

The Humanitarian Dimension of Ukraine – Russia Relations

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The evolution of Ukrainian–Russian relations in the humanitarian sphere; the aggressive policy of Russia at the present stage; issues regarding labour and illegal migrants, the dissemination of the Russian language; the policies of Russian non-governmental organizations; Ukrainian approaches to complex issues on finding the appropriate means of fighting against humanitarian pressure from Russia are analyzed. The scenarios, prognoses and possible options for a bilateral Ukraine – Russia cooperation to find compromise solutions are explored.

Keywords: evolution, humanitarian sphere, compatriots, security, policy of Russia

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Cooperation between Ukraine and the Russian Federation in the humanitarian sphere covers a considerable range of issues, the importance of which is confirmed by the national security objectives of each state. An inadequate intussusception of threats to the national security in ethno-national and religious spheres has often provoked internal and external conflicts or social unrest within their societies. One of the ways to avert such development scenarios is the timely preparation for them, proactive work, predictions of potential conflicts, which is actually the well-timed application of preventive diplomacy mechanisms. The potential threats of such phenomena also requires the timely political and legal actions of state authorities.

Grounded on the need to overcome humanitarian challenges in the foreign political sphere the Russian Federation has defined the post-Soviet area as the zone of its vital interests. The ethnic Russian populations of the CIS countries is under the constant attention of Russian authorities, since they are very widely considered – as ‘compatriots’. This was announced back in 1995 in the text of the Strategic Course of the RF with the CIS Member States approved by the President of Russia Boris Yeltsin. According to Russian experts, the rank of compatriots includes all representatives of Russian ethnic groups, as well as those who advocate the Russian national idea.

The number of such populations in the CIS region exceeds 25 million people, and about 8 million of them live in Ukraine. Russia considers compatriots as a means of strengthening its positions within the internal territories of CIS countries, as well as an interlink to be set between the metropole and its ‘suburbs’. For fulfilling its geopolitical plans, Russia places great hopes for these kind of footholds.

It should be mentioned that Ukraine adheres to the international standards and principles for the protection of rights of representatives of all peoples living in its territory. In this regard, the experience and practice of Russia to

engage compatriots to the country is quite interesting. Particular attitudes to them are primarily observed during the elaboration of the appropriate legislative framework for the extension and consolidation of their rights. Thus, the amendments to the Law ‘On Citizenship of the Russian Federation’ of 31 May 2002 were adopted by the Federal Law ‘On Amendments and Additions into the Federal Law ‘On Citizenship of the Russian Federation’ approved by the Council of Federation of the Federal Assembly of the Russian Federation on 29 October 2003 [4]. This document has greatly simplified the procedure for obtaining Russian citizenship by former citizens of the USSR registered at a place of residence in Russia as of 1 July 2002, World War II veterans, children and incapacitated people who are foreign citizens or stateless persons. In addition, the simplified procedure for obtaining citizenship has also been provided for citizens of the former Soviet Union who had received secondary or higher vocational education in Russian higher education institutions after 1 July 2002 and for those of them who, for at least three years, had served under contract in the Russian armed forces.

The accelerated implementation of legislative initiatives in this area has been caused, first of all, by the inexorable reduction of the Russian population. Therefore, the engagement of capable people has become a primary objective of national importance to Russia. It has been predicted that by employing legislative initiatives on a simplified scheme to obtain citizenship, Russia would be able to engage about 20-25 million more people. Thus, the main sources for the engagement of the young employable population have been from the Republic of Belarus and Ukraine. We should note that, due to the national interests of Ukraine, the departure of large masses of Ukrainian workers (including the representatives of the scientific elite) to Russia, where they often stay for permanent residence, is considered to be a definite threat to the stability and development of the Ukrainian state.



On the issue of migrant workers. The vast majority of migrant workers from Ukraine go to Russia for seasonal or permanent jobs, which in fact have become the main source of their income or even their existence. Some of the people in this category also supplement the list of Russian citizens. These workers are mainly employed in areas which do not attract the local population because of low remuneration or difficult working conditions. Simultaneously, to temporarily employ immigrants is more beneficial for employers because they don't have to worry about social security and housing conditions. As a result, a half of all construction workers and a third of the public transport servicemen in Moscow (who are migrant workers) include one third from Ukraine. According to the assessments of the Embassy of Ukraine in the RF, the number of Ukrainian workers in Russia equals on average 1 million people, and during the seasonal peak it is more than 3 million. In line with the unofficial data, only 5-7 per cent of them are legally employed. So, the vast majority of our fellow citizens work illegally [Karpachova, 2003: 57]. Generally speaking, there are more than 6 million 'illegals' in the territory of Russia, most of whom are citizens of Ukraine, China and some countries of the Middle and Far East. Only in the Tyumen region, does the number of Ukrainians who are non-Russian citizens equal 32 per cent of the foreign labour force. Such amounts of Ukrainian migrants in the Russian Federation exist due to several factors:

- cultural and linguistic proximity;
- the existence of family ties between citizens of Ukraine and representatives of the Russian Federation (according to monitoring by the Institute of Sociology of the National Academy of Sciences of Ukraine, relatives of 40 per cent of the residents of our country live in Russia);
- well established migration flows and connections since the USSR (oil and gas industry, construction, etc.);
- simplified procedure for crossing the border;
- significant need for skilled and semi-skilled workers in construction, chemical, wood and woodworking industries in some parts of Russia.

The main regions of employment for Ukrainian citizens are Moscow and the Moscow region, the Republic of Komi, the Khanty-Mansiysk and Yamal-Nenets autonomous districts, the Belgorod, Saint Petersburg, and Rostov regions, and the Krasnodar and Krasnoyarsk territories.

Unfortunately, the majority of Ukrainian citizens work beyond the legal framework of Russia. The primary reasons for this situation are the activities of intermediary firms that recruit personnel amongst Ukrainian citizens and further relay them to Russian partners for usage in all sorts of jobs by sidestepping the RF legislation. In Russia, the employers are generally not interested in processing work permits (especially for unskilled personnel), as it is connected with significant material inputs. The legalization of a foreign worker implies the payment of a special fee by the employer. Its amount varies depending on the qualifications of such workers. Moreover, this legalization imposes additional obligations on employers who should guarantee minimum wages, social and medical assistance for a worker, as well as the maintenance of appropriate working conditions. Legalization also deprives them of the benefits they receive by employing illegal immigrants: the possibility to pay less wages than they should pay to Russian citizens, the absence of social commitments, the flexibility while firing and hiring personnel, etc.

Legalization is often unfavorable to the employees themselves, as in this case (even if their earnings reach the minimum level) the actual amount paid by the employer de facto reduces. Such circumstances cause a situation in which 90 per cent of migrant workers are in the shadow economy which is mainly controlled by criminals [9]. **As a result, there are significant violations of the rights of migrant workers.**

The number of appeals to the diplomatic missions of Ukraine in the RF on violations of the rights of Ukrainian citizens is constantly increasing. On average, up to a million people annually address the Consular Section of the Embassy of Ukraine in the Russian Federation (the city of Moscow). The questions they are mainly interested in concern social services (50%), civil sphere (20%), and the administrative sector (15%). The largest number of complaints are filed by those citizens of Ukraine who live in Moscow, the Moscow region and the boundary regions of Russia [Brytchenko, 2003: 32-36].

The most common violations of the rights and freedoms of the citizens of Ukraine in the territory of the Russian Federation related to labour law relations are the following:

- violations of employment rules (without conclusion of employment contracts);
- failure to follow adequate working conditions, e.g. sanitary standards in the premises inhabited by Ukrainian migrant workers which should be provided by the administration of the appropriate enterprises;
- significant difference in payments for labour compared to Russian citizens.

The MFA of Ukraine has also recorded the rejections of managers of some enterprises to employ citizens of Ukraine, who permanently reside in the territory of the Russian Federation, due to their affiliation to Ukrainian citizenship. This situation forces citizens of Ukraine to acquire Russian citizenship.

It is well-known that there are problems with the implementation of health insurance, though the two countries have signed a relevant intergovernmental agreement on this issue. In addition, the procedure for crossing the Ukrainian-Russian border is also poor.

The legislation of the Russian Federation which regulates bank transfers constitutes a great problem for Ukrainian migrant workers. Subsequently, the import and transfer of foreign currency is allowed only upon the condition of its prior import, transfer or transmission surrendered with the proper banking or customs documents. Such circumstances compel most citizens of Ukraine who are working in Russia to carry earned money in cash. So, they often become the subjects of particular attention to criminals or unfair law enforcement and customs officers. According to the testimony of Ukrainian citizens who have temporarily worked in Moscow, during a trip back to Ukraine the 'hunt' for them begins in the underground or other types of public transport, it intensifies at the Kyiv railway station of the Russian capital and continues in the trains up to the crossing of the state border. Until recently the average 'tariff' had equaled to RUB 100, but now the amount has increased by several times. In the worst case scenario, there is the threatened withdrawal of the passport of a citizen of Ukraine (which is required for inspection) which leads to the loss of almost all the money earned. However, not all citizens have recourse to the law enforcement authorities and public prosecution service of the RF because it is quite difficult to prove the facts of funds' withdrawal. Thus, migrant workers are actually deprived of the opportunity to protect their infringed rights and freedoms in the sphere of labour relations.

Today, the consular offices of both countries are serving to resolve such problems. During the Ukrainian-Russian consultations on the activities of the consular services of the ministries of foreign affairs of Ukraine and Russia (24 September 2009), the parties emphasized that labour migration from Ukraine to Russia, as distinct from other countries, is legal and that is why a significant number of Ukrainians stay in the territory of Russia on a legal basis. Accordingly, **Ukrainian migrant workers, being**

considered as foreigners who legally reside in the territory of the Russian Federation, shall enjoy all the rights and freedoms associated with that status. Unfortunately, that is not always implemented in practice.

In providing an outlook on the further development of the situation regarding Ukrainian labour migration in Russia, we can assume that it is gradually declining as a result of the protectionist policies of the Russian party. The position of the President of Russia, Vladimir Putin, can be considered as direct proof of that: taking into account that 2.8 million people from Ukraine are working in the RF, "they should not create unnecessary competition to Russian citizens in the labour market under the conditions of the economic crisis that the country has not overcome in full" [10]. **In the context of the undeclared war of Russia against Ukraine, there are major violations of the rights of Ukrainian workers in Russia.**

A negative factor of the development of national science and technology is the large-scale **emigration of researchers and highly qualified specialists.** According to the Presidium of the National Academy of Sciences of Ukraine, from 1994 to 2001 3 838 scientists left the National Academy of Sciences agencies and went abroad. 3 399 of them went for temporary employment and training (including 842 doctors of science and 2 358 Ph.D.s). This process is still continuing. Ukrainian specialists are mainly emigrating to the United States, Germany and Russia [Riabokon, 2003]. It is estimated that about 30 per cent of Ukrainian scientists work for the interests of the sciences and economies of foreign countries. Unfortunately, Ukrainian experts are generally in demand in the informal market which in turn leads to direct financial losses for Ukraine (they equal to on average USD 1 billion per year). Experts state that the process for determining this figure is quite simple but **it is much more difficult to estimate the losses that the country faces due to the uncontrolled outflow of professionals and scientific staff beyond the territory of Ukraine.**

For its part, our Government has also made some steps to attract compatriots. The adoption of the Law 'On Foreign Ukrainians' by the Verkhovna Rada of Ukraine on 4 March 2004 has become a positive factor designed to improve the demographic situation in the country. That document introduced preferential conditions for the immigration of foreign Ukrainians to the territory of Ukraine. The essence of the Law is the fundamental changes of the state policy concerning people of Ukrainian origin who are living abroad. It defined the legal status of foreign Ukrainians, allowing them to enter and stay in Ukraine. According to its provisions, a foreign Ukrainian is a person who is a citizen of a foreign state or a stateless person, but who identifies themselves as Ukrainian, has Ukrainian ethnic origin or originates from Ukraine. He/she can live outside Ukraine, preserve Ukrainian culture, language, apperception, and not be a citizen of Ukraine. The Ministry of Foreign Affairs of Ukraine, as well as the diplomatic missions and consular offices of Ukraine abroad issue special certificates confirming the status of foreign Ukrainians [2].

The implementation of the above-mentioned Law can be considered as another step towards the replenishment of domestic labour and intellectual resources which are not in the best conditions nowadays. According to the last population census of 2001, the number of citizens of Ukraine has decreased by 3.5 million people. Thus, the prospects for population growth, excluding the recent surge in the birth rate, are not visible yet. Taking into consideration the large number of ethnic Ukrainians living all over the world (according to some estimates, this figure reaches 18-20 million people located in Russia, Canada, Kazakhstan, Moldova, Brazil, Poland, Argentina, and Australia), one can hope that the enacted Law would pro-

vide them with a wide range of activities and, ultimately, be in demand.

The implementation of the Law of Ukraine 'On Immigration' has also caused a complex of quite difficult issues [3]. Foreign nationals often violate the rules of entry, departure and transit through the territory of Ukraine. Unfortunately, the Ukrainian-Russian humanitarian relations include not only unconscious faults, but also provocative methods. Thus, the Security Service of Ukraine has been forced to declare well-known Russian citizens as *personas non grata* (undesirable people) for misconduct and anti-Ukrainian appeals aimed at the destabilization of the situation in the country (particularly, in Crimea) which is considered to be a violation of Ukrainian law.

Today, it is necessary to refine some bilateral instruments, such as the Agreement between Ukraine and the Russian Federation on the Regulation of Relocation and Protection of Rights of Displaced People of 16 February 2001 which is still at the stage of ratification. One should also consider the mechanism of realization of the Ukrainian-Russian Agreement on Readmission of 22 December 2006, taking into account that **after having received Russian visas, foreign nationals (who are usually immigrants from India, Pakistan, China, Vietnam, etc.) legally come to the RF in order to cross into Ukraine aiming at further travel through the borders of the European Union.** Unfortunately, Russia refuses to comply with the provisions of this document and, as a result, the Asian illegals 'settle' in the territory of Ukraine.

To promote successful implementation of the immigration law of Ukraine the legislators developed and adopted the Programme on Combating Illegal Migration for 2001-2004, approved by the Decree of the President of Ukraine № 22 of 18 January 2001 and confirmed by the Decree of the President of Ukraine № 84 'On Urgent Additional Measures to Strengthen the Fight against Organized Crime and Corruption' of 6 February 2003. Accordingly, the only central executive body – the State Migration Service of Ukraine – was created. It is responsible for the implementation of immigration legislation that helps to ensure the proper efficiency of the management of a full range of immigration processes.

Since illegal immigration poses a real threat to the national security of Ukraine, the National Security and Defence Council of Ukraine has also proposed a number of measures to counteract this phenomenon. They were enshrined in the NSDC Decision 'On Directions of State Migration Policy of Ukraine and Urgent Measures to Improve Its Effectiveness' of 15 June 2007 (it was enacted by the Decree of the President of Ukraine № 657 of 20 July 2007). The document stresses that the realization of measures for the implementation of the state migration policy of Ukraine has to ensure, in particular:

- regulation and differentiation of immigration flows to Ukraine (including those of temporary nature) due to the investment, scientific and cultural needs of the state;
- improvement of national legislation on refugees, creation of legal institutions to realize the rights of people in need of subsidiary and temporary protection;
- effective counteraction to illegal migration and increased responsibility for the offenses concerned.

At the same time, the Cabinet of Ministers of Ukraine was instructed to work out the draft Concept of State Migration Policy of Ukraine and bring it in the prescribed manner to the Verkhovna Rada of Ukraine. It should also have developed the following bills:

- on foundations of Ukraine's migration policy;
- on amendments to the Law of Ukraine 'On Legal Status of Foreigners and Stateless Persons' of 22 September 2011;



– on refugees and persons in need of subsidiary and temporary protection in Ukraine;

– on ratification of the Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on Readmission.

Within the framework of the preparations for the ratification of the Agreement between Ukraine and European Communities (the European Union) on the Readmission of Persons of 18 June 2007, the Ministry of Foreign Affairs of Ukraine was instructed to conduct the appropriate consultations regarding Ukraine's participation in the Programme of the European Union for funding the forced and voluntary return of illegal immigrants to their countries of origin or nationality; and to accelerate the process of demarcation of the state border of Ukraine with the Republic of Moldova, the Republic of Belarus and the Russian Federation. The EU – Ukraine Agreement on Readmission (return of illegal immigrants to their country of departure, and then – to their country of origin) has been successfully ratified [1; *Moskal*, 2012: 43].

As distinct from the migration mechanisms existing in Ukraine, the migration policy of the RF falls under constant transformations and modifications in order to improve the demographic situation in the country. **To that end, particular attention is paid to those residents of Ukrainian regions of a 'substandard risk' in which the populations are numerically dominated by Russians (Crimea, developed industrial regions of Ukraine – the Donetsk, Kharkiv, Dnipropetrovsk regions).** It should be noted that the Russian party does not offer immigrants the chance to stay in the central areas: it proposes to them that they locate in the 'hinterland' where the economic situations are far from the best.

The Russian Federation has taken a special line towards those citizens of Ukraine having Russian origin: **protection of compatriots abroad is included in the list of the short-term strategic objectives of Russian foreign policy.** By obtaining the support of various special structures (departments of the MFA and MIA of the RF, departments of some city halls) Russia has implemented an ambitious programme to provide comprehensive assistance to foreign schools teaching in Russian, Russian-speaking periodicals and media. According to the MFA of Russia, in 2010, Russia remitted more than USD 1.2 million to support its compatriots in Ukraine. In May 2013, it increased funding of the Federal Agency for CIS Affairs, which generally deals with compatriots and international humanitarian cooperation (a sort of 'conductor' of the Russian foreign policy of 'soft power'), several times – from RUB 2 billion to 9.5 billion by 2020. **This indicates specific tasks given to foreign compatriots by the Russian authorities [11].**

Therefore, a lot of attention is paid to the Russian language. The representatives of the state authorities of the Russian Federation declare the need to fight for the spread and assignment of Russian as the state language in the CIS countries. Unfortunately, **the Russian media often use militant rhetoric as if to protect Russians in Ukraine but, at the same time, to conceal the facts regarding the situation concerning the rights of Ukrainians in Russia itself.** Although, it is quite clear that **an independent state should use the state language in its own territory.** Such statements are seen as an attempt at creating artificial tensions between the two nations by opposing the Ukrainians and Russians who live in our state. It is evident that in **using specific rhetoric the MFA of the RF is trying to distract people's attention from the very poor ensurance of the rights of ethnic Ukrainians in the territory of Russia where there are no Ukrainian schools or newspapers which are supported by the state.**

A special role in the consolidation of the Russian diaspora is assigned to social and political organizations, including

the leading Congress of Russian Communities (CRC) which brings together 68 regional divisions and 64 organizations of the International CRC in the Baltic and CIS countries (more than 80 thousand members). The Russian communities in Ukraine are amongst the most active and positionally close international partners of the CRC.

In the capital of Ukraine there is the Russian club, Russian Internet resources, newspapers and magazines ('Komsomolskaya Pravda in Ukraine', 'Kommersant-Ukraine', etc.). It should be noted that the contents of the Russian media in Ukraine are not significantly different from the age-old Russian press. There are clashes between the 'grant eaters' of Russian funds. Thus, the heads of the Russian Society of Crimea accused the leaders of the Russian Community of Crimea of having unfair relationships with the staff of the Consulate General of Russia in Simferopol. According to them, the representatives of the Russian Community of Crimea and the Consulate General of the RF agreed on significant funding of the Russian Community of Crimea. A portion of that funding was to pay back so-called 'kickbacks' for consular employees, or simply to pay their bribes. Crimean observers remind us that this story is neither the first nor the last. Not long ago the Russian Community of Crimea was already at the heart of a financial scandal. The Accounting Chamber of the Parliament of Crimea checked the expenditure items of funds allocated to the annual Festival 'The Great Russian Word' in 2008 and 2009. It revealed that USD 77 thousand out of a total amount of 130 thousand had been used in flagrant breach of the law.

Developing programmes of further Ukraine – Russia cooperation in the humanitarian field, one should take into account that the primary impetuses for direct ethnic conflicts are the components of the cultural and national identities of social groups. They include the prevalence and status of the titular and minority languages, as well as the historical experiences of their own country. Certain forces on both sides of the border use the humanitarian factor for political purposes, gradually returning the 'Russian component' to Ukraine through the solidification of the positions of the Russian language and intensification of the influence of Russian culture; quantitative growth of Russian-language editions; the emergence of Russian TV-channels; the increase of information hours of radio and television broadcasting. These policies have not only a positive influence (e.g., restoration and dissemination of knowledge about famous Russian writers, scientists and cultural workers), **but also some negative effects – the displacement of Ukrainian history and literature, and, that is most undesirable, the narrowing of the space of distribution of the Ukrainian identity that is accompanied with the implantation of the low-grade media culture of Russian origin.**

Cooperation in the educational sphere is also expanding unilaterally (taking into account the significant financial strength of Russia). On 3 March 2003 the Cabinet of Ministers of Ukraine and the Government of the Russian Federation signed a bilateral Agreement on the Establishment and Operation of Branches of Higher Education Institutions of Ukraine in the Russian Federation and Branches of Higher Education Institutions of the Russian Federation in Ukraine. But the Russian higher education institutions and research centres in Ukraine are mainly opened by the efforts of Russian representatives (the Foundation for Support of Education and Science (Alferov's Foundation), branches of Lomonosov Moscow State University, Moscow State Institute of International Relations, etc.) that promotes further 'washing-out' of talented Ukrainian youth to Russia.

Russia's position on the confessional issue also does not add positive features to bilateral relations: the pro-

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blem of the split of the churches and church opposition in Ukraine does not contribute to the unity of Ukrainian society.

The situation, which has recently emerged in the humanitarian cooperation between Ukraine and Russia (taking into consideration the revised National Security Concept of the RF; the policy of the Parliament of the Russian Federation aimed at the strict protection of the national interests of Russia and a return of the leverages in the areas of the former Soviet Union), enables us to suggest a scenario of further increases of Russian pressure in all areas of bilateral communication, as well as within the framework of the CIS and other sub-regional organizations.

One can observe that Russia is already revising its legal framework and using the issue on 'compatriots' to interfere in the internal affairs of the Ukrainian state; 'promoting' the status of the Russian language with the requirement to enshrine it as the second state language in Ukraine, etc. In such a situation, the Russian organizations in Ukraine financed by the RF would not remain passive observers.

In order to advance the emergence of the above-mentioned problems, the Ukrainian party should enhance its work on bringing to fruition the adoption of a number of laws elaborated to protect and improve the position of Ukrainian migrant workers, particularly in Russia; revise the legal basis of bilateral Ukrainian-Russian relations according to international standards. It is also desirable to draw the attention of the relevant institutions on both sides of the border to the need for improving the information image of Ukraine, objectively evaluating Russian politics and stating the inadmissibility of anti-Ukrainian rhetoric in Russian media.

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