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WHAT HAS THE LAW ON EDUCATION “STRESS TEST” SHOWN?

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INTRODUCTION

After the voting for the long-awaited reform of education, official Kyiv has encountered a diplomatic crisis in the European direction. The reform, designed to introduce the European standards in Ukrainian school system, led to deterioration of relations with several Western neighbors, cooperation with which has been recently presented as a success of Ukrainian diplomacy. One of the innovations of Ukrainian law “On Education” is the change in approach to teaching the state language in minority schools. The MFA was aware of the negative attitude of certain states toward the proposed changes; however, it seems that it was not prepared for the sharp diplomatic reaction provoked by language-related provisions.

To guarantee its own security, Ukraine requires thorough and proactive diplomacy, and forming strong regional alliances is an integral part of it. Decisions that are not prepared in terms of both communication and institutional support has not only put bilateral cooperation under serious blow, but also turned Hungary into the first open opponent of Ukraine within the EU. The crisis demonstrated that Ukraine lacks strategic vision of relations with its neighbors, particularly in terms of dealing with such sensitive issues as the status and rights of minorities, as well as weaknesses in communication and coordination of the Government and the Parliament.

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In this paper, we will analyze the reaction of Ukraine’s neighbors to the adopted law, the opportunities for mutual understanding, and the impact of the conflict on the dialogue between Kyiv and Brussels. The key findings from the analysis of the “stress test” caused by the law on education became the basis for recommendations for a qualitative reboot of Ukraine’s relations with its EU neighbors.

BRIEFLY ABOUT THE SUBJECT OF DISPUTE

- ★ *The reform provides an increase in the use of Ukrainian language in education institutions, and maintains opportunities for studying and teaching in the languages of national minorities. Article 7 (On the language of education) has been long discussed, in particular, with the neighbors of Ukraine and representatives of national minorities; however, a more compromising version has been rejected within the walls of the Parliament. The adopted version of the Law “On Education” that launches a large-scale and long-awaited education system reform is the result of complex political compromises in the Verkhovna Rada of Ukraine.*
- ★ *The VRU voted that the language of education process in education institutions is the state language, i.e. Ukrainian. It is intended that students will be able to study in their native language and learn Ukrainian in kindergartens and elementary school. Starting from the 5th grade, general subjects will be taught in Ukrainian, but in parallel, students will be able to study the language of their national minority and its literature in their native language. As a certain insurance, the law included a provision for teaching “one or several disciplines in two or more languages : the state language, English,*

or other official languages of the EU.”¹ It is this article that the Ukrainian side uses to confirm that bilingualism in minority schools will be preserved.

THE REACTION OF NEIGHBORS AS A DIAGNOSIS FOR BILATERAL RELATIONS

Concerns regarding the law on education has been simultaneously expressed by the Foreign Ministers of Hungary, Bulgaria, Greece, and Romania who sent a joint letter to their Ukrainian counterpart Pavlo Klimkin. Critics of changes emphasize that they violate Article 22 of the Constitution of Ukraine: when adopting new laws, human rights and freedoms cannot be abolished and existing rights and freedoms cannot be limited. Moreover, the Hungarian side appeals to the Agreement on Friendship and Cooperation (ratified in 1992) where Ukraine committed to “ensure adequate opportunities for national minorities to study their native language or receive education in their native language at all levels.”²

The law has been also criticized by President of Moldova Igor Dodon. The Government of Moldova, on the one hand, sought to distance itself from Dodon’s controversial statements, but on the other, could not ignore the harsh criticism toward the law expressed by official Bucharest, and therefore, remained publicly silent. Attempts by certain powers to get a vote on the

¹ <http://zakon2.rada.gov.ua/laws/show/2145-viii>

² *Declaration on the principles of cooperation between Ukrainian Soviet Socialist Republic and Hungarian Republic in protection of national minorities rights.* http://zakon3.rada.gov.ua/laws/show/348_322



declaration of condemnation of Kyiv's actions in the Parliament also failed. The position of Poland in this context is indicative, as Ukrainian-Polish tensions intensify due to Kyiv's historical policy. Warsaw chose a wait-and-see position on the language issue, arguing that it is necessary to study the impact of the law on the education of the Polish minority. Later, Polish Minister of Foreign Affairs Witold Waszczykowski confirmed that Warsaw denied Budapest's proposal on signing a joint letter to Ukrainian authorities³.

Moscow had high hopes for an international coalition against Ukraine. In the official statement of September 12, Russian Foreign Ministry pointed out that the law has been already criticized by numerous states and called for "joint efforts, in particular, within the international organizations, to counteract the policies of Ukrainian authorities that are defying the generally accepted standards of human rights."⁴ After consultations, where Ukrainian diplomats and representatives of the MES explained the adopted changes, official Kyiv has managed to establish a constructive dialogue with certain states. Thus, the worst scenario has been avoided; however, it is not the time to celebrate yet, as the main battle awaits Ukraine after the publication of the Venice Commission's recommendations both within the country and at the EU level. Given this, it is worth looking closely at the positions of Ukraine's European neighbors, as well as identifying the risks and opportunities for restoring friendly cooperation.

Ukrainian-Polish consultations resulted in the Declaration on guarantees of the right for education in native language to the Polish minority in Ukraine and the Ukrainian minority in Poland⁵. Therefore, even before the Venice Commission's decision, Kyiv reassured Warsaw that the implementation of the new law on education preserves the conditions for the Polish minority, which can study in native language and obtain education in the state language in parallel. The dialogue with Poland has become the "success story" that Kyiv was in dire need of after heated debates in the Council of Europe. Polish Government has made it clear that it does not want to hinder the European integration of Ukraine and remains a member of the "friends of Ukraine" club. Another question is how long this situation will persist if Kyiv and Warsaw fail to reach mutual understanding on the problems of history, which is a priority issue for Poland.

Numerous Polish schools are already virtually bilingual, and their students have excellent command of Ukrainian. When commenting the declaration, Polish Minister of Education Anna Zalewska concluded: "Teaching Polish and studying in Polish will remain unchanged in Polish schools in Ukraine."⁶ A similar situation has developed in the dialogue with Bulgaria. Evidently, in Bulgarian schools that are practically bilingual, there is a problem with studying Bulgarian language, not Ukrainian. As a result, the two states have agreed to establish a working

³ Waszczykowski krytycznie o wizytach Putina na Węgrzech, Rzeczpospolita, <http://www.rp.pl/Dyplomacja/171018766-Waszczykowski-krytycznie-o-wizytach-Putina-na-Wegrzech.html>

⁴ Commentary by the Department of Information and Printing of the Ministry of Foreign Affairs of Russia in connection with the adoption of the «Law on Education» in Ukraine, http://www.mid.ru/ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/2858373

⁵ Deklaracja w sprawie zapewnienia osobom należącym do mniejszości narodowych (polskiej mniejszości narodowej w Ukrainie oraz ukraińskiej mniejszości narodowej w Rzeczypospolitej Polskiej) prawa do nauki języka ojczystego oraz w języku ojczystym, https://men.gov.pl/wp-content/uploads/2017/10/deklaracja-polsko-ukrainska_men_2017.10.25.pdf

⁶ Ministry of Education of Poland, November 25, 2017, <https://men.gov.pl/strony/deklaracja-polsko-ukrainska-o-nauczaniu-w-jezyku-ojczystym-podpisana.html>

group to develop a curriculum and textbooks, as well as to organize teaching personnel retraining for the Bulgarian minority⁷. Establishment of a joint working group has been also announced after meeting between Liliya Hrynevych and her Moldavian counterpart Monica Babuc⁸. The Ukrainian-Moldovan working group is the answer to the critics of the Government, as its purpose is to guarantee that minority rights will be protected during the implementation of the educational reform.

However, a similar understanding with Hungary and Romania that demonstrated the sharpest reaction to the law on education should not be expected. Despite numerous differences, Hungary and Romania are similar in 1) sensitivity to the issue of the rights of their diaspora; 2) inclusion of the diaspora in the internal political processes through providing the citizenship (they can vote); 3) lack of trust toward Ukraine in these societies; 4) compact residence and cohesion of their minorities; 5) poor command of Ukrainian language among minority representatives.

In the context of general outrage around Ukrainian law on education, position of Slovakia, which essentially supports Kyiv, remained unnoticed. After the meeting between Petro Poroshenko and Slovak President Andrej Kiska, the press service stated that “the Slovak side understands the arguments of the President of Ukraine.” However, it is not only about persuasiveness of Ukrainian President: in 2009, a similar conflict emerged between Hungary and

Slovakia over the latter’s amendments to the Law on the State Language⁹. Moreover, Slovakia currently strives to distance from the rest of the Visegrad Group states that have tense relations with Brussels. It should be mentioned that this June, Petro Poroshenko inaugurated the symbolic door to the EU without visas with Slovak leader. Nevertheless, although there are no issues that could provoke sharp divisions in the relations between the two countries, Ukraine and Slovakia still lack understanding of the common agenda.

ROMANIA: BRAKING AT HIGH SPEED

After a series of loud political statements and fierce debates in the Council of Europe, in Ukrainian public discourse, these two countries are increasingly frequently referred to together as the major opponents of the law on education. However, the outrage around Ukrainian law is probably the only issue that unites Hungary and Romania today. According to Romanian interlocutors, Romania has a completely different approach to the resolution of regional problems, as well as a clear awareness of security threats and the need to support Ukraine in countering Russian aggression and moving towards European integration. Moreover, Romania, as one of the largest countries in Central and Eastern Europe, currently remains the only counterbalance to conservative anti-liberal regimes in Poland and Hungary. The reluctance to be in the same camp with Budapest has become one of the motivators for de-escalation of the debates. On the other hand, the desire of

⁷ Ministry of Education of Ukraine, <http://mon.gov.ua/usi-novivni/novini/2017/10/03/posol-bolgariyi-zakon-%C2%ABpro-osvitu%C2%BB-dae-novi-mozhlivosti/>

⁸ NewsMaker, November 9, 2017, <http://newsmaker.md/rus/novosti/moldova-i-ukraina-sozdadut-rabochuyu-gruppu-po-obespecheniyu-prava-natsmenshinstv-34220>

⁹ Jakub Groszkowski, Mariusz Bocian, *The Slovak-Hungarian dispute over Slovakia’s language law // Centre for Eastern Studies, Issue 30, October 2009*, https://www.files.ethz.ch/isn/110682/commentary_30.pdf



Romanian Government to maintain the level of cooperation established with Ukraine is no less potent.

The reaction of Romanian political circles was not as unanimous as it might seem from Kyiv. Romanian Government has taken a restrained critical position, unlike the President Klaus Iohannis. The latter condemned the adopted law as being contrary to mutually good intentions and sharply restricting the access to the education in native language for the minorities¹⁰, and announced that he cancels his planned visit to Ukraine¹¹. Later, the MFA of Ukraine clarified that the visit has not been “canceled,” but has been “rescheduled.” Over the past year, Iohannis’s rating, as well as the rating of the National Liberal Party that supported him in the elections, has increased, while the rating of the governing Social Democratic Party has dropped¹². Ukrainian law has opened an excellent opportunity for political forces to earn electoral points.

At the same time, not everyone had a desire to understand the text of the law itself and the collisions around its adoption. Statements about Kyiv’s unfriendly actions have been supplemented by false reports that the law provides for elimination of all national minority schools,

while the preferences received through the new law by the languages of the EU member states were never mentioned. Instead, Kyiv has been accused of neglecting the democratic principles of respect toward minority rights, which allegedly questioned the sincerity of Ukraine’s European aspirations. Representatives of the nationalist-radical wing even demanded such drastic steps as blocking financial support for Ukraine at the level of EU and NATO or integration of Ukraine into these organizations.

Another important aspect is time. **Given the high dynamics of Ukrainian-Romanian contacts, it was hard to find a more unfortunate moment for radical changes in the education of minorities.** In July this year, after the six-year break, a summit of Ukrainian-Romanian Joint Commission on economic, industrial, scientific and technical cooperation has been organized in Bucharest. The parties discussed ways to intensify cooperation in transport and infrastructure, cross-border cooperation, and the EU’s strategy for the Danube region¹³. After 11-years break, the activities of the Joint Intergovernmental Ukrainian-Romanian Commission for national minorities have been unblocked, and its first summit has been organized on September 13, 2017 in Kyiv. The Commission had to discuss, in particular, how to ensure the rights of the Romanian minority in terms of education. Voting in the Verkhovna Rada was a serious blow to the efforts to restore this dialogue. However, even despite that, after long debates, the parties signed a joint protocol¹⁴.

¹⁰ Romanian National News Agency, September 21, 2017, <https://www.agerpres.ro/english/2017/09/21/president-iohannis-cancelled-my-visit-to-ukraine-on-account-of-education-law-being-passed-20-12-10>

¹¹ *The decision to cancel the visit has been made before the law was signed by the President. It should be noted that this step has not been supported unanimously, even among the conservative camp. Former President of Romania Basescu, who is well-known for his sharp position, claimed that Klaus Iohannis’ decision was “a foreign policy mistake.”* <http://www.mediafax.ro/politic/basescu-despre-anularea-vizitei-lui-iohannis-in-ucraina-o-eroare-politica-era-timp-pentru-negocieri-am-parasit-bosumflati-campul-de-batalie-inainte-de-a-trage-ultimul-cartus-16740207>

¹² Romania Insider, 11 October 2017, <https://www.romania-insider.com/psd-votes-down-2017/>

¹³ Ministry of Foreign Affairs of Ukraine, press center, July 11, 2017, <http://mfa.gov.ua/ua/news-feeds/foreign-offices-news/58539-10-11-lipnya-v-buharesti-vidbulosya-drugye-zasidannya-spilynoji-ukrajinsyko-rumunskykoji-mizhuryadovoji-komisiji-z-pitan-y-jekonomichnogo-tehnicnogo-ta-naukovogo-spivrobotnictva>

¹⁴ Government Portal, September 14, 2017, http://www.kmu.gov.ua/control/uk/publish/article?art_id=250269262&cat_id=244277212

Today, the focus of the bilateral agenda shifted from reforms and security cooperation to minority issue, which is the most sensitive and conflictual. For the Romanian side, two key things are important: first, respect for the previously granted minority rights; second, respect for the principle of reciprocity (i.e. the Romanian minority in Ukraine receives the same rights and support as the Ukrainian one in Romania). On the other hand, Romania that suffers from the problem of the non-integrated and non-loyal Hungarian minority perfectly understands the argument of Ukrainian officials about the need to speak the state language. In August, during the discussion of the new law on education, Romanian Minister for Foreign Romanians Andrea Pastirnak stated: “We urge them (Romanians) to be loyal citizens of their state and support the need for proper command of Ukrainian language among all citizens of Ukraine.”¹⁵

The Romanian side felt betrayed not only due to the content of Article 7, but also because of the way it has been adopted: ignoring the previous agreements, without any consultations on the new version. Official Bucharest appreciates the close cooperation with Ukraine, particularly in the security sector, and reminds that Romania was the first country to ratify the Association Agreement between Ukraine and the EU. They are convinced that in terms of bilateral relations, amendment of Article 7 before the second reading was an ill-advised decision, which undermined the developments of the recent years.

Resolution of the crisis through involvement of the Venice Commission is positively perceived

by Bucharest as an opportunity for all parties to “save the face” in this difficult situation. On the other hand, the development of the situation will depend on how quickly and painfully Ukrainian parliamentarians will implement the recommendations of the Venice Commission. **The protracted crisis will strengthen the negative attitudes toward Ukraine among Romanian citizens, which will greatly complicate the situation for the Government.** In private conversations, Romanian politicians admit that after the adoption of this law, they find it extremely difficult to argue in favor of support for Ukraine before Romanian voters.

WHAT IS BEHIND THE UNCOMPROMISING POSITION OF HUNGARY?

In November last year, during the visit of Prime Minister Volodymyr Groysman, Hungarian Prime Minister Viktor Orban made a statement that even the closest partners of Ukraine in the EU would not dare. Orban announced that Hungary “supports Ukraine’s accession to the European Union, although this issue is not on the agenda.”¹⁶ While mentioning that certain EU member states block the Association Agreement and the visa-free regime that are vital for Ukraine, he assured that Budapest is clearly on Kyiv’s side on this issue. However, in ten months, Foreign Minister Peter Szijjarto initiates a revision of the Association Agreement¹⁷ and promises to block the further rapprochement between Ukraine and

¹⁵ http://zik.ua/news/2017/08/22/prezydent_rumunii_pryletyt_do_ukrainy_1154161

¹⁶ *Interfax*, November 24, 2016. <http://interfax.com.ua/news/political/386325.html>

¹⁷ *Ministry of Foreign Affairs and Trade of Hungary*, <http://www.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/hungary-will-initiate-review-of-eu-ukraine-association-agreement>



the EU and NATO. Official Budapest explains this turn by “deceitful behavior” of Kyiv “backstabbing” the neighbor.

The absence of mass protests in Transcarpathia, despite the apparent disappointment with the adopted law among the minority, indicates that the main “consumer” of loud statements made by Hungarian authorities, as well as the statements about the self-determination of Transcarpathia, is primarily the people of Hungary. Hungarian diaspora is an important part of the internal and foreign policy of Hungary, and language in this context is considered the major mechanism of preserving the national unity. However, although Ukrainian law has caused rejection of all political forces in Hungary and the expert community in general, in the opposition circles, the response of Hungarian Foreign Ministry is considered “excessive” and “openly provocative.” In other words, given the sensitivity of this issue for Hungarian society, Ukraine’s decision would provoke a conflict in any case, but the Fides-led Government made the compromise virtually impossible, at least until the elections in Hungary.

Budapest does not de-escalate the conflict, adding fuel to the flame instead. For instance, after the reassuring statement by Liliya Hrynevych and Minister of Human Resources of Hungary Zoltan Baloga on joint efforts to develop a mechanism for implementation of the law, the Foreign Minister of Hungary stated that Budapest has vetoed the meeting of the NATO-Ukraine Commission in December. This makes us think about other hidden motives of Hungarian Government, as the “ultimatum language” used in communication with official Kyiv only narrows the room for maneuver and development of a compromise that would satisfy the Hungarian minority. After obvious Hungarian threats, any concessions made by Ukrainian authorities could be perceived within the country as a sign of weakness. There is a suspicion that Budapest has

long sought to distance itself from Kyiv, and the law on education is just a convenient cause.

The bitter conflict around the law on education is beneficial to Hungarian authorities in several contexts. First, domestic policy context. In April next year, the next parliamentary elections will be held in Hungary, and Viktor Orban’s Fides party plans to get an absolute majority. Given the discord within the opposition, the main competitor of the Fides is currently the right-wing radical party Jobbik, which positions itself as the real and consistent defender of the Hungarian minority in Transcarpathia. According to recent polls, the Fides’ ruling coalition is supported by 34% of the voters, 17% support the Jobbik, and the Socialist Party has 6% of supporters¹⁸. In October, Orban’s party rating increase after a certain fall due to mass protests in the previous months. In 2009, the “language conflict” with Slovakia played a significant role in increase of the popularity of the Fides, which, along with frustration of the voters toward the ruling Socialist Party has brought Viktor Orban’s political force to victory in the parliamentary elections of 2010. It is noteworthy that the Government sought to secure the support of opposition parties in discussing and voting on the declaration of condemnation of Kyiv’s actions and got it.

On top of internal reasons, certain foreign policy and economic considerations could exist. In the next few years, Hungary plans to obtain significant economic benefits from the partnership with Russia. In early July, Hungarian Foreign Minister Peter Szijjarto stated that

¹⁸ *Magyar Nemzet*, 14 лютого 2017, https://mno.hu/belfold/novelte-tamogatottsagat-oktoberben-a-fidesz-2427427?utm_source=feed&utm_medium=rss

Hungarian Government and Gazprom agreed to extend the Turkish Stream pipeline through the territory of Bulgaria and Serbia to Hungary¹⁹. By the end of 2019, the infrastructure capable of receiving 6 billion cubic meters of natural gas will be installed on the Hungarian-Serbian border. And in January 2018, the construction of the Paks nuclear power plant will be launched; in Budapest, this joint project with Russia is called “the agreement of the century.”²⁰

At the same time, Hungarian experts warn against any simplified perception of the Fides and Viktor Orbán as a pro-Russian power. Unlike the Jobbik, famous for their ties with the Kremlin, Orbán presents his relations with Moscow as purely pragmatic and economically beneficial. Hungarian society is not pro-Russian, and therefore, Orbán’s policy of so-called “Eastern discovery”²¹ means primarily friendship based on economic interests and the similarity of the two regimes.

According to Peter Kreko, Executive Director of the Hungarian Political Capital Institute, “this issue (response to Ukrainian law on education) is a symptom of the general radicalization of Hungarian foreign policy and the course toward overthrowing the balance between the East and the West.”²² The divide that emerged in the EU

during the migration crisis, when certain member states refused to implement the decisions on the allocation of refugees is still ongoing and fueling populist-nationalist movements in Central and Eastern Europe. Viktor Orbán, the most powerful politician of the Visegrad Group, seeks to lead this conservative movement. The victory of populist billionaire Andrej Babiš, who spoke positively of Orbán and negatively of Brussels, on the parliamentary elections in the Czech Republic makes this plan even more realistic.

Hungary is not a Euro-skeptical country, and its Government does not position itself as anti-EU²³ and even supports deeper European integration, e.g., in terms of security. The edge of criticism is pointed toward Brussels (European institutions) that is considered responsible for the problems of Hungary. Dual rhetoric on the EU allows the Government to keep a room for maneuver at both European and domestic levels. **Ukraine, which has the greatest support in Brussels and Berlin, could become a bargaining chip in this confrontation.**

HUNGARIAN APPROACH: INTEGRATION MEANS ASSIMILATION

Among all neighbors, Hungary enjoys the best relations with Serbia. A particular warming has been observed after coming of the Serbian Progressive Party, which maintains friendly relations with Fides, to power in Serbia. Official Budapest keeps praising their Serbian partners on their policy toward the Hungarian minority in Vojvodina, which, in their opinion, should be a model for Ukraine. For instance, Minister

¹⁹ *President of Gazprom Alexey Miller and Peter Szijarto signed the road map of development of the natural gas transporting system in Hungary. Gazprom Export and Hungarian Gas Trade signed the Memorandum of Understanding.*

²⁰ *Ministry of Foreign Affairs and Trade of Hungary, October 4, 2017. <http://www.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/hungary-to-conclude-another-long-term-gas-supply-agreement-with-gazprom-beyond-2021>*

²¹ *Foreign Policy Audit: Ukraine-Hungary // Institute of World Policy, April 2016. <http://iwp.org.ua/eng/public/2040.html>*

²² *EuromaidanPress, September 29, 2017, <http://euromaidanpress.com/2017/09/29/is-the-international-tempest-over-language-in-ukraines-education-law-justified/#arvlbdata>*

²³ *Meeting with Zsuzsanna Szélényi, member of Hungarian Parliament, October 14, 2017.*



Szijjarto stated that “Serbia could be an example in minority rights protection for a number of EU states and countries waiting to join the EU. As a token of gratitude, Budapest not only asks, but also demands to open five new chapters in the negotiations on the accession of Serbia to the EU by the end of this year.”²⁴ However, mutual compliments of Hungarian and Serbian leadership hide pragmatic reasons: Serbia is a key partner of Hungary in their joint gas project with Russia.

Hungarian minority in Vojvodina has about 300 thousand people, most of which densely populate the North of the province. Hungarian is one of the official languages in Vojvodina, and representatives of the minority can obtain the education in their native language at all levels. Hungarian National Council of Vojvodina can also establish schools (both secondary and primary) with teaching exclusively in the minority language²⁵. Serbia has no objections to granting Hungarian passports to Serbian citizens of Hungarian origin. However, the downsides of this national policy are the marginalization of the Hungarian minority from the rest of society, isolation and increase in emigration, i.e. the same negative trends appealed to by Ukrainian authorities.

Hungary is not interested in the integration of its diaspora in the societies of the neighboring states, regarding it as a way to assimilation and final loss of national unity. The example of Serbia, where the Hungarian minority is actually

separated and retains strong connections and loyalty to the Hungarian state, satisfies Budapest. In turn, Belgrade’s policy toward the Hungarian minority has two main objectives: to preserve peace in Vojvodina²⁶ and good relations with Hungary, as only a few years ago, violence against the Hungarian minority (as well as acts of retribution) were a serious challenge to relations between the two states²⁷.

The question whether to learn or not to learn the language of the state of minority’s residence is interpreted as a personal choice of the individual. Therefore, Budapest remains deaf to Kyiv’s arguments on the need to improve the command of the state language among the minorities as a guarantee of their professional fulfillment in Ukraine²⁸, while in Hungary, knowledge of Hungarian language is a mandatory precondition for citizenship. Even during the negotiations on the law on education, leaders of the Hungarian minority took the noncompromising stance demanding the preservation of the status quo in Transcarpathian region. Today’s Budapest’s demands are similar: cancel amendments and not interfere with the minority’s affairs²⁹.

²⁴ Ministry of Foreign Affairs and Trade of Hungary, October 8, 2017. <http://www.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/hungary-demands-that-the-eu-opens-five-new-accession-negotiation-chapters-with-serbia>

²⁵ Igor Novaković. *Serbia and Hungary Political and Economic Perspective* // International and Security Affairs Centre, Belgrade 2013. <https://www.isac-fund.org/download/srb-hun-ENG.pdf>

²⁶ Krisztina Rác. *The Return of the Ethnic? Multiculturalism from an Ethnic Minority Perspective / Philosophy and Society*, – V. 28, N. 2, 2017. <http://www.doiserbia.nb.rs/img/doi/0353-5738/2017/0353-57381702377R.pdf>

²⁷ *Ethnic Violence in Vojvodina: Glitch or Harbinger of Conflicts to Come?* // ECMI Working Paper #27, April 2006. https://www.researchgate.net/publication/237397558_Ethnic_Violence_in_Vojvodina_Glitch_or_Harbinger_of_Conflicts_to_Come

²⁸ *Another possible reason for this position of Hungarian Government is that they are convinced that the arguments presented by Ukrainian authorities are far-fetched and insincere. In the interview with Ukrainian journalists, the spokesperson of Hungarian Government openly claimed that majority of Ukrainians do not use Ukrainian language.*

²⁹ *It isn't the Ukrainian Government's place to decide what is good for Transcarpathia Hungarians* // Statement of the Ministry of Foreign Affairs and Trade of Hungary. <http://www.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/it-isn-t-the-ukrainian->

Bad news for Ukraine is that Ukrainian-Hungarian conflict is unlikely to be resolved in the short term.

Unlike Romania, Hungary does not consider the implementation of the Venice Commission’s recommendations by Ukraine as a solution. Official Budapest has made it clear that they will oppose any innovations, and Kyiv cannot accept this position. Even if the parties manage to reach understanding, Hungary seems to have plans to get the most out of this confrontation. The law on education provided an opportunity to recall the other promises given to the Hungarian minority by Kyiv, as well as to raise the painful issue of dual citizenship³⁰. Viktor Orban, who remained silent for almost two months, stated in November that he is concerned with three more draft laws (on citizenship, on language, and on restitution of church property). Parliamentary elections in Hungary provide a certain “window of opportunity,” as the agreement with Kyiv could be presented to voters as a victory. The only question is whether Kyiv deems restoration of good relations with Budapest a reasonable price.

WILL UKRAINE’S EUROPEAN INTEGRATION BE PUT ON PAUSE?

Hungarian government officials keep repeating at various levels that “Budapest intends to make life significantly harder for Ukraine,” especially in terms of European and Euro-Atlantic integration.

Another key issue for Ukraine, the preservation of sanctions against Russia, has been put on hold by Budapest. Hungarian leadership has repeatedly criticized the sanctions policy, which, in their opinion, is ineffective and even harmful. However, Hungary has not yet created obstacles to the internal European consensus, and keeps reassuring that they do not intend to do so. On the other hand, apart from sanctions, there are other areas and platforms where the aggressive opponent could significantly obstruct any opportunities to defend their country for the representatives of Ukraine. The example of the Netherlands demonstrates how destructive could be the influence of a single country.

Most decisions in the EU are made by consensus, and now the camp of opponents of further rapprochement between Ukraine and the EU comprises of Amsterdam and Budapest. This situation is causing serious concerns in Brussels, as the situation with minority rights could significantly damage the image of Ukraine (especially if Kyiv does not listen to the opinion of the Venice Commission). In turn, Hungarian diplomacy will make every effort to maintain this issue on the agenda of European’s institutions and the EU-Ukraine Association Council.

Both Brussels and Berlin appreciated the fact that Ukraine has sent the law to the Venice Commission. However, this step should have been made before, and not after the voting³¹. “Friends of Ukraine” in the EU admit with disappointment that the conflict around the law on education is an unnecessary and dangerous complication for difficult negotiations on increasing support for Ukraine and development of initiatives for

government-s-place-to-decide-what-is-good-for-transcarpathia-hungarians

³⁰ According to the statement by the press service of Hungarian Prime Minister, in March, during the negotiations in Malta, Petro Poroshenko and Viktor Orban agreed to sign a bilateral treaty on dual citizenship for Hungarians in Ukraine. For details, see <http://www.kormany.hu/en/the-prime-minister/news/viktor-orban-holds-talks-with-president-of-ukraine-on-dual-citizenship-of-hungarians-in-ukraine>

³¹ DW, October 13, 2017, <http://www.dw.com/en/hungary-threatens-ukraines-eu-ties-over-new-education-law/a-40944967>



further rapprochement between Ukraine and the EU. Thus, we should expect preservation of a certain status quo in the European direction: without losses, but without achievements as well. Budapest's claims on intentions to review the Association Agreement have been probably aimed at a psychological effect rather than any practical implications, since the revision of the Agreement requires a consolidated position of the entire EU.

Implementation of the Venice Commission's recommendations is the first step to minimize the destructive influence of Hungary in the EU and NATO institutions. In this scenario, Hungary risks being isolated in case of making new demands toward Ukraine.

Furthermore, it will be a strong argument for the "friends of Ukraine," as well as the proof of transparency, democracy, and constructive approach to resolving sensitive issues.

Official Kyiv is convinced that European integration of Ukraine is through Berlin and Brussels; however, it should be remembered that in case of a crisis within the EU, its ability and willingness to oppose Budapest (or Amsterdam) in Ukrainian direction could be significantly reduced.

COMMUNICATION CRISIS

The situation around the Law on Education has once again proved that Ukrainian authorities are currently unable to communicate effectively with both their own citizens and foreign partners, and different branches of government cannot act in concert and formulate a unified position to protect and communication the interests of Ukraine abroad. Along with the lack of trust toward Ukraine, this creates a basis for conflicts. Our interlocutors in both Budapest and Bucharest noted that neither experts, nor

the media had a clear understanding of what the Verkhovna Rada voted for, and this situation lasted for weeks. The unavailability of the final text of the law has created a broad range of speculation and confusion. And while in Ukraine, representatives of the MES kept explaining the meaning of the Article 7 and the procedure for its practical implementation, abroad, the voices of radical politicians were the loudest ones. It should be noted that in both Hungary in Romania, the thesis that the new law provides for the elimination of national minority schools has become recurrent, and similar concerns emerged among the minorities themselves.

Meanwhile, Russian media and pro-Russian resources in Ukraine stirred up the hysteria about "total Ukrainization" supposedly launched by the MES of Ukraine. It should be noted that Central and Eastern European media still use the information from Russian resources quite frequently. The reasons for that are lack of their own correspondents in Kyiv, lack of Ukrainian language command, and lack of timely information (and press releases) in English on Ukrainian official resources. With proper communication and preparation of amendments proposed by Parliament, including the clear interpretation of the new provisions and the development of their implementation plan, the conflict could be de-escalated substantially.

On the other hand, it should be noted that the statements about the alleged "complete surprise" are a significant exaggeration. The surprise was the pace of making this kind of decision. Following the adoption in the first reading (October 2016), several amendments to the law have been proposed to expand the use of the state language. Representatives of both Hungarian and Romanian minorities criticized the proposed changes.

In Ukraine, the level of trust toward the authorities has been below zero for a long time. Therefore, it is hardly surprising that the post factum explanations and assurances of the government officials have not really reassured the minorities. In the final version of the law, the provision on the language of education has been formulated in the way that allowed different interpretations, both favorable and unfavorable for the minorities. When defending the law, government officials constantly appealed to the norm on the possibility of teaching two or more classes in one of the EU official languages. The minorities expect clear position on the number of those classes from the Ministry. It should be remembered that lack of effective communication and trust between the minorities and official Kyiv has a negative impact on international cooperation and creates a negative image of Ukraine in the partner states.

Ukraine’s neighbors reacted to the adoption of the law in different ways. However, media and political discussions blurred those differences, and consequently, even constructive criticism has been perceived in Ukraine as a hostile act. Fueling the tensions through statements regarding hidden territorial claims related to the criticism of the Law on Education posed a threat of further escalation of the conflict. Current information background makes it difficult to “hear” the arguments of critics of the law both in Ukraine and abroad. For instance, Hungary’s sharp statements provoked a series of emotional responses, while similar statements from the Ukrainian side have been taken hard by quite loyal members of the minorities.

The conflict around the law on education has shown that Ukraine lacks a comprehensive understanding of the impact of the national policy on relations with European neighbors. The issues of minorities, their education

and loyalty has been ignored for decades, while situational political decisions and promises have only undermined the trust of minorities and partners of Ukraine. The prospects, unfortunately, are dark. One of the consequences of the process of Ukraine’s nation-building is the revision of the status quo in such issues as citizenship, language, historical narrative and monuments, etc. The situation is even worse due to the fact that in the context of aggression, the Russian factor is often critical in making certain decisions. The provision on the possibility of teaching in the EU official languages leaves no doubt regarding the language that the Parliament targeted in terms of usage reduction. However, the impact of these changes on relations with European neighbors has not been properly analyzed. This situation reminds of historical disputes with Poland, when Polish-Ukrainian relations become a victim of Ukrainian-Russian historical confrontation. In these conditions, it is important to be prepared to cooperate with the neighbors in a systematic and strategic method, especially in the case of the EU member states that could become motors of Ukraine’s European integration.

RECOMMENDATIONS FOR THE NEW EUROPEAN NEIGHBORHOOD POLICY OF UKRAINE

Work systematically with the social elites in the neighboring EU countries. The key to the development of Ukraine’s relations with its European neighbors is their pragmatism, readiness for the dialogue on sensitive issues, and mutual respect. However, in the context of the conflict with Russia, it may be appropriate to voice the “red lines,” i.e. the steps to be regarded as unfriendly towards Ukraine (including refusal



to support the sanctions against Russia or blocking the international support for Ukraine or its European aspirations).

Develop a strategic vision of relations with EU neighbors. Ukraine needs to create its own vision of relations with neighbors and formalize it in the State Neighborhood Policy. A series of papers on relations with neighbors developed by the NEC team within the “Ukraine’s Foreign Policy Audit” project could become an analytical basis for this Policy. Ukraine must reorient its perception abroad from the “victim state” to the responsible, predictable, and reliable partner. This should be the main objective of the Neighborhood Policy.

Attention to nuances. Currently, domestic political decisions are subject to the logic of countering Russian influence, while relations with the allies of Ukraine often become “collateral victims” of this policy.

Differentiate. Cooperation between Ukraine and its neighbors should be based on understanding that each country requires an individual approach in working relations, advocacy, and establishment of contacts. First, Ukraine should understand the interests and expectations of its partners and shape the agenda of bilateral relations according to what it can not only get, but also offer. When making decisions on sensitive issues, special attention should be paid to consultations with the European partners at all levels: MFAs, parliaments, civil societies. Sensitive issues for each partner state should be defined, and all relevant ministries and agencies (UINP, MES, etc.) should be informed about them.

Abandon the post factum approach to communication. Ukraine should strengthen communication of its decisions on the international arena and within the individual states. Closed negotiations with diplomats

are not sufficient, as well as meetings at the intergovernmental level. It is important that every critical decision was backed-up with the relevant communication plan. At a minimum, the content and reasoning of the Parliament’s decisions that have foreign policy impact should be published in English on the website of the Parliament.

Strengthen institutional capacity. Consider establishment of a new unit in the Ministry of Foreign Affairs (based on the 2nd Territorial Department) to supervise Ukrainian Neighborhood Policy and, in particular, communication policy of Ukraine toward these countries, as well as to be responsible for the interinstitutional dialogue on issues of relations with the neighbors within the state.

Everyone is responsible for successful foreign policy. The crisis around the law once again convincingly demonstrated that foreign policy and the image of Ukraine are not the exclusive responsibility of the MFA or the Presidential Administration. Lack of proper coordination between Verkhovna Rada, MFA, and MES has led to the situation where Ukraine’s partners felt deceived.

Strengthen the interparliamentary cooperation. Parliament appeared to be the weakest link in both communication and development of the law. Several interparliamentary meetings organized after the adoption of the law (here, we should pay tribute to the Head of the Committee on Foreign Affairs Hanna Hopko) had managed only to de-escalate the conflict slightly. Ukraine strategically underperforms in the parliamentary direction of foreign policy, while the governments can neither develop cooperation with Ukraine nor support Kyiv at the international arena without the consent of their parliaments. Even greater need for effective parliamentary groups is observed in

the context of relations with the neighbors, given the significant number of common issues.

Therefore, the Verkhovna Rada of Ukraine should³²:

- ★ Vitalize the activities of the parliamentary groups for interparliamentary relations. Each direction of bilateral interparliamentary cooperation with key countries should be supervised by the MPs that regard connections with the respective country as a personal priority and the focus of constant activities;
- ★ Not only establish interparliamentary connections with the traditional political partners, but also seek partners among influential members of the political spectrum in other countries with less or no history of cooperation (including Euro-skeptical and conservative camps);
- ★ Act proactively to establish the interparliamentary relations and communications through the initiation of bilateral and multilateral meetings and visits.

Maintain constant support and direct communication with the minorities. Currently, Hungarian and Romanian minorities feel that they are deprived of their rights, and the decision made in Kyiv without their participation or consent is imposed on them. If these minorities change their attitudes or at least don't treat Kyiv's policy as hostile, achieving mutual understanding at the governmental level will be much easier. Hungary is trying to monopolize communications with its minority in Transcarpathia, and therefore,

it is important that Kyiv's messages reach the community directly, not through Budapest. In this context, it is important for Ukrainian the Ukrainian to be consistent in fulfilling their promises and support, including financially, educational and cultural development of the minorities.

Include regions in the interstate dialogue. Kyiv demonstrates certain reluctance regarding the transformation of Bukovina and Transcarpathia into platforms for communication with Romania and Hungary. Although this approach is justifiable, as negotiations in Kyiv could contribute to de-escalation of discussions, in practice, conflict issues and other regional problems are often ignored. The real understanding and entering a new level of bilateral relations is impossible without the involvement of the regions, where the interests of Ukraine and other states directly confront each other. Joint Ukrainian-Romanian official events in Chernivtsi could become a positive signal for both Romanian minority in Ukraine and Romanian society.

Support Ukrainian diaspora. Kyiv should develop a program to support Ukrainian communities abroad, organize annual training programs, camps and competitions for members of the diaspora. Ukrainian minorities could become active advocates of Ukraine in the countries of their residence, but they should feel the care and support of Kyiv.

Be open to dialogue. Ukraine should demonstrate readiness for the real dialogue on every controversial issue and initiate consultations at the governmental level, as well as support joint civil initiatives and projects. In relations with each neighbor state there are issues that do not require significant resources or concessions from Ukraine; however, even symbolic gestures could become an important evidence of Kyiv's political

³² «Foreign Policy Audit. Recommendations for Foreign Policy Strategy» // Institute for World Policy, December 2016.



will to reboot the bilateral relations. It is also important to communicate information on the accomplishments in bilateral relations to the public.

Establish a pool of “friends of Ukraine” in the neighbor states. In the recommendations for Ukraine’s foreign policy, we wrote that the embassies of Ukraine in foreign countries should become effective communicators and promoters of national interests in cooperation with local elites and populations. However, as demonstrated by the situation around the law, the efforts made by the embassies are not sufficient, on the one hand, due to limited resources, and on the other, due to the perception of the embassies as solely mouthpieces of official state position. Investments in communication at the level of experts, opinion leaders, and media of the neighbor countries are vital. Hungary and Slovakia lack experts aware of the internal situation in Ukraine and capable of providing competent comments. Joint research projects, academic exchanges, and mutual visits of experts and journalists are also critical.

Improve the image of Ukraine and restore trust.

As a part of the general information campaign of Ukraine in the world, a campaign focused specifically on Romanian, Hungarian, Slovak, and Moldovan audiences should be developed. Radical change of Ukraine’s image in the region is the basis for long-term, not situational partnership. Establishment of cultural centers to promote contemporary Ukrainian culture would be an important step in improving the image of Ukraine. These centers could also become a platform for the presentation of common historical and cultural legacy, discussing sensitive issues in the history of the two countries, and thus contribute to the dialogue on the societal level.

This paper is based on several meetings with Hungarian, Slovak, and Polish officials, politicians and experts that took place during the author’s visits to the Visegrad Group states on 6-15 October and to Brussels on 26-29 November. The visits were organized within the joint project of the New Europe Center and the Hungarian Center for Euro-Atlantic Integration and Democracy with the support of the International Visegrad Fund.

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