

# How Ukraine must develop its minority policy to avoid the “ethnic trap” during EU accession negotiations, and how international partners could help

By Dmytro Tuzhanskyi, Fellow and Project Manager for Ukraine and Eastern Europe Programme at GLOBSEC

## Summary

*The conditions for Ukraine’s EU candidate status about the need to ensure the rights of national minorities should be taken by Kyiv as seriously as other seemingly more difficult reforms from the list agreed upon with Brussels. This issue is not just about Hungary or Viktor Orbán’s domestic and geopolitical games. For Ukraine, this issue is much broader and deeper than all this, and requires more comprehensive and sophisticated policy work, both at the bilateral and multilateral levels. This policy brief explains the complexity of the ethnic issue for Ukraine in its path towards the EU and what actions should be taken.*

On June 17, 2022, when the European Commission recommended granting Ukraine the EU candidate status, it simultaneously announced a list of requirements and conditions that Kyiv must fulfil<sup>1</sup>.

These requirements must be fulfilled by Ukraine not to start the negotiations with the EU on accession but to prove the EU candidate status, which was granted to Ukraine together with Moldova in a historically short time and under the unprecedented situation of the full-scale Russian invasion. Expectedly, one of the seven conditions is to “finalise the reform of the legal framework for national minorities currently under preparation as recommended by the Venice Commission and adopt immediate and effective implementation mechanisms”.

Many interpretations in the media state that this condition was added to the list of demands solely at the request of Hungary, the European Commissioner for Neighbourhood and Enlargement lobbying, and to

protect against sudden blockades by Viktor Orbán’s team. However, since June 2022, it is no less important of a condition than the others, which include reforms to the Constitutional Court, the continuation of judicial and anti-corruption reforms, ensuring anti-money laundering legislation, and the implementation of the Anti-Oligarch law.

## “The ethnic trap”

If we look at the latest decisions regarding EU enlargement, primarily in Central Europe and the Balkans, the issue of the rights of national minorities was one of the decisive ones. And those countries that did not neglect this issue, despite all its sensitivity, moved towards the EU faster. Those who underestimated the issue of national minorities slowed down the path to the EU for a tediously long time.

For example, although there were, from time to time, occasional debates between Slovakia and Hungary<sup>2</sup>,

<sup>1</sup> [https://www.eeas.europa.eu/delegations/ukraine/eu-commissions-recommendations-ukraines-eu-candidate-status\\_en?s=232](https://www.eeas.europa.eu/delegations/ukraine/eu-commissions-recommendations-ukraines-eu-candidate-status_en?s=232)  
<sup>2</sup> <https://www.eurointegration.com.ua/articles/2019/04/9/7094944/>

as well as Hungary and Romania<sup>3</sup>, regarding the rights of national minorities (mainly because of internal political reasons) before joining the EU in 2004 and 2007, these countries had to come to an agreement, and assess EU accession as the highest priority and pill for all “ethnic and historical traumas”.<sup>4</sup>

The basic bilateral treaties between Slovakia and Hungary, as well as Hungary and Romania, signed in 1995-1996 with the mediation of France, became the basis for the agreements within the EU accession process. Separately, Slovakia adopted a separate minority language law<sup>5</sup> primarily concerning the Hungarian community, consisting of about half a million citizens from Slovakia’s population of 5.4 million. Romania passed tough public discussions before finally approved the new law on minorities<sup>6</sup>.

But there are many opposite examples, particularly the Republic of North Macedonia’s path towards the EU. This country was granted EU candidate status in 2005, but only in July 2022 did the door for official negotiations between Skopje and the EU regarding membership open. Seventeen years were spent in challenging and exhausting debates with Greece<sup>7</sup> and Bulgaria<sup>8</sup> on ethnic or identity issues, usually described as guaranteeing the rights of national minorities. The Republic of North Macedonia had to change its official name, as well as manage a wide range of highly sensitive questions about “common history”, “common ethnic and linguistic roots”, and the “Macedonian minority in Bulgaria”.

No doubt, neither Ukraine nor Europe has 17 years to deal with such issues.

## The Ukrainian-Hungarian profile

The dispute between Kyiv and Budapest over guaranteeing the rights of the Hungarian national minority in Ukraine has been ongoing for over five years, starting immediately after the adoption of the 2017 educational law<sup>9</sup>. Despite all assurances from Ukrainian authorities that this educational law would not be against Hungarians and is cohesion-oriented, official Budapest and the Hungarian community in Ukraine perceived it as an attempt to assimilate, a

breach of Kyiv’s previous commitments to Hungary and internationally, and a narrowing of national minority rights.

Following this, Ukrainian-Hungarian diplomatic tension turned into a deep systemic crisis of bilateral relations over all key issues, not just minority topics:

1. dual citizenship and distribution of Hungarian passports to ethnic Hungarians in Ukraine, which Budapest has been actively doing in Transcarpathia since 2011 contrary to Ukrainian legislation, which does not recognize dual citizenship;
2. new Ukrainian education and language<sup>10</sup> laws, regulations of the using the Hungarian language in the public sphere, and call for giving official regional status to it in Transcarpathia, as well as official status for Hungarians as indigenous people;
3. rights for different types of autonomy, such as cultural, political, and territorial, for the Hungarian community in Ukraine. This includes the creation of a “Hungarian district” in Ukraine as an administrative unit for some territorial autonomy, as well as prospects for the restoration of the so-called Hungarian electoral constituency, which operated within Transcarpathia during the 1998 and 2002 parliamentary elections and guaranteed the representation of the Hungarian national minority in Ukrainian Parliament;
4. use of Hungarian symbols in the public sphere, in particular flags on administrative buildings;
5. European and Euro-Atlantic integration of Ukraine. Immediately after Kyiv adopted the law on education, Budapest started blocking Ukraine’s EU and NATO ambitions, in particular using its veto on the Ukraine-NATO ministerial-level commission and other minor decisions;
6. Hungarian officials’ interference in the Parliamentary elections in 2019<sup>11</sup> and local elections in 2020 elections in Ukraine, as well as in Ukraine’s internal affairs;
7. Russian “soft- and gas-power” in Hungary towards Ukraine, as well as Russia’s malign influence and

3 <https://www.euointegration.com.ua/articles/2018/01/24/7076511/>

4 <https://www.newsweek.com/ukraines-imperfect-path-opinion-1610622>

5 [https://www.europarl.europa.eu/enlargement/briefings/13a3\\_en.htm](https://www.europarl.europa.eu/enlargement/briefings/13a3_en.htm)

6 [https://www.kas.de/c/document\\_library/get\\_file?uuid=0c60d520-d680-b31c-e2fa-2e067a46690e&groupId=252038](https://www.kas.de/c/document_library/get_file?uuid=0c60d520-d680-b31c-e2fa-2e067a46690e&groupId=252038)

7 <https://www.politico.eu/article/macedonias-historic-name-change-leaves-deep-scars/>

8 <https://www.politico.eu/article/bulgaria-threatens-veto-on-north-macedonia-accession/>

9 <https://zakon.rada.gov.ua/laws/show/2145-19#Text>

10 <https://zakon.rada.gov.ua/laws/show/2704-19#Text>

11 <https://www.euointegration.com.ua/articles/2019/07/15/7098484>

hostile hybrid operations<sup>12</sup> to provoke a Ukrainian-Hungarian confrontation over the Hungarian community in Transcarpathia<sup>13</sup>;

8. financial support to the Hungarian minority in the Transcarpathia region by the Hungarian government, its transparency and coordination with the Ukrainian authorities. According to Hungarian Foreign Minister Péter Szijjártó, as of 2020, the Hungarian government has invested more than 250 million € (90 billion HUF) in the Transcarpathian region through various programs;

Each of these issues is still on the agenda of Ukrainian-Hungarian relations, although they receded into the background after the full-scale Russian invasion.

One way or another, all these issues are related to minority rights, and no Hungarian government, not only the Orbán's, will want to let Ukraine join the EU with such baggage of unresolved bilateral issues.

## This is not just about Hungary

Despite certain stereotypes and what has been explained above, it is not only Hungary that has questions for Ukraine regarding legislation on the guaranteeing of ethnic minority rights.

One of the first European leaders who addressed president Volodymyr Zelenskyy regarding the newly adopted law “On National Minorities (Communities) of Ukraine” was not Hungarian, but the Romanian leader Klaus Iohannis<sup>14</sup>. This is the law that should fulfil Ukraine's obligations regarding one of the EU candidacy conditions related to minority rights.

But this is not Bucharest's first criticism of Ukraine on ethnic issues. After the adoption of the Ukrainian law on education in 2017, Romania<sup>15</sup>, albeit not so loudly, also criticised that decision and even cancelled planned high-level meetings with Ukraine. Bucharest decided not to use its veto at the EU or NATO level, although Hungary did, but the issue still remains relevant.

Also in 2017, Bulgaria protested against the new Ukrainian legislation<sup>16</sup> regulating the language of study at schools for national minorities. Poland<sup>17</sup> also found itself criticising Ukraine due to a bilateral dispute with

Kyiv over history, which has now been forgotten by most.

In other words, **this minority issue is not just about Hungary or Viktor Orbán's domestic and geopolitical games. It is much broader and deeper for Ukraine, especially at this stage of its European integration. It requires more comprehensive and sophisticated policy work, both at the bilateral and multilateral levels.**

## Recommendations

***What Ukrainian authorities can and should immediately do on this minority issue:***

1. Ukraine must understand that ensuring the rights of national minorities has the same value and importance in Ukraine's path towards the EU as other seemingly more difficult reforms from the “list of conditions” agreed upon with Brussels.

Hence, the fulfilment of this condition should be taken seriously by Kyiv, not just in terms of its obligation as an official candidate for EU membership, but for further progress before and during EU accession negotiation talks.

It also means to perform not only legally through adoption of legislation regarding the ensuring the rights of national minority, but also politically, which means exactly the second part of the EU candidacy condition – “adopt immediate and effective implementation mechanisms” in this regard. Obviously, the mechanism's effectiveness will be determined mainly by the other side, i.e. Romanian, Hungarian, and Bulgarian community and their motherlands' capitals.

***Hence, Kyiv needs master plans on how to communicate and advocate its efforts not just for Brussels but for the exact states who will make the decisions regarding Ukraine's accession in the EU.***

2. Depoliticize and narrow the minority topic in accordance with the process and requirements of its integration towards the EU as the undisputed priority.

It means state authorities and civil society must exert maximum efforts both internally and internationally to separate Russian ethnic discourse in Ukraine and its

<sup>12</sup> <https://www.eurointegration.com.ua/articles/2018/02/27/7078141/>

<sup>13</sup> [https://www.eurointegration.com.ua/project/2022/bridges/article\\_1.html](https://www.eurointegration.com.ua/project/2022/bridges/article_1.html)

<sup>14</sup> <https://balkaninsight.com/2023/01/05/romania-president-presses-ukraine-on-minority-rights/>

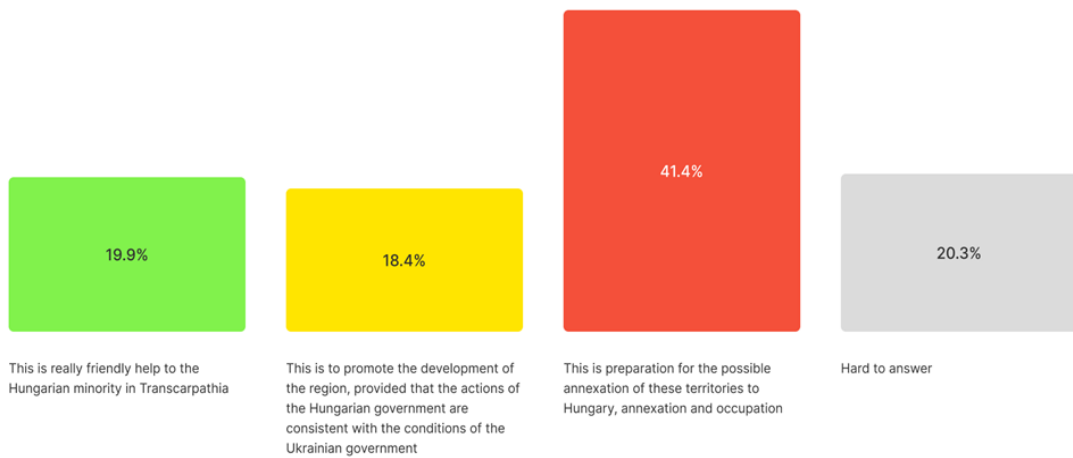
<sup>15</sup> <https://www.ponarseurasia.org/ukraine-s-2017-education-law-incites-international-controversy-over-language-stipulation/>

<sup>16</sup> The last high level meeting of the presidents of Hungary and Bulgaria showed that two countries could cooperate regarding joint concerns towards Ukrainian legislation on national minorities <https://hungarytoday.hu/hungary-supports-bulgarias-accession-to-the-schengen-zone/>

<sup>17</sup> <https://www.ukrinform.net/rubric-society/2301343-poland-hopes-ukraine-will-not-infringe-on-minority-languages-in-education-law.html>

4) How Ukraine must develop its minority policy to avoid the “ethnic trap” during EU accession negotiations, and how international partners could help

**What do you think about Hungary's current policy towards the Hungarian national minority in Transcarpathia – funding schools, teachers, providing grants to entrepreneurs, etc.?**



The survey was conducted by the Kyiv International Institute for Sociology in all regions of Ukraine, except occupied territories, from October 22 to November 12, 2021. The statistical error of the sample does not exceed 2.4%.

ICES

approach towards minorities which represent EU and NATO member states.

Now, this may look like a challenging task. Yet, there is a critical need to develop these new vision and policy. Such an approach should be used not only by the Ukrainian side but by its Western allies in their future negotiations on the issue.

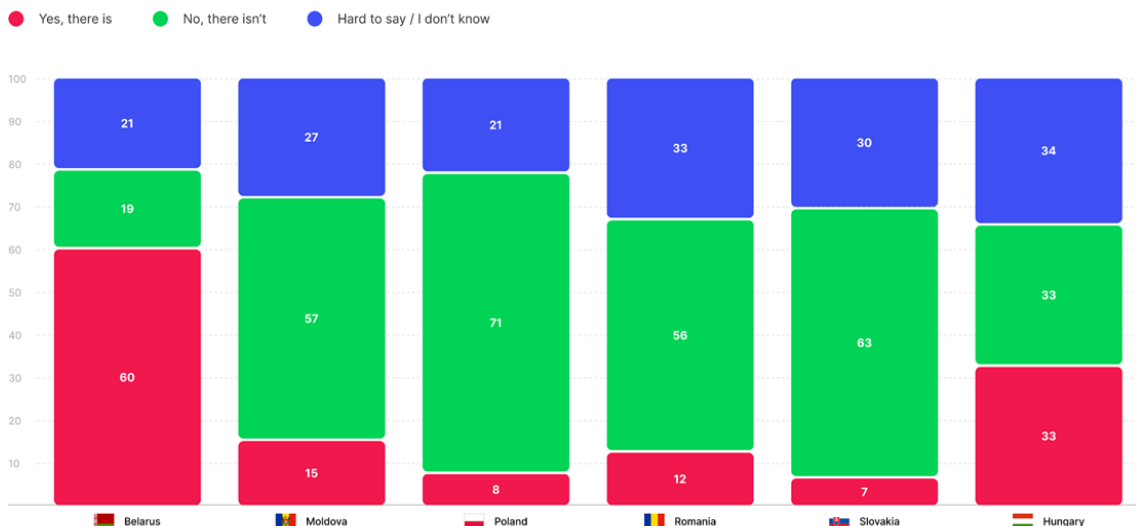
**Why is this critical?**

In 2014, Russia began military aggression against Ukraine through the occupation of the Crimean peninsula and the territories of Donbas using the “ethnic card” as a pretext, claiming to protect ethnic Russians

and the Russian-speaking population in Ukraine from the “nazi Kyiv regime”. Today, Russia still tries to legitimize this narrative by provoking, exaggerating and exploiting political tensions between Ukraine and Western allies on ethnic topics, particularly between Ukraine and Hungary and Ukraine and Romania.

As a result, in late 2021, a few months before the full-scale Russian invasion, 41,4% of Ukrainians believed that Hungary’s current policy towards the Hungarian minority residing in Zakarpattia - particularly concerning financing schools, teachers, and grants for entrepreneurs - “aims at preparing a possible annexation and occupation of these territories to Hungary”<sup>18</sup>.

**For years, Russia has used the issue of history and “protection of the Russian-speaking population” to divide Ukrainian society and prepare for an attack. In your opinion, is there now a similar threat of speculation on the topics of history, language and minorities on the part of each of these countries?**



The survey was conducted by the sociological service of the Razumkov Center together with the Iiko Kucheriv Foundation “Democratic Initiatives” on the order of the Institute for Central European Strategy from August 5 to 12, 2022, in the territories controlled by the government of Ukraine and where hostilities are not taking place. 2024 respondents over the age of 18 were surveyed. The theoretical sampling error does not exceed 2.3%.

18 The survey was commissioned by the Institute for Central European Strategy and conducted by the Democratic Initiative Foundation in all regions of Ukraine, except the occupied territories <https://dif.org.ua/en/article/ukraine-as-part-central-europe-what-ukrainians-think-about-it>

As of August 2022, 33% of Ukrainians said that there is a threat from Hungary possibly using an “ethnic card” excuse to divide Ukrainian society and prepare for an attack, as Russia did. Fortunately, the same number of Ukrainians also believed this was not the case.

Regarding Romania, the situation is much more positive. Nonetheless, Russian propaganda must not be underestimated. For example, between 1997 and 2009, Ukraine and Romania had territorial disputes regarding maritime boundaries. There is another possible topic for disinformation and malign campaigns: rights of the Romanian minority<sup>19</sup> and Romanian separatism in Ukrainian Bukovyna<sup>20</sup>. Hence, the ongoing state- and nation-building processes in the monumentally challenging situation of Russian aggression, which is both a war for independence and for identity, require extraordinary efforts from both Ukrainian state authorities and civil society to ensure the rights of national minorities.

The separation of Russian and European discourses and the simultaneous focus on adapting the minority policy and politics in Ukraine to EU requirements should be an indisputable priority. Moreover, in this dilemma of priorities between “Ukrainian revival” and European integration, the second priority should prevail because only integration into the EU (and later into NATO) can guarantee the possibility of a real and long-term Ukrainian revival.

***All these challenges demand very good strategic communications to counter disinformation, frame and moderate the public opinion on ethnic issues inside Ukraine, as well as about Ukraine in exact countries under EU accession agenda. Well-prepared strategic communications simultaneously in Ukraine and its immediate western neighbors should complement every political step.***

### **3. To study and implement the experience of the reconciliation of the countries of Central Europe and the Balkans on their way to the EU (lessons learned) to borrow an array of tools and solutions that can be implemented in Ukraine.**

It is essential for Ukraine to study the experience of the countries with which Ukraine has or could have debates on ethnic issues, such as Slovakia, Romania, North Macedonia, Hungary, and Bulgaria. It is not only about the experience of reconciliation but also about the experience of the formulation of the official

positions, claims, negotiations on them, etc. Using the experience of those with whom Ukraine now has to solve the same issue creates more opportunities for empathy and understanding.

### **4. To study and implement the best practices of reciprocity in managing bilateral ethnic issues in Europe.**

Before the beginning of the Russian aggression in 2014 and the invasion in 2022, and hence the absence of large-scale emigration and refugees from Ukraine, particularly neighbouring countries, this principle of reciprocity applied only to Poland, the Czech Republic, and Romania.

Given the large number of refugees from Ukraine throughout the EU<sup>21</sup>, and that some of them will remain in their host countries, the principle of reciprocity should become a key element in Ukrainian policy towards national minorities. In other words, Ukraine should be ready to legally grant one or another ethnic community the same rights as the Ukrainian community has in the “motherland” of this minority. This principle of reciprocity is the basis of perhaps the best case of reconciliation in Western practice - the Bonn-Copenhagen declarations of 1955<sup>22</sup>.

### **5. Ukraine should simultaneously work with ethnic issues locally, bilaterally, and multilaterally.**

State and civil society efforts should be directed simultaneously in three dimensions:

- Directly in the regions where certain national minorities live, namely Transcarpathia, Bukovyna, and Odesa;
- Through the management of ethnic issues at the bilateral level, further used to deepen bilateral cooperation with western allies in other spheres under the EU accession agenda;
- Through the use of international partners as mediators in issues where bilateral capacity is lacking. For example, Poland could perform as a mediator in Ukrainian-Hungarian debates and the USA in Ukrainian-Bulgarian or Ukrainian-Romanian debates. Ukraine should not hesitate to engage the support of partners. Ukraine should develop the infrastructure for such activities: invest in institutions like the State Service for Ethnopolitics and Freedom of Conscience and the ombudsman

<sup>19</sup> <https://www.global-focus.eu/wp-content/uploads/2023/02/Pro-Russian-voices-legitimised-in-the-context-of-Romanian-Ukrainian-tensions-on-minorities-in-Bukovina.pdf>

<sup>20</sup> <https://www.global-focus.eu/wp-content/uploads/2020/12/Revisionism-Report.pdf>

<sup>21</sup> <https://www.globsec.org/what-we-do/publications/ukrainian-refugees-visegrad-countries-societal-attitudes-and-challenges>

<sup>22</sup> <https://www.auswaertiges-amt.de/en/newsroom/news/-/270488>

for human rights, as well as the establishment of new ones, such as special envoys to the European Neighborhood Policy.

***How international partners could help Ukraine avoid the “ethnic trap” during EU accession negotiations:***

- 1. To establish and expand the work in regions where exact minorities live with regional development projects, which would include multi-ethnic and integration components, as well as support continuous inter-ethnic dialogue, such as forums, research, and study visits.**
- 2. To help Ukraine develop bilingual education based on previous successful experience<sup>23</sup> and invest in educational initiatives outside of school to study the Ukrainian language by representatives of national minorities who did not study it in schools.**

Important disclaimer: the Ukrainian-Hungarian debates on Ukrainian education law was imposed on the entire Hungarian community in Ukraine regarding its desire or reluctance to learn the Ukrainian language, although in general, only about 13 000 to 15 000 children from the approximately 120 000 thousand Hungarian community study in the Hungarian language in Ukraine.

- 3. To invest in strategic communications and countering misinformation and disinformation in Ukraine and about Ukraine in countries with which Ukraine has debates on ethnic issues or they may arise.**

This involves training experts, facilitators and journalists who will professionally cover and work on this topic with their own audiences, uniting them in cross-border and international networks. And it is appropriate to do this already within the framework of the EU and NATO initiative in this regard, boosting Ukraine’s integration into the West at the “soft level” as well.

---

<sup>23</sup> <https://infopost.media/en/how-an-ethnic-hungarian-became-a-ukrainian-philologist-and-introduced-a-bilingual-education-in-a-hungarian-school-an-interview-with-gabriela-gomoki/>