from other minority languages, which stems from a phrase about the guarantee of "the free development, use and protection of Russian and other languages of national minorities of Ukraine."

The state endeavors aimed at the promotion of the Ukrainian language comply with the model of a nationalizing state within Brubaker's (1996) "triadic nexus" theory. The model proposed by Brubaker is specifically developed for the countries of Central and Eastern Europe, as after years of suppression or after gaining independence, they applied policies aimed at nationalization seen as justice restoration towards its majority. Brubaker developed a theory that is described as "a triad linking national minorities, the newly nationalizing states in which they live, and the external national 'homelands' to which they belong, or can be construed as belonging, by ethnocultural affinity though not legal citizenship".[9] Brubaker envisaged interdependence between the three actors and their relationship. Thus, the nationalizing state, which implements nationalizing policies aimed at the homogenization of its population, directly and indirectly affects national minorities that reside on its territory. A national minority is a group that, being most affected by the nationalizing policies, aims at preserving its national distinctiveness and national attributes. National minorities often seek support from their kin-state or external national homeland, which is the state that shares the same identity as a national minority (their kin) in the nationalizing state. The main role that the kin-state plays in this triangle is to ensure that the rights of their ethnic kin minority are being sufficiently protected and respected. The issue of protecting national minorities and ensuring their rights quite often becomes a cornerstone in relations between the nationalizing state and the kin-state. Despite the fact that the protection of national minorities is a responsibility of a democratic state, which should protect its cultural and linguistic diversity, the kin-state in many cases serves as an external watchdog and protector in the case of severe minority rights violations. The kin-state and nationalizing state "are linked by continuous mutual monitoring and inter-action".[10] Brubaker further underlined that the main actors of this model are "not fixed entities but fields of differentiated and competing positions, arenas of struggle among competing stances," and the instability of these relations makes them potentially explosive.[11]

Evidence from Ukraine demonstrates that the involvement of the external actors is not limited to Ukraine–Russia bilateral relationship. Since 2019, the Constitution of Ukraine has proclaimed "the European identity of the Ukrainian people and the irreversibility of the European and Euro-Atlantic course of Ukraine." This indicates the importance of the European Union and NATO as external factors affecting Ukraine's political choices and possible alliances. Many interpret this as Ukraine's civilizational choice.

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9   Brubaker, *Nationalism Reframed,* 4.
10   Ibid., 8.
11   Ibid.

Back in the 1990s, Samuel Huntington already referred to Ukraine as a country in between the East and West with a civilizational border running through the middle of the country, dividing it into two: the eastern part, which includes most of today's Ukraine, including its central, southern, and eastern parts (also the Donbass region), and belongs to the East (i.e., Russian civilization), and the smaller, western part, which includes Galicia (Ukrainian: Halychyna) and Transcarpathia, and is civilizationally closer to the West.[12]

Although, due to the similarities between the two civilizations, Huntington did not expect a conflict to emerge between Ukraine and Russia, instead mainly expecting a potential clash between Christians and Muslims, his assurance was based on the absence of a conflict in Crimea at that time, which had been much expected.[13] Yet, nearly 20 year later, a conflict erupted just around Crimea and has since spread wider. Therefore, the differences between the West and East have only deepened over time, and nowadays the question of a clash has become very relevant.

The alleged internal divide places Ukraine in a vulnerable position since the concept of civilizational choice, which the Ukrainian elite promoted in the context of rapprochement with the EU, requires it to choose between Western civilization equated with the EU and political alliances centered on Russia. The cornerstone of the 2014 Maidan and the current ongoing war with Russia has a clear geopolitical choice based on Ukraine's decision to move forward towards Western civilization (i.e., the EU).

Smith's Quadratic Nexus

Considering a growing influence from and importance of the EU for the Ukrainian political elite, the EU has become an important player in the existing triadic nexus extending into a quadratic one. The theory of a quadratic nexus was proposed by David Smith and based on the theory of Brubaker, who in his analysis of Estonia's minority policy after the collapse of the Soviet Union identified an important role and influence on the policy by the EU. Estonia's will to join the EU initiated legislative changes in the sphere of minority

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12   Samuel P. Huntington, "The Clash of Civilizations?," *Foreign Affairs* 72, no. 3 (1993): 21–49.

13   Cf. Huntington (1993, p 38): "In 1991 and 1992 many people were alarmed by the possibility of violent conflict between Russia and Ukraine over territory, particularly Crimea, the Black Sea fleet, nuclear weapons and economic issues. If civilization is what counts, however, the likelihood of violence between Ukrainians and Russians should be low. They are two Slavic, primarily Orthodox peoples who have had close relationships with each other for centuries. As of early 1993, despite all the reasons for conflict, the leaders of the two countries were effectively negotiating and defusing the issues between the two countries. While there has been serious fighting between Muslims and Christians elsewhere in the former Soviet Union and much tension and some fighting between Western and Orthodox Christians in the Baltic states, there has been virtually no violence between Russians and Ukrainians."

protection that are required by the Copenhagen criteria for the candidacy of new member states. Like Estonia was, Ukraine is highly motivated to join the EU. Its desire for ascension has been announced many times and has become one of the aspects of the demands from the Ukrainian authorities during the ongoing war.

Therefore, the incentive of prospective EU membership can and may become a driving force for legislative amendments in Ukraine. Thus, in the further analysis of the Ukrainian linguistic policy, the adaptation of Smith's quadratic nexus is used, considering a crucial role that the EU plays in shaping Ukraine's domestic and foreign policies. In this nexus, the role of the EU is merely attributed to Ukraine's geopolitical choice, which affects the country's policies and legislation and complies with its aspirations to become an EU member state.

Language issues in the context of the Ukraine–Russia conflict

The current Russian–Ukrainian conflict dates back to the 2013–2014 Euromaidan, when the Ukrainian elite was about to sign the Association Agreement with the EU. At that time, the ruling elite, dominated by people who originated from the Donetsk region, significantly influenced political decisions made by then-president Viktor Yanukovich. Despite the initial support for Ukraine's closer collaboration with the EU and its intended signing of the Association Agreement, the decision to postpone the agreement resulted in mass protests, which led to the collapse of Yanukovich's regime and created a pretext for Russia's annexation of Crimea and the subsequent war in Donbass.

After Yanukovich was overthrown, one of the first decisions of Ukraine's parliament (the Verkhovna Rada) on February 23, 2014, was to repeal the Law of Ukraine "On the Principles of the State Language Policy."

Adopted on July 3, 2012, this law replaced the Law of the Ukrainian Soviet Socialist Republic on Languages. Its adoption evoked different emotions in different regions of Ukraine. Some regions saw the law's adoption as an opportunity to officially use languages other than Ukrainian, while others perceived it as a threat to the official language. At the request of the Verkhovna Rada, the preparation of the law was observed by the Venice Commission, which issued several opinions on its drafts. Some commentators, such as Kulyk argued that the adopted law could be dangerous for the Ukrainian language, as it opened up an opportunity to freely opt for the Russian language "in a certain practice or by removing the requirement regarding the use of Ukrainian and thus allowing the transnational markets to decide in favor of more widespread Russian".[14] In turn, the Venice

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14 Volodymyr Kulyk, "Language policy in Ukraine: what people want the state to do," *East European Politics and Societies* 27, no. 2 (2013): 303.

Commission observed that a later version of the draft was aimed "to no longer attribute a preferential position to the Russian language among the languages that are different from the State language, but to include the Russian language among the other regional and minority languages".[15] Yet, as Bowring summarizes, its final draft was "more balanced, but much more work was required, especially to consolidate the Ukrainian language as sole state language".[16]

Nevertheless, the 2012 law defined the basis of the state linguistic policy in Ukraine, which aimed to promote the state language status. The law provided the first time clear definitions for a number of notions, including the state language, linguistic groups, linguistic minorities, regional linguistic groups, regional languages or minority languages, the mother tongue, and the languages of national minorities. It also provided a concrete list of the regional languages, with 18 languages in total, that pretty much covers the most significant linguistic groups of Ukraine. The cornerstone of the language law, apart from its political connotation, became Art 7, which allowed regions with at least 10% percent of speakers of languages other than Ukrainian to use their language co-officially together with Ukrainian after a decision of respective regional or local authorities.[17] Despite all of its shortcomings, the 2012 law actually corresponded to the demands and criticisms of the Advisory Committee on the Framework Convention during the first monitoring of Ukraine in 2002 with respect to setting clear and comprehensive definitions and terminology.

Moreover, the then-OSCE High Commissioner on National Minorities Astrid Thors expressed her concerns on the Verkhovna Rada's canceling the 2012 Law of Ukraine "On the Principles of the State Language Policy," as Thors saw that it could lead to "further unrest, especially in a context where language policy is such a divisive issue."[18] In her speech, Thors urged the consideration of the ethnic and linguistic minorities' concerns and the refrainment from any actions that could lead to further escalation:

"At this crucial time in its history, Ukraine needs leaders, laws and policies that unite rather than divide… I call on the Ukrainian authorities to adopt a balanced and inclusive approach towards language policy. The authorities have to consult widely to ensure that

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15   Opinion on the Draft Law on Principles of State Language Policy of Ukraine (2011), *Venice Commission*, opinion no.651/2011, CDL–AD (2011)047, 19 December, available at https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2011)047-e; accessed: 15 June, 2022.

16   Bowring, "The Russian language in Ukraine," 73.

17   Hanna Vasilevich, "Diversity Policies in Ukraine," in *Policies of Ethno-cultural Diversity Management in Belarus, Moldova and Ukraine: between Soviet Legacies and European Standards* ed. Mikalai Biaspamiatnykh, Hanna Vasilevich, Alexander Osipov, Federica Prina and Ihar Pushkin (Vilnius: EHU, 2014): 204–205.

18   Restraint, responsibility and dialogue needed in Ukraine, including Crimea, says OSCE High Commissioner on National Minorities (2014). *OSCE High Commissioner on National Minorities*, 24 February, available at https://www.osce.org/hcnm/115643; accessed: 14 June, 2022.

future language legislation accommodates the needs and positions of everyone in Ukrainian society, whether they are speakers of Ukrainian, Russian or other languages."[19]

Despite Thors' comments, the activities of Ukraine's legislators led to the general dissatisfaction of not only ethnic Russians and Russian speakers but also other minorities (e.g., Hungarians, Romanians, Poles) who could have enjoyed the wider exercising of their linguistic rights. The developments around this law caused serious political tensions with other kin-states, most notably Hungary.

The dual role of the Russian language (i.e., as a national minority language and a language of intercultural communication), which it had been enjoying since Ukraine's independence, collided with the policies aimed at restoring the rights and the usage of Ukrainian, which had been oppressed under Soviet rule. Kuzio advocated measures aimed at Ukrainization as positive discrimination vis-à-vis the Russian language and others, where relevant, and argued that "affirmative action in favor of a formerly discriminated-against language and culture is a perfectly reasonable policy".[20] As a result of such an approach, the Ukrainian state promotes official monolingualism as the only feasible and acceptable state of affairs.[21]

The post-Euromaidan political elite, including the then-president Petro Poroshenko, had to balance their statements with respect to the escalated conflict in the east and struggled to pull together the separated parts of the country. Thus, the head of the Verkhovna Rada, Oleksandr Turchinov, signed the Resolution of the Verkhovna Rada's No. 1280-VII of May 20, 2014, on the Memorandum of Peace and Concord.[22] This document called on inter-ethnic peace and concord. It also recalled the constitutional status of the Ukrainian language as the state language and assured the guarantees of the status of the Russian language as well as the support for the languages of national minorities in the areas where they compactly reside.

Poroshenko himself could not overlook the issue of the Russian language. In June 2014, he disapproved the Verkhovna Rada's decision on depriving Russian the status of a regional language: "I have always said and reiterated today that the Verkhovna Rada's decision to deprive Russian of its regional status was a mistake. During my election campaign, I repeatedly stressed that such a law would never be approved by me."[23] When talking about

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19   Ibid.

20   Kuzio, *Ukraine: State and Nation Building*, 170.

21   Pavlenko, "Language rights versus speakers' rights," 52.

22   Postanova Verkhnovnoy Rady Ukrainy – 1280-VII vid 20.05.2014 pro Memorandum porozuminnya y myru (Resolution of the Verkhovna Rada's No. 1280-VII of May 20, 2014, on the Memorandum on Peace and Concord). https://zakon.rada.gov.ua/laws/show/1280-18#Text; accessed: 15 June, 2022.

23   Reshenie o lishenii russkogo yazyka statusa regionalnogo bylo oshibkoy - Poroshenko (The decision to deprive the Russian the status of the regional language was a mistatke - Poroshenko) (2014). *Korrespondent.net*. June 28, available at https://korrespondent.net/ukraine/politics/3385352-reshenye-o-lyshenyy-russkoho-yazyka-statusa-rehyonalnoho-bylo-oshybkoi-poroshenko; accessed: 15 June, 2022.

the situation in Donbass, he stressed his support for Russian's status as an official language in Donbass: "We have absolutely no objections to the use of Russian as an official language. We are also ready to carry out advanced decentralization."[24]

Later that same year, in a speech devoted to the solemn ceremony of the state flag raising, he claimed that "many of us [Ukrainians] speak Russian but think differently here than in Russia. Talking to soldiers in the anti-terrorist operation zone or military hospital, I saw and heard that Russian is loved in Ukraine no less than is Ukrainian."[25]

At the same time, the conflict in Donbass not only resulted in Kyiv's loss of control over the territories of Ukraine's southeast but also signified the instrumentalization of the opposed trends of language policies between Kyiv on the one hand and Luhansk and Donetsk on the other.

The de facto authorities of the so-called people's republics in effect maintained control over these territories with assistance from the Russian military and special services. They designated policies in the domain of language use. These policies could be characterized by the dominance of the Russian language in all spheres of public life, with some formalized presence of the Ukrainian language. Initially, they adopted the models of formal bilingualism. However, the status of the Ukrainian language was downgraded, and Russian remained the only official language used in both quasi-states, which means that the patterns of formal linguistic policies in Ukraine and its separatist regions moved in opposite directions.

The reference to the linguistic self-determination of the separatist regions suggested that the Minsk agreements would address such a reality, when each party follows its own path.

Ukraine's ethnic and linguistic complexity and a source of potential conflict

The only census in an independent, post-Soviet Ukraine took place in 2001. According to the data, Ukrainians constituted 77.8% of the population, which was 5% higher compared to the last Soviet census, which had taken place in 1989. In turn, Russians remained the second-largest ethnic group. They comprised 17.3% of the population, compared to 22.1% in 1989. All other ethnic groups each accounted for less than 1% of the population, with the most numerous being Belarusians, Moldovans, Crimean Tatars, Bulgarians, Hungarians,

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24 Ibid.
25 Poroshenko: Rosiyskoyu movoyu Ukrainu lyublyat ne menshe, nizh ukrainskoyu (Poroshenko: In the Russian language Ukraine is loved not less than in the Ukrainian (2014). *Pravda.com.ua*, 23 August, available at https://www.pravda.com.ua/news/2014/08/23/7035607/; accessed: 15 June, 2022.

Romanians, Poles, Jews, Armenians, Greeks, and Tatars.[26] Russians formed the majority in the two administrative units of the Crimean Peninsula. In the Autonomous Republic of Crimea, they made up 58.3% of the total population, followed by Ukrainians (24.3%) and Crimean Tatars (12.0%). In the city of Sevastopol, the share of Russians was as high as 71.6%, followed by Ukrainians with 22.4%. In terms of their ethnic composition, the Donetsk and Luhansk regions were somewhere between the Crimean Peninsula, with its ethnic Russian majority, and the other areas of Ukraine's center, south, and east, where the amount of ethnic Russians ranged from 13.1% in the capital city of Kyiv to 25.6% in the Kharkov region. In the Donetsk region, Russians comprised 38.2% of the total population, while in the Luhansk region their share was slightly higher at 39.0%.[27] Thus, Ukraine's ethnolinguistic composition reveals a significant presence of ethnic Russians throughout its eastern, southeastern, and southern regions, where they comprise over 10%, should the threshold from the 2012 language law be used as a criterion for an apparent introduction of Russian as a regional language in the relevant region.

Further, the 2001 national population census provided information about the population's native languages, as summarized in the following table.[28]

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26   About number and composition population of Ukraine E by data All-Ukrainian population census' 2001 data. *State Statistics Committee of Ukraine*. available at http://2001.ukrcensus.gov.ua/eng/results/ general/nationality/; accessed: 15 June, 2022.
27   Ibid.
28   Ibid.

Table 1: Ethno-linguistic composition of Ukraine's population according to the 2001 national population census

	Native language (%)			
	Language of their ethnicity	Ukrainian language	Russian language	Other language
Ukrainians	85.2	X	14.8	0.0
Russians	95.9	3.9	X	0.2
Belarusians	19.8	17.5	62.5	0.2
Moldovans	70.0	10.7	17.6	1.7
Crimean Tatars	92.0	0.1	6.1	1.8
Bulgarians	64.2	5.0	30.3	0.5
Hungarians	95.4	3.4	1.0	0.2
Romanians	91.7	6.2	1.5	0.6
Poles	12.9	71.0	15.6	0.5
Jews	3.1	13.4	83.0	0.5
Armenians	50.4	5.8	43.2	0.6
Greeks	6.4	4.8	88.5	0.3
Tatars	35.2	4.5	58.7	1.6
Roma	44.7	21.1	13.4	20.8
Azerbaijanis	53.0	7.1	37.6	2.3
Georgians	36.7	8.2	54.4	0.7
Germans	12.2	22.1	64.7	1.0
Gagauzians	71.5	3.5	22.7	2.3
Other nationalities	32.6	12.5	49.7	5.2

These figures indicate that 67.5% of Ukraine's population considered Ukrainian language as their mother tongue, while 29.6% regarded Russian as theirs. However, these figures provide a somewhat simplified picture, as they lack an information about actual language use under different circumstances. In other words, should the census have offered a question about the main language of communication and/or further clarifying points of actual language use, the results would have significantly differed. Despite different interpretations of these census figures, it is obvious that for many Ukrainian residents the issue of mother tongue played a symbolic role as an emphasis of their ethnic affiliation or belonging to their country of citizenship. A more extended set of questions about linguistic identity and

language use could have also provided insights into the actual levels of bilingualism and real language proficiency distributed along ethnic and regional lines and thereby could have been a source of information for the design of more comprehensive language policies in Ukraine. In reality, these data, based on the self-declarations of individuals, were used by commentators as a basis for their analyses and conclusions to measure Ukrainian identity and the success of the country's policies in the spheres of ethnic and linguistic diversity management.

A more in-depth analysis of the regional breakdown reveals ethno-linguistic specifics of the Donetsk and Luhansk regions. In Donetsk only 24.1% identified Ukrainian as their mother tongue, which was 6.5% lower than back in 1989, while Russian was declared as the mother tongue for 74.9%, which was 7.2% higher than in 1989. A similar situation was noted in the Luhansk region. There, Ukrainian was declared as the mother tongue by only 30% of the region's population, which decreased by 4.9% compared to in 1989, while Russian as the mother tongue increased by the same degree, reaching 68.8% in 2001. Such a notable increase of the share of those who consider Russian as their mother tongue was particular to just the Donbass region.[29] This signifies that during the first 10 years of Ukrainian independence, a moderate Ukrainization in the southeast region had failed, while the usage of the Russian language and declarations of belonging to the Russian-speaking group within the same period increased. It is difficult to access any further data on linguistic and ethnic belonging in Ukraine, due to the lack of any official relevant studies.

As shown above, the contradictory conclusions by different researchers confirm that the data used by them could and has been used as a political or advocacy tool, especially when renouncing the disputable legislation, as in the case of the 2012 language law. The evidence of the 2001 census illustrated a deep attachment to the Russian linguistic identity of the self-declared Ukrainians residing in the Donetsk and Luhansk regions. Specifically, in the Luhansk region, approximately half of the Ukrainians considered Russian as their mother tongue, while the other half considered Ukrainian as their mother tongue.[30] In the Donetsk region, the share of Ukrainians considering Ukrainian their mother tongue was

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29 The situation in the Crimean Peninsula is not analyzed in this context, as the Autonomous Republic of Crimea had its own constitution, which ensured a higher protection of the Russian and Crimean Tatar languages than did the 2012 law. In the case of the city of Sevastopol, its ethnic composition, the presence of the Russian Navy base, and the city's historical identity significantly contributed to the preservation of the Russian identity.

30 Pro kilkist ta sklad naselennya Luhanskoy oblasty za pidsumkamy Vseukrainskoho perepysu naselennya 2001 roku (On the number and composition of the population of the Luhansk region based on the results of the 2001 All-Ukrainian Population Census. *State Statistics Committee of Ukraine*, available at http://2001.ukrcensus.gov.ua/results/general/language/lugansk/; accessed: 15 June, 2022.

even lower (only 41.2%), while nearly 58.7% claimed the Russian language.[31] Therefore, in the Donetsk and Luhansk regions, the Russian language played a crucial role that can be explained as a combination of their ethnic composition, voting behavior, and cultural identification. Their political preferences have always been focused on pro-Russian political groups and frequently have been used by domestic and external forces (i.e., Russia) to achieve political goals.

The 2004 Maidan demonstrated that even at that time the local pro-Russian political elites supported by some Russian politicians tried to appeal to Russian authorities to gain political support for their de facto separatist activities. Specifically, during the 2004 political crisis in Ukraine, the so-called South-East Ukrainian Autonomous Republic (Ukrainian: Pivdenno-Skhidna Ukrayinska Avtonomna Respublika) was announced by Yanukovich's supporters. Back then, the activities of the local political elites did not result in the creation of any separatist entities. Yet, the 2004 events confirmed the vulnerability of the Ukrainian state vis-à-vis a possible Russian involvement and were sanctioned by the active participation or silent assent of the local political elites. Thus, the 2004 Maidan should have served as a warning sign for Ukraine to address its internal problems caused by the country's regional specifics. In 2014, the context of the inter-Ukrainian political crisis around the country's future political alliances resulted in a situation in which the local political elites of the Donetsk and Luhansk regions were either unwilling or incapable of countering overtly Russian-backed endeavors to establish separatist entities branded as the so-called "people's republics." This resulted in the military clashes that culminated into the actual war with Russia's invasion of Ukraine in February 2022.

Minsk agreements and the conflict around the language

The Minsk negotiation format consisted of representatives of Ukraine, Russia, and the OSCE, whereas the document known as the Minsk Protocol was signed by the representatives of the two separatist entities (DNR and LNR), Ukraine, Russia, and the OSCE. With its adjustments, this document fits into the quadratic nexus framework developed by David Smith, which is based on the triadic nexus theory by Rogers Brubaker. Specifically, the nexus framework included Ukraine, its separatist regions sponsored by Russia that acted as their kin-state, and the OSCE as an international platform that guarantees their

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31 Pro kilkist ta sklad naselennya Donetskoy oblasty za pidsumkamy Vseukrainskoho perepysu naselennya 2001 roku (On the number and composition of the population of the Donetsk region based on the results of the 2001 All-Ukrainian Population Census. *State Statistics Committee of Ukraine*, available at http://2001.ukrcensus.gov.ua/results/general/language/lugansk/; accessed: 15 June, 2022.

deemed implementation. An analysis of the Minsk Protocol's items implied the re-framing of the existing foundations of Ukraine as a state that was to ensure the demands of its two separatist regions by providing them with greater opportunities to influence decision-making processes. The inclusion of the provision on the linguistic self-determination of these regions suggested the importance of the Russian language factor for the context of the conflict. Yet, Russia's role as the kin-state and sponsor of the separatist entities was embodied in taking the advantage of the protocol's formulations that envisaged the regions' linguistic, cultural, economic, and social ties with Russia. The practical implementation of these agreements created a deadlock, as Ukraine was reluctant to re-frame its political system in favor of the separatists' demands. In turn, Russia accused Ukraine of ignoring the Minsk agreements and promoting nationalist agendas vis-à-vis the breakaway regions.

Ukraine's logic in addressing the territorial problem in Donbass was based on the principle of the country's territorial integrity. The Law of Ukraine "On the special procedure for local self-government in certain areas of Donetsk and Luhansk regions" was adopted in September 2014.[32] Since that time, it has been amended on several occasions. However, its wording does not contain any direct reference to the Minsk agreements. Another significant issue can be found in its Article 4, which deals with the language issues. Specifically, it guarantees the right for the linguistic self-identification of every individual, including the free choice of Russian or any other language as a means of communication. The same applies to the promotion of the use of the Russian language in the activities of governmental agencies, media, jurisprudence, economy, education, and other significant domains of social life. However, all these provisions refer to the section of the Law of Ukraine "On public associations" on the foundations of the state language policies that was proclaimed unconstitutional by the Ukrainian Constitutional Court in February 2018. Moreover, its presence in the current wording of the law can be measured through the subsequent changes in the Ukrainian legislation on the management of language policies. This situation at least does not bring much clarity to the sustainability of Ukraine's strategies to re-acquire effective control over these territories. It is confirmed by the wording of another law, the Law of Ukraine "On the creation of the necessary conditions for a peaceful settlement of the situation in the specific districts of the Donetsk and Luhansk regions," which dates back to

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32   Zakon Ukrainy – 1680-VII vid 16.09.2014 "Pro osoblyvyi poryadok mistsevoho samovriaduvannya v okremykh rayonakh Donetskoyi ta Luhanskoyi oblastey" (Law of Ukraine No. 1680-VII of 16.09.2014 "On the special procedure for local self-government in certain areas of Donetsk and Luhansk regions"). *Verkhovna Rada of Ukraine*, available at https://zakon.rada.gov.ua/laws/show/1680-VII; accessed: 14 June, 2022.

October 2017.[33] This law confirms that Ukraine's goals are the restoration of the country's territorial integrity and sovereignty within its internationally recognized borders. Overall, Ukraine's legal framework on the Donbass region induces argumentation for Russia's critics aimed at the implementation of the Minsk agreements by Ukraine. This type of argumentation can be found in the public statements of President Putin and other high-ranking officials. Formally, their discourse complies with Russia's self-imposed role as the kin-state for Ukraine's Russophones. For instance, Putin has persistently claimed that Russia did not have any other choice but to protect the Russian-speaking population in Donbass.[34]

The above legal framework suggests that Ukraine's authorities were merely focused on the domestic legal developments to accommodate the dominant discourses within Ukrainian society, heavily traumatized by the annexation of Crimea and war in Donbass. This approach implies that the authorities of Ukraine are more reluctant to employ the external narratives that fit the formula of a "united country" (Ukrainian: *iedyna krayina*; Russian: *yedinaya strana*) and that used to be promoted by them.

Poroshenko adopted the motto "Army, Language, and Faith," (Ukrainian: *armiya, mova, vira*), which meant to strengthen the unity of Ukrainian society under his post-Euromaidan leadership. This was embodied by attempts to further institutionalize the role of the Ukrainian language in Ukraine. These policies led to the development and further adoption of several laws, including the Law on Education (adopted in 2017) and the 2019 Law of Ukraine "On ensuring the functioning of the Ukrainian language as the state language." Both of these laws had two inter-connected purposes. On the one hand, they sought to substantially increase the use of the Ukrainian language in education and the public sphere, and on the other hand, they significantly reduced the use of the Russian language in these spheres. Such strategies of the Ukrainian authorities and their further legislative endeavors have been repeatedly criticized by the Russian authorities, who accuse Ukraine of discrimination against Russophones.[35] The outbreak of the war in February 2022 changed the rhetoric of the Kremlin to the extent that it came to perceive the Minsk

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33   Zakon Ukrainy – 2167-VIII vid 06.10.2017 "Pro strorennya neobkhidnykh umov dlya myrnoho vrehulyuvannya sytuatsyi v okremykh rayonakh Donetskoyi ta Luhanskoyi oblastey" (Law of Ukraine No 2167-VIII of 06.10.2017 "On the creation of the necessary conditions for a peaceful settlement of the situation in the specific districts of the Donetsk and Luhansk regions"). *Verkhovna Rada of Ukraine*, available at https://zakon.rada.gov.ua/laws/show/2167-19; accessed: 14 June, 2022.

34   Putin: Vynudili zashchishchat russkoyazychnykh na Donbasse (Putin: they forced us to protect Russian-speakers in Donbass) (2016). *Korrespondent.net*, October 12, available at https://korrespondent.net/ukraine/politics/3756878-putyn-vynudyly-zaschyschat-russkoiazychnykh-na-donbasse; accessed: 14 June, 2022.

35   MID RF raskritikoval zakon Ukraine ob obshchem srednem obrazovanii (Russia's MFA criticized Ukraine's law on general secondary education) (2020). *Rossiyskaya gazeta*, January 18, available at https://rg.ru/2020/01/18/mid-rf-raskritikoval-zakon-ukrainy-ob-obshchem-srednem-obrazovanii.html; accessed: 14 June, 2022.

agreements as obsolete due to its recognition of the so-called people's republics of Donetsk and Luhansk. At the same time, Moscow accused Kyiv of being responsible for the non-implementation of the Minsk agreements, which, in the Kremlin's view, took place long before its formal decision to recognize these two entities.[36]

Thus, the strategy of Moscow towards the Donbass region complies with the role of a kin-state. Obviously aggressive and inconsistent with the norms of international law, these activities still complied with the political, economic, and media support of the two breakaway entities. Moscow's position vis-à-vis the implementation of the Minsk Protocol implied that it was ready to accept the agreement, because it substantially changed the internal organization of Ukraine's state and granted special status to the separatist regions of Donbass. In turn, Ukraine found itself in a trap, as it either had to agree to the proposed changes of its state organization or try to find another solution to settle the conflict. The concessions that Ukraine was ready to make within this framework proved to be very limited, as they posed a significant threat to the self-organization of Ukraine as a state as well as to the development of the discourses on the issue within Ukrainian society. In any case, its position was consistent with a role of a nationalizing state that has been trying to promote its policies aimed at the country's unity and indivisibility with some possible concessions to its specific regions but that does not fully address their specifics. The role of the language issue in this context was not primary but quite important. Russia's appeal not only to ethnic Russians but also Russian-speakers provided it with a greater base to formally address the issue within the context of Ukraine's southeast. At the same time, inconsistencies in the language policies linked with the idle status of the 2012 Kivalov-Kolesnichenko law after February 2014 resulted in the situation that triggered the negative developments for Ukraine in the Donbass region. Further changes to the language-related legislation in Ukraine have not contributed to developments either. Therefore, Ukraine failed to find an equilibrium between the symbolic status of Ukrainian as the state language throughout the country and the actual role of the Russian language in the southeast, and the failure was effectively used by Moscow in its political rhetoric.

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36   Putin says Minsk Agreement on Ukraine exists no more (2022). Anadolu Agency, February 22, available at https://www.aa.com.tr/en/asia-pacific/putin-says-minsk-agreement-on-ukraine-exists-no-more/2510573; accessed: 14 June, 2022.

Conclusion

The role of language remains important for Ukraine's domestic agendas and Russia's kin-state policies. On the one hand, it demonstrates the vulnerability of Ukraine's position vis-à-vis Russia's claims. On the other hand, it signifies the potential aggressive policies of Russia towards its neighboring country backed the language-related argumentation. All this fits the concept of a quadratic nexus developed by David Smith, which is based on the triadic nexus theory by Rogers Brubaker. Although many commentators could interpret the Donbass conflict as one that was artificially created by Moscow, the above analysis demonstrates the challenges that a nationalizing state may face vis-à-vis aggressive policies by a kin-state. Despite different interpretations of its domestic language policies after 1991, Ukraine failed to develop and implement consistent and sustainable language policies that would meet the needs of all segments of its society and address the specifics of its regions. Additionally, for a long time, Ukraine failed to objectively assess the actual threat of Russia acting as a kin-state for Ukraine's ethnic and linguistic communities. This evidence from the country's linguistic policies in the context of the conflict in the Donbass region confirms the actuality of this research and opens up the questions for further comparative analyses focusing, inter alia, on the evaluation of the sustainability of Ukraine's identity and memory policies after 1991 and its assessment in academic and analytical works.

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