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Multinational Countries and the Prospects for Their Further Development

Summary. The paper deals with the formation of certain multinational states and the process whereby national identity and national self-consciousness are developed. The difficult circumstances in which these processes take place are emphasized. The authors describe national minorities as an object of political science and investigate the status of national minorities from the perspective of the present stage of societal evolution. Further, they argue that today's Ukraine needs to urgently address the issue of protections for national minorities. Attention is also brought to the participation of minorities in the political life of the Ukrainian state. In discussing relations between the Ukrainian state and national minorities, the authors acknowledge progress that has been made towards mutual tolerance.

Keywords: national minorities, national identity, ethnogenesis, ethnos, ethnic group

1. Introduction

In the modern world under present-day conditions there live more than three thousand different ethnic units whereas there are slightly more than two hundred states. This means that, with some exceptions, most of the states are multinational countries.

1.1. Terms and notions

In order to understand the issue thoroughly, one should highlight the key notions which the researchers operate while studying this or that country. Such

notions as tribe, folk, people, nation, ethnic group are quite similar in content, but nevertheless they have certain nuances. It is needless to say that all these terms are the result of historical complications of different elements which characterise this or that ethnic community. The economic development, territorial expansion led to an increase in the habitat of the tribe, which gradually turned into a folk or people. And the formation and the emergence of the nation can be distinguished as the highest stage of the ethnic unit. A lot of scientists agree about the opinion that the determining factors in the formation of this community and its education is one language, territory, culture and economic ties. However, as the nation goes on developing these factors lose their paramount importance, and the nation can continue existing even when it is divided by state boundaries.

1.2. The formation of national consciousness

Really, to confirm this statement, one can refer to the example of such multinational giant as the Soviet Union. After the collapse of the power a lot of nations that existed within that state happened to find themselves on opposite sides of the borders, but not lost their identity. Therefore, once formed, they go on existing, with the exception of their physical disappearance. The language as a one of the fundamental features of the nation can stop being such a feature. As the number of people increased, the role of the affinity decreased, and two or more languages could appear within a nation that appeared. When merging the former ethnic groups in more numerous ones, the variations of the languages (dialects) sometimes differ from the common language. The most striking example is the Swiss Confederation. The multinational European countries were formed approximately in this way. However, not only the European countries followed this path of the national relation development.

Multinational Asian countries could not be formed as polyethnic communities in a day either. A series of revolutions and other metamorphoses have led to the need for coexistence, and one of the largest countries in Asia – China – has also been formed according to this principle.

1.3. Different interpretations of the concept of “nation”

Using the term “nation”, one should bear in mind that it has twofold meaning. Firstly, researchers consider it as a totality of the citizens of a particular state. I.e., it is a multicultural, socio-political, territorial and economic community of

representatives of different nationalities who make up the state. In other case, this definition is used to denote the highest form of the ethnic unity.

Multinational countries that are formed according the first scenario, account for more than half of all public entities in today's geopolitical world. The most typical example is the American nation. For centuries, the United States (US) has been called the "melting pot", which successfully dissolved the ethnic diversity of American citizens, turning them into a single nation. This course was caused by the historical realities, as the existing industrial type of society has placed stringent demands primarily economic ones, and a lot of nations had to come together to compete in the international arena. That was the way a lot of multinational countries have been formed.

1.4. The Russian type of integration

The economic globalization has influenced the ways of the state-national entities integration.

A dynamically developing manufacturing led to the formation of new variants of interethnic cooperation. The USA and Russian Federation (RF) are multinational states, they both are federations according to their order. However, the ways of their organization are quite different. The RF is founded according to the national-state principle of the subjects (entities), their elements. They have certain autonomy in internal affairs and jointly represent the Russian nation.

1.5. An alternative way of national cooperation

The US also has a certain internal autonomy, but it is formed on the territorial basis. In this way, Russia ensures the development of the national culture of the peoples that inhabit it. The US also entitles each ethnic unit to the right to have its national and cultural autonomy on the basis of democratic laws. These two types of state federations are represented on the globe.

1.6. Globalization and the Nation

The world entering the information age intensified the interstate competition, and respectively, the ethnic one. Therefore, the main trend is getting to be the appearance of supranational state formations. They are formed on the principle of confederation and have a great national and cultural diversity. The most

typical example is the European Union (EU), which includes more than twenty countries, and whose residents speak 40 languages, according to approximate estimates. The order of this formation is very close to the current economic and political realities. On its territory there is a common legal system, currency, citizenship.

Considering these signs, it can be concluded that there has been formed a European supernational. The number of new member states is increasing.

The similar processes, but with a lower degree of cooperation, are occurring all around the world.

Initial economic and political blocs are prototypes of the future supernationalities. Such large state and national entities seem to be the future of all human civilization.

1.7. National policy

The guarantor of the unity is the national policy in the countries, united in a multinational state. The list of these countries is quite long and it includes a greater part of the state formations, existing in the world. The national policy includes a set of measures concerning the security of the equal existence and development of the ethnic units within the state. The most multinational country in the world – India – is an apt example. Only a balanced and cautious policy of the country allows it to be a leader in South Asia and compete with its giant neighbour China successfully.

1.8. Modern trends in international relations

The legislative securing the minority rights serves as a “conjunctive solution” for these countries. The future development of nations and states has not always coincided. Multinational countries are most exposed to the collapse just because of their multiculturalism. The twentieth century was the period of the collapse of many of these states: the Union of the Soviet Socialist Republics (USSR), Yugoslavia and even binational Czechoslovakia. Therefore, preserving the nationality parity is the basis for cooperation and integration. For the last two decades there has appeared the tendency to the process of separatism. It concerns the well-established European states, such as, for example, the United Kingdom (UK), which Scotland announced the intention to leave. It also concerns the countries, artificially created as a result of the colonial policies of Asia and Africa.

2. National Minorities as an Object of Political Science

2.1. The definition of “national minority”

The term “national minorities” has begun to be used recently and the understanding of it is based on the approaches suggested by the home and foreign researchers. However, most ethnopoliticians turned out not to have developed uniform approaches and assessments while analysing the problem of national minorities. In the scientific literature there is no clear and sustainable interpretation of the term “national minority” up to now.

The issues of role and place of national minorities in the national structure of the country, the relations between the state and national minorities, the formation, size and public activities of national minorities are covered most comprehensively in political science literature. However, the researchers virtually avoid the issues of participating national minorities in the political life of the state, the political mobilization of national minorities, formation of political elites minority representation in government at various levels. The definition of “ethnic minority” is considered on the comprehensive approach that includes all typological and aspect varieties based on the general criteria. In particular, such criteria as quantity criteria and the country residence duration, non-domination criterion citizenship, the presence of stable ethnic, religious and linguistic characteristics, solidarity criterion are outlined. In Ukraine, according to the law, “minority” is a group of citizens of non-Ukrainian nationality, who show the feeling of national identity and community.

It proves that the most of criteria which are the basis for the definition of national minorities in a lot of countries of the world (quantity, state residence term) are not determining in Ukraine [Агафонова 1993].

National minorities are groups of people, settled in this country, who are in quantitative and actual minority referring to the titular nation or whose number is less than 50% of the country population, who cultivate their national distinctiveness, differ from the most of the citizens in their ethnic, linguistic, cultural or religious features, and are aware of their ethnic distinctiveness [Чирко 1993].

The international documents state that the term “minority” is used almost exclusively for determining the groups who differ from the rest of the population in certain features, such as: race, ethnicity, nationality, religion, language and culture. Numerous international legal regulatory instruments (acts and standards) governing the legal status and protection of these groups of people, use the terms “national”,

“race”, “ethnic”, “cultural”, “religious” and “language minorities” to determine the objects for the normatives and standards of those regulatory instruments.

Under the auspices of the United Nations (UN) and within its specialized agencies and on the initiative of the Council of Europe the states have adopted a number of universal and regional conventions that provide protective measures for those minority groups in various spheres of law relations. None of the texts of those global and regional documents, even the General Comment of the Committee on Human Rights concerning art. 27 of the Covenant on Civil and Political Rights (actually, the only special universal international legal standards for the protection of minority rights) does not define the categories of minorities, whose rights are protected, there is no universal definition of all these groups of people. The situation when the state adopts international – legal acts without approved definitions of their recipients has extremely negative impact on their implementation at the national level and efficiency of relevant international institution mechanisms above [Чирко 1993].

Despite the fact that for more than 50 years, noted professionals and experts have worked hard at the problem within the UNO (UN Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities, from 1999 – Sub-Commission on the Promotion and Protection of Human rights) and the Council of Europe and its advisory body – the European Commission “For Democracy through Law” (Venice Commission), judicial and other international bodies and institutions on human rights, and a number of projects of the universal international legal definition of “minority” and “national minority” have been developed, are only alternative definitions available [Шульга 1995].

Although nowadays the situation proves the international organizations, theoretical scientists and practitioners to be greatly interested in solving the problem, none of the suggested definitions is considered to be generally recognized. That’s why there are a lot of reasons, among them specific circumstances and situations in the world when minorities appeared and exist, and also significant difference in national approaches to the public policy on this issue. However, there are two main reasons for this situation – the political and legal ones.

Firstly, the countries are looking for the ways of the best and simultaneous solving the dual problem: to protect national minorities effectively, prevent separatism and keep the territorial integrity and national sovereignty of the state.

Secondly, at the present stage, it turned out to be impossible to find a generally accepted legal definition that could be applied to all the categories of minorities – racial, ethnic, national, religious, linguistic and others.

The only classification of minorities that can be considered generally recognized is that found in the Declaration of the UN in 1992, which deals with the rights of persons belonging to national, ethnic, religious and linguistic minorities [Товт 2002].

The analysis of the characteristic features of minority groups provides an opportunity to suggest a definition of them for the practical application to determine such groups of the population and provide them with certain rights. Thus, religious minority could be considered to be a group of people who profess a religion different from the state one or that which is dominant in the country where they live, and do not violate the rights of other relevant people.

The traditional “language minority” can be considered a group of persons who are numerically less than the titular population, live in the country and for a long time traditionally use and deliberately encourage the use of the historical language of their group on the territory of the country, the language differs from the state (official) one and those of the other groups or recognized as such in the legislation of the country.

But taking into consideration the terminology, adopted by the universal and regional international organizations, primarily by the UN, OSCE, Council of Europe, EU, one must accept the fact that the term “national minority” is the most common in the existing multilateral and bilateral international treaties on human rights and fundamental freedoms of persons belonging to minorities.

It briefly and meaningfully reflects all the historical, racial, national, ethnic, religious, linguistic and cultural characteristics of this social phenomenon, which often do not exist separately, but are fundamentally interrelated [TOBT 2002].

Considering the generally accepted international definitions of “minority” and “national minority”, it is certain to be taken into account the national concepts of the term “minority”. Every state in the world has its own views on this phenomenon. When it comes to the term “national minorities”, the difficulties in conceptual terms arouse as the term “nation” has a different political and legal meaning in different languages. In many countries in Western Europe and beyond (e.g. in the US) the term “nation” is identified with the citizenship of the country, that is not ethnic or national origin is implied but citizenship, an established legal relationships between an individual and the state. The population of this state is a heterogeneous society judging on the ethnic, linguistic, cultural and religious grounds, but homogeneous on the nationality grounds.

It is assumed that such states consist of two or more socially and politically equal ethnicities, where the minorities are totally assimilated, and all such persons are citizens of a mononational state, consisting of representatives of one nationality (e.g. France, Belgium, Spain, Sweden, etc.) [TOBT 2002].

In Central and Eastern Europe a nation is often understood to be united by a common language, culture and sense of community, which consists of persons of one ethnic background and which has no direct relation to citizenship. Considering these features, this community is always homogeneous [TOBT 2002].

In the first case it is impossible to use the term “national minorities” in the sense of coexistence of the titular nation and such minorities as citizens who belong to ethnic, linguistic and religious groups (minorities in quantitative terms compared to the rest of the population) are considered to be a part of one nation.

In such countries the national legislation guarantees fundamental rights and freedoms of citizens (French, English, Greek, etc.) and not the rights of persons belonging to national minorities.

In the second case it runs about minority groups (especially in quantitative terms), whose members are citizens the state, who differ from the other people with their ethnic, linguistic, cultural and religious backgrounds, but have a different national origin, are representatives of different nations. In this case, the term “minority” has a completely different meaning – in this case, the rights of persons belonging to national minorities are protected.

However, most of the countries in the world which in one way or another recognize the existence of national minorities determine the definition of minorities or the criteria for determining the persons as those that belong to minorities in national legislation or political instruments (acts) taking into consideration the specific national circumstances and present-day international legal concepts.

The analysis of these documents proves that countries often take into account certain objective and subjective criteria in deciding on the definition of “national minority” and persons belonging to them at the national level [Тобт 2002].

Most often the states admit that such group of people have to: live in the territory of the country, be its citizens, be numerically smaller than the titular population, differ from the rest of the population for its originality and clear ethnic, religious, cultural, traditional and linguistic grounds that it seeks to maintain; have long-term close ties with the country of residence, exercise a sense of self-awareness and strive for self-identification.

Today these very international and national components of the term “national minority” are the basis for the development of general scientific approach to the problem that is of practical value, which includes primarily recognizing the existing minorities in different countries of the world, implementing the existing international laws and norms to them, settling interstate disputes, protecting minority rights by international regulatory authorities and others.

Taking into account the opinions mentioned above, the researchers suggest the following general international legal definition of the term “national minority”.

National minority is a group of individuals of other ethnic national origin and numerically smaller than the titular nation of the country where such a group lawfully resides within the jurisdiction of that state, is non-dominant one, differs from the rest of the population in a set of objective evidences, such as culture, religion and language, and the individuals who belong to it, show the feeling of

the national self-awareness and express the desire for self-identification as representatives of the group [Биков 2007а]. Thus, citizens and other persons who meet the characteristics listed in the definition may objectively be regarded as persons belonging to national minorities in this country.

Thus, the current state of the minority status makes it possible to speak of the right of the country to recognize the persons who belong to the national minorities both exclusively its own citizens and other individuals within its territory who are legally in this country.

2.2. International practice of determining the status and protection of minority rights

The problem of protection of national minorities leaves extremely urgent due to the geopolitical and socio-economic changes that took place globally and particularly in Europe during the XX century.

It runs about the collapse of the continental empires (the Austria-Hungary Empire, the German Empire, the Russian Empire) in Europe as a result of World War I (WWI) and the formation of the independent national states on the wreckage of the countries on the principle “one nation – one state”, which led to a large number of people who, in their ethnic origin, did not belong to the titular ethnic groups of the newly independent states. The winner-countries were aware of the acuteness of the contradictions that arise from this situation and they created the first international legal system to protect minority rights as a part of the Paris peace treaties. Thus, according to the resolution of the League of Nations on 15 November 1920 the countries could enter these international organizations only if they take measures to protect minority rights. This protection system extended for about 39 million people who lived in 16 countries and spoke 36 languages.

After World War II (WWII) the issue of the protection of minority rights became the subject of attention of the UN and other international organizations.

The adopted International Covenant on Civil and Political Rights (1966) was the first international treaty at the universal level that ordered the country where there are ethnic, religious and linguistic minorities, not to deny them in using their language and culture, professing their religion as well.

The Declaration on the Rights of Persons Belonging to National or Ethnic Religious and Linguistic Minorities (1992) the term “national minorities” was used for the first time at the international law level.

Considering the development of the international legal regulation of the rights of national minorities, it can be divided into four historical stages: the first covers

the period before the WWI; the second – the period between the two world wars; the third – beginning with end of the WWII to the beginning of the disintegration processes in the former Soviet Union and Yugoslavia; and the fourth begins with the adoption by the the OSCE member-countries the Charter of Paris for a New Europe in 1990.

The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was adopted by Resolution 47/135 of the UN General Assembly on 18 December 1992. It imposes the duty to protect existence and originality of the national or ethnic, cultural, religious and linguistic minorities on their territories, and create conditions for the development of their identity on the state. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy the achievements of their culture, profess their religion and perform religious rituals, and use their own language in private and in public, freely and without interference or discrimination in any form.

Persons belonging to minorities have the right to participate in cultural, religious, social, economic and public life. States shall take the necessary measures to ensure that persons belonging to minorities may exercise fully and effectively their human rights and fundamental freedoms without any discrimination and on the basis of full equality before the law.

States shall take measures to create favorable conditions to enable persons belonging to minorities to develop their culture, language, religion, traditions and customs, except the cases when the certain activity is in violation of national law and contrary to international standards.

States shall take appropriate measures to ensure that, wherever possible, persons belonging to minorities have adequate conditions to study their mother tongue or learning in their own language.

States, if necessary, take measures in the field of education in order to promote the history, traditions, language and culture of minorities living in their territory.

Persons belonging to minorities should have appropriate opportunities to gain knowledge needed for life in society. States consider adopting effective measures for persons belonging to minorities to participate without restrictions in the economic progress and development of their country.

International national policies and programs are planned and implemented taking into account the legitimate interests of persons belonging to minorities.

On 10 November 1994 the Committee of Ministers adopted the Framework Convention for the Protection of National Minorities, which entered into force after being ratified by 12 countries-members of the Council of Europe. In this first multilateral document that is dedicated to the protection of national minorities set out provisions relating to various areas.

These provisions in the form of programs define the specific tasks that the state-parties undertake to carry through the implementation of nationally appropriate laws and government policies.

The document that completes the Framework Convention is the European Charter for Regional or Minority Languages and National Minorities, which was adopted in 1992. The Charter recognizes the inherent right of use regional languages and minority languages both in private and public. The Charter defines the objectives and principles that the states must follow, and proposes concrete measures for their implementation in education, justice, public administration, culture, economic and social life.

3. Research of the status of national minorities

3.1. The history of national minorities in Ukraine

Under the UPR for the first time in the long history of Ukraine the work on creating the national personal autonomy for the Russian, Jewish, Polish and other nations started. The national minorities gained the status of constitutional and legal entities. Hetman Pavlo Skoropadsky's government policy and later UNR Directory was aimed at narrowing the existing rights and freedoms. The national minorities gradually lost their constitutional and legal status.

During the West Ukrainian National Republic the personal autonomy with the right of representation in the government was proclaimed for the national minorities. The legal status was received only by a few most numerous ethnic, particularly Germans, Jews and Poles.

The first Constitution of the UkSSR in 1919 defined the term "national minorities" and prohibited all forms of discrimination against national minorities or restriction of their equality. The Constitution of the UkSSR in 1929 provided an opportunity to create separate administrative units in the areas where most people of a national minority lived compactly. A characteristic feature of the Constitution of the Ukrainian Soviet Socialist Republic (UkSSR) of 1937 was the absence of the term "national minorities".

Rejection of ethnic minorities, disregard them and ban were also characteristic for 30-50 years [Агафонова 1993].

Analyzing the legislation of the USSR and UkSSR concerning the legal status of national minorities in the mid-1950s, one can note some positive developments concerning the protection of the rights and freedoms of national minorities. But in the early 70s in Ukraine the fight against the so-called cosmopolitanism and

anti-semitism again takes place. Until the time of restructuring, the national issue was withdrawn by its announcement as being solved forever. Normative legal acts of that phase did not define the term “national minority”.

In the period of *perestroika* some amendments to the Constitution of the USSR were approved, which aimed at democratization of the election system, equality of languages, freedom of conscience and religion, education, culture and local government. However, the term “national minorities” in the legal acts of Ukraine during the period of *perestroika* was not determined, and national minorities did not acquire the status of constitutional and legal entities.

There are several stages of formation and development of the law of Ukraine on national minorities:

- the first stage starts with the Declaration of Rights of Nationalities of Ukraine (1, November, 1991) and lasted until the adoption of the Law of Ukraine “On national Minorities in Ukraine” (25, June 1992),

- the second stage began after the adoption of the Law of Ukraine “On National Minorities in Ukraine” and ended with the adoption of the Constitution of Ukraine (28, June 1996),

- after the Constitution of Ukraine had been adopted, the third stage of the development and establishment of the law on national minorities of Ukraine started [ІВАНОВСЬКИЙ 1996].

The researchers divide the regulatory framework on protection of the rights and freedoms of the national minorities of Ukraine into general and special legislation. The general legislation protects the rights and freedoms of national minorities as citizens of Ukraine. At the same time, they do not define the term “national minorities”. It is determined, as a rule, by special legislation.

With the proclamation of independence of Ukraine new research areas appear which aim at studying various aspects of the minorities’ life. During this period, in Ukraine a number of scientific papers in which the authors examine the legal issues of national minorities have appeared. But these works do not contain the in-depth analysis of the existing normative legal acts of Ukraine. Regarding the study of constitutional and legal status of national minorities in Ukraine, such works of fundamental character are absent in Ukraine.

3.2. The rights and freedoms of national minorities

According to the content and scope of the rights and freedoms of national minorities they are divided into: personal, political, economic, social, cultural and environmental. According to the subject character and the form of their implementing, the rights and freedoms are divided into individual and collective. Individual political

rights and freedoms of the national minorities in Ukraine are similar to individual political rights and freedoms of citizens of Ukraine. Collective political rights of national minorities in Ukraine are not fully reflected in the legislation.

Individual and collective cultural, economic, social, environmental rights and freedoms of national minorities is identical to individual and collective rights and freedoms of citizens of Ukraine. But at the same time, in any piece of legislation, recognizing the economic, social and environmental rights the term “national minorities” is not defined [TOBT 2002].

Defined in the universal conventions of the UN and its specialized institutions and Regional Framework Convention Council of Europe, the rights of minorities and persons belonging to them can be divided into general (basic) and special (peculiar) civil, political and cultural rights (for the latter the phrase “economic, social and cultural is most often used”).

The basic civil rights of persons belonging to national minorities are: the right to life; the right to equality before the law and to equal protection; the right to non-discrimination; the right to freedom of expression of thought, conscience and religion; the right to citizenship; the right to freedom of peaceful assembly and association. Special civil rights include the right to decide freely on the membership of a national minority has the right to protection from forced assimilation.

The basic cultural rights include: the right to enjoy their own culture, the right of persons belonging to religious minorities to profess their religion and perform their rituals, the right to use their mother tongue [TOBT 2002].

The basic political rights are: the right to participate in elections – to vote and stand by universal and equal suffrage; the right to participate in government and public affairs, the right to equal access to public service. The circle of economic rights includes only the right to own property alone as well as in association with others [TOBT 2002].

All the other enumerated rights of persons belonging to national minorities are special cultural rights: the right to learn their mother tongue and study their native language; the right to establish their religious institutions, organizations and associations; the right to cultural heritage; information rights; the right to participate in the activities of non-governmental organizations at both the national and international level; the right to establish and maintain free and peaceful contacts across frontiers with persons with whom the minorities share common ethnic, cultural, linguistic or religious identity or a common cultural heritage, and other rights, which along with the fundamental rights, form the identity of each person belonging to a national minority.

It should be emphasized that in accordance with applicable international law, special minority rights can not be privileges. Special rights are one of the forms of positive actions to ensure minorities to be able to maintain their own characteristics

and traditions, and these rights are just as important to ensure equal treatment as the rights to equality and non-discrimination and other fundamental human rights.

The responsibilities of the state, public bodies and officials as well as citizens of Ukraine, including national minorities as a part of their constitutional and legal status are enshrined in legal acts and are identical as well as for the constitutional and legal status of citizens of Ukraine.

After the proclamation of independence of Ukraine more than 400 national societies have been founded. They have national, local and international status [Чирко 1993]. The main types of these organizations are companies, unions, communities. Their bodies are Councils, general meetings, the Board. The statutes and programs of the companies define them as cultural, educational, social, economic and others. An important form of self-organizing societies and associations of national minorities in Ukraine today is the establishment and operation of voluntary associations and federations of national cultural and educational and cultural associations of national minorities.

According to the activities of societies and associations of national minorities such functions are singled out: political, social, cultural, language, information, scientific and others. According to the activities, there are such functions as coordination, security, protection, organization, development and so on. Investigating the mechanism of realization of political, social and economic rights of national minorities in Ukraine, the researchers emphasize that it is carried out at the national, regional and territorial levels.

The characteristic feature of the societies and associations of national minorities is creating Sunday schools, libraries, amateur art groups and so on in their structures. All societies of national minorities are working on the studying of the native language. Besides, some national-cultural associations of Ukraine have their own print media.

Each of the Commonwealth of Independent States (CIS) member guarantees all the nationalities living on their territories, the right of free cultural development. The common to the constitutions of the CIS is the state regulation of relations between nationalities on the principles of equality before the law, respect their rights and interests [Чирко 1993].

4. Protection of rights and freedoms of national minorities in Ukraine

Organizational and legal guarantees of rights and freedoms of national minorities in Ukraine are public authorities, other state institutions and institutions of society, social order. The constitutional institutions among institutional and legal

guarantees include political parties and socio-economic and socio-cultural organizations.

A significant innovation in the Parliament organization and operation is the introduction of the position of the authorized official on Human Rights in the Verkhovna Rada of Ukraine. One of the most important guarantees of the rights and freedoms of national minorities is established under the President of Ukraine in the advisory bodies of the Council of NGOs of national minorities of Ukraine.

5. Participation of minorities in political life

The political participation of national minority acts as an alternative to the assimilation of the titular nation and is expressed through establishing of the close communications holding joint events or actions, expressing its active position on certain political decisions.

There are three levels of the political involvement of the national minorities:

– latent, at which the majority of national minority are. In most cases, these minorities announced its existence only formally, this level is characterized by the rapid assimilation and dispersed minorities,

– organizing, at this level there are 38 of 135 ethnic national minorities are at this level. These minorities have created their own public organizations, integration processes are actively developing. At this level of the political mobilization ethnic minorities are active both in the intrastate and interstate processes,

– political level – only a few national minorities reach this level. Preferably, it is numerous national minorities who have created their own political movements and parties, take part in elections at various levels and in political life of the state. The Russian minority and Crimean Tatars who have created their own political movements and parties are at this level. However, the results showed that at this level the disintegration processes in ethnic background and enhanced socio-political division can be noted [Биков 2007b].

The process of the political mobilization of ethnic minorities is often getting more active on the eve of important national actions, including elections at different levels. One of the criteria of the political mobilization is a political interest. A special role in the conditions of the political mobilization of ethnic minorities, as well as other groups the factors such as “motive danger” and the so-called principle of justice generally play. These factors are perhaps the most effective in the conditions of the political mobilization and they are often used as political slogans.

Such categories as credibility of organizations representing a particular national minority, the presence of influential leaders among the national minorities play no less important role in the political mobilization of ethnic minorities. It is connected

with the level of national identity, ethnic culture, ethnic awareness of the problems of ethnic development, the degree of expression of ethnic identity, the presence of such an important factor in the consolidation as leadership. Also, it should be emphasized that the number of minority factor plays no major role in the political mobilization processes.

The examples include the Belarusian national minority, which ranks the third among the national minorities in numbers, but has one of the lowest levels of the political mobilization, in particular, the representatives of the this minority have created the least of national societies at the regional level, virtually there are no Belarusian media in Ukraine [Биков 2007b].

Although the political sympathies of national minorities are different, one can highlight the four main areas that are targeted by the national minorities: centrism, regionalism, left and national-democratic ideology.

6. Ukrainian state and national minorities, progress towards mutual tolerance

Ukraine seeks to consistently implementation of the European dimension of the ethnic policy. To accomplish this task it carefully carries political and legal regulation of ethnic relations according to the international standards, creates and develops the ethnical legislation – a type of legal guarantees of national minority's rights. The fertile ground for this approach is the theoretical achievements in legal science, ethnic state lore, certain traditions of Ukrainian and Soviet state arrangement, which determine, for different purposes though, legal and institutional guarantees of minority rights (as an example – the Law by the Ukrainian Central Rada “On National – Personal Autonomy” of 1918, the USSR Law “On languages in the Ukrainian SSR” 1989) [Гринів 1994].

Nevertheless, some of the citizens of Ukraine of different nationalities inherent rather stable mutual latent xenophobia, which caused a gradual strengthening of anti-Ukrainian, anti-Russian, anti-Jewish, anti-Polish moods, dissemination of negative symbols in public places, increase in the destruction of tombstones and as the growth of extremist youth organizations such as skinheads.

Taking into consideration these facts, the question appear: why in spite of the overall democratization of the country is the problem of protecting Ukrainians, ethnic minorities, foreigners, eventually, the constitutional order and national security is getting more and more urgent? What are the main reasons for a significant increase in racism, anti-Semitism and xenophobia in the society, especially among young people?

The most important of them is the inadequate implementation of the existing ethno-national legislation. The direct effect of constitutional provisions guaranteeing equality of rights and freedoms of man and citizen, prohibiting privileges or restrictions based on race, color, political or religious beliefs, ethnic or social origin, place of residence, language or other characteristics, is well known. This constitutional plane is periodically updated with the legislative achievements of the Supreme Council, for example, certain legal provisions in the law “On Protection of Public Morals”, “On the National Security of Ukraine”. Article 161 of the Criminal Code stipulates criminal responsibility for violation of equality of citizens regardless of their race, nationality or religion [Мицик 2003].

Instead, the legal practice tends to use extremely rarely or even disregard the ethnic law legislature, especially the above mentioned article 161 of the Criminal Code. Law enforcement institutions in the appropriate cases seek to deal mainly neutral or violate the criminal case on the basis of articles of the Criminal Code of group violation of the public order, riots, calls for actions that threaten the public order, misconduct, desecration, destruction of historical or cultural monuments. It seems there exist secret guidelines “not to advertise” national framework crime. A prosecution of this category in the courts of law is sufficiently politicized [Мицик 2003].

But the inevitability of punishment for a crime is only one part of the problem. In general, it is beyond the competence of judicial and law enforcement authorities, and therefore requires the implementation of general (economic, political, ideological) guarantees of legality. In particular, there are gaps in ethno-national of citizens. A significant role in this integration could be played by the integration of the national education in the European space, thus contributing to the awareness of common historical destiny of Europe and Ukraine, as well as the formation of the world diversity, respect for the citizens of other culture, their customs and way of life. It is fundamentally important for ethnic tolerance, nonviolence to become an integral part of the consciousness of every man, and for highly moral features of behavior of the whole system of educational and civic institutions to be propagated on the model of scientific and educational centers that are established abroad (numerous museums, memorials, centers tolerance).

Political Terror – “deprivation of life or liberty, expulsion and exile, deprivation of citizenship, forced placement to health establishments, deprivation or restriction of other civil rights or freedoms on the political, social, class, national and religious grounds” [Мицик 2003]. Holodomor and the Holocaust. Understanding these recollections would promote the formation of tolerant interethnic relations, rejection of the young Soviet, Nazi or other modern varieties of totalitarian regimes. This would preclude the repetition of the criminal acts against the citizens of any

nationality. Ukrainian people would remember the price at which they gained independence and stepped the European way of development.

The media could play a significant role in ethnonational education. Considering their importance in promoting tolerance of ethnic relations, there is a long overdue need to increase public TV and radio airtime for programs which would not only reproduce the slogans of ethnic policy, but also the ways of creating mutual tolerance of Ukrainians and national minorities could be discussed. An active participation of interested representatives of the Ukrainian public organizations and ethno-cultural communities in developing principles of regular thematic television and radio programs, preparation and implementation of their release would allow the leaders and activists of the ethnic communities to express their positions and views on urgent issues of ethnic policy, cultivate citizens' sense of understanding how normal coexistence of different ethnic groups effectively, be deeply aware of the value of national ethnic harmony.

Finally, the interaction between the national minority organizations from the central and local executive authorities, local authorities, consulting-advising bodies of the President, the Ukrainian Institute of National Memory, law enforcement agencies, as well as religious organizations could be more constructive.

To this end, in particular, it would be wise to start regular training courses for civil servants, law enforcement officials and journalists on the corresponding themes. They could be conducted as lectures by experts on ethnic issues in conjunction with the seminars in which the students could express their position, share their personal experiences of professional activity in regulating issues that have a "national component", communicate with heads and members of national and cultural societies. Such courses would help officials to change their attitude to some national minority, journalists – to promote the objective public opinion concerning them, and the courses could go beyond education and gain political and legal importance [КорявИН 2005].

This is why the ethnic-national relations should be improved in the light of constant changes in methodology, concepts mastering the subject, integrated vision for political, legal and social levels, indissoluble connection of general guarantees of legality, conceptual understanding of interconnectedness of the following:

- the legal status of national minorities is closely intertwined with the widespread growth of ethnic consciousness of individuals, peoples, nations, and thus provides deep philosophical penetration into the problem of comprehension of its essence,

- securing special rights of national minorities, in addition to general human and civil rights, must not violate the rights of the Ukrainians or threaten the compliance with the principle of territorial integrity and political independence,

– the establishment and formation of the Ukrainian political nation in the post-Soviet era was a long and multidimensional process that required a systematic understanding of Article 11 of the Constitution, “The State promotes the consolidation and development of the Ukrainian nation, its historical consciousness, traditions and culture and development of ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities” [Корявн 2005].

The separation of only Ukrainian nation, Jewish or any other minority from the general context of this constitutional norm leads to political speculations, inhibits the development of the civil society. Instead, the provisions enshrined in the Constitution, makes it possible to ensure the rights both Ukrainians, and ethnic minorities, and therefore to continue making a long-term strategy of the development of mutual tolerance. It is necessary to remember that “xenophobia, unfortunately, is typical of most people. It may need, perhaps, centuries, for us to get used to living in a multiethnic environment” [Буроминський 1993]:

– An effective barrier for converting the household xenophobia into mass riots, ideologically motivated murders, should be judicial and law enforcement institutions, ethno-national legislation without its inherent drawbacks (lack of clarity, uncertainty, lack of or insufficient implementation of procedural forms).

– They should be eliminated during the compulsory ethnic updating of the legislation and further it is necessary to provide its systematization.

Regarding the latter aspect, one can note certain changes that have occurred lately after the influence of a number of representatives of international institutions, NGOs, political. The Ministry Home Affairs developed the Action Plan for combating racism. It identified the priority areas of prevention and detection of crimes committed on racial grounds, and combating neo-nazi and skinhead organizations. Thus, according to the document within the Department of Criminal Investigation a separate unit of the developments and implementation of strategies to combat ethnic crime was set up. A similar unit was established in 2007 and the Security Service of Ukraine. The coordination functions were entrusted in particular to the prosecutor’s office in Kyiv.

Subsequently, with the aim of improving the management of large-scale national processes it is advisable to return to the proposal to approve the State program of strengthening of interethnic and interfaith peace and harmony, the study of which the President instructed to the Cabinet of Ministers (still in September 2005). Its approval on the basis of numerous proposals, set out in an open letter to the President from, the Chairman of Parliament and the Prime Minister (July 2005) the Ukrainian public clearly demonstrated that the country can afford the formation of the ideology of tolerance, has the variability of solutions to overcome different types of ethnic conflicts [Биков 2007a]. The universal culture of tolerance based on the ethnonational diversity of traditions and cultures, is a bridge

for dialogue with the Ukrainian national minority, and they – with state and local authorities.

Subject to mutual tolerance, as international experience shows, national minorities make a significant contribution to the formation and functioning of the democratic stable political and legal systems, positive impact on the effectiveness of various state and public institutions. This role of national minorities directly stems from their perception as an integral part of any society, including Ukrainian. On the other hand, the systematic violation of the rights of national minorities worsens the socio-political situation in the country, the region, and often leads to hard xenophobia and military conflicts.

Thus, both the Ukrainian state and national minorities, realizing the permanent complication of internal and external political and legal realities, have to make significant steps towards each other. The dialogue between them will contribute to leveling the outdated stereotypes of the Soviet consciousness, mutual prejudice and overcome formalism in ensuring the rights of national minorities and Ukrainian, increased tendency to return Ukraine to the international community.

In terms of the European legal culture, including litigation, compliance with the legal status of national minorities is one of the fundamental and integral indicators of civilization, and Ukraine as a European state, should not be an exception. With common values of the European Union, Ukrainian state must effectively “strengthen the moral foundations of the people and political foundations of our governments” [Галата 1995], actively shape Constitutional contemporary world, eliminate significant differences between theory and practice of ethnic relations, realize the idea of civil society in the context of true democracy, not its imitation.

7. Conclusions

National minorities is a political legal term for a group of people, citizens of a certain state, belonging to this group, who due to the fact that this group exists and they belong to it, are the subject to certain international, and in their presence, national regulations, and become the objects of law, subjects of certain legal entities. According to the law, the minority may include citizens of the state who: reside permanently in the state’s territory; support long-term, durable, long-lasting ties with that country; show typical ethnic, cultural, religious or linguistic characteristics; are quantitatively sufficient; are interested in preserving what constitutes their common identity, including their culture, traditions, religion or language.

In Ukraine, under the present circumstances of revival of different ethnic communities, modern evolution of the concept of national-cultural autonomy and

legal status of national minorities, the issues of national minorities and regulation of national and cultural issues based on international and domestic experience are getting of greater importance.

It should be noted that the issue of human rights is the major in the international and national law. Human rights have become to be of axiomatic status of human values. Among these rights the decisive place is occupied by the human rights of a human being as a member of the national ethnic group.

National minorities are a sustainable, traditional structural component of political nations in the modern European states, and the rights of citizens belonging to such minorities, above all are the right to preserve their own ethnic and cultural identity, should be protected by the state, understood and supported by society as a whole.

The protection of national minorities is definitely within the policy framework and is connected with creation and preservation of trust between different sectors of the society, but it must be ensured with the appropriate legal instrument both nationally and internationally.

This statement has acquired a special urgency in terms of political events in recent years. No one doubts that the neglect of the interests of these groups in the formation of domestic and foreign policy under certain conditions can lead to internal conflicts. Unfortunately, the introduction of a proportional electoral system in our country significantly reduced the participation of national minorities in the Parliament of Ukraine.

With the development of democracy, the activity of national minorities is getting more active and the process is getting political and that is why ethnic minorities should be treated as a potentially influential political factor. In recent years, Ukraine has watched a clear trend to enhance the activities of national minorities that go into the arena of social and political relations between the states and, in addition to cultural, educational and religious interests, the question is considered increasingly to satisfy political interests. This is a natural phenomenon characteristic of all societies, but its solution depends largely on the level of democratization of the society.

The protection of national minorities with the modern instruments of international law is seen as an integral part of the international legal protection of human rights and as an object of international cooperation between states. A characteristic feature of the modern international legal protection of national minorities should be considered an organic relationship between the acts of international law at various levels, their harmonious development, the formation of the universal and regional systems for the protection of minorities.

The rights of national minorities should be treated as special rights – some form of positive actions to ensure minorities to be able to preserve their characteristics

and traditions, and the rights of national minorities are as important to ensure equal treatment as non-discrimination.

The implementation of minority rights would also mean obtaining such a status, which would satisfy the minorities, and would be considered by the majority as natural, as one that guarantees any minority an opportunity to freely use their native language, to create and manage their educational institutions, and participate in the political and economic life of the state.

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Państwa wielonarodowe i perspektywy ich dalszego rozwoju

Streszczenie. Artykuł poświęcono procesowi powstawania państwa wielonarodowego oraz procesowi kształtowania się narodowej tożsamości i samoświadomości. Podkreślono przy tym trudne warunki, w jakich przebiegają te procesy. Omówiono ponadto mniejszości narodowe jako przedmiot zainteresowania politologii i zanalizowano status mniejszości narodowych z punktu widzenia obecnego stadium rozwoju społeczeństwa. Autorzy wskazują, że ochrona praw mniejszości narodowych jest na Ukrainie kwestią ważną i wymagającą pilnego rozwiązania. Zwraca się również uwagę na uczestnictwo mniejszości narodowych w życiu politycznym współczesnego państwa ukraińskiego. Rozważając stosunki pomiędzy ukraińskim państwem a mniejszościami narodowymi, autorzy dostrzegają postęp, jaki dokonał się pod względem wzajemnej tolerancji.

Słowa kluczowe: mniejszości narodowe, tożsamość narodowa, etnogeneza, etnos, grupa etniczna