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ACRONYMS

CIS	Commonwealth of Independent States
COE	Council of Europe
FPDs	Formerly-Deported Peoples
IO	International Organization
MP	Member of Parliament
NGO	Non-Governmental Organization
NDKT	National Movement of the Crimean Tatars
OSCE	Organization for Security and Cooperation in Europe
OVIR	<i>Otdel Viz i Registratsii</i> (Department of Visas and Registration)
UNHCR	United Nations High Commissioner for Refugees

International Influences in Transition Societies: The Effect of UNHCR and other IOs on Citizenship Policies in Ukraine¹

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I. Preface

This paper analyzes the effects of international organizations on Ukrainian citizenship policies in the post-1991 period. As over 250,000 Crimean Tatars repatriated to Ukraine in the late 1980s and early 1990s after being forcefully deported in 1944, some 100,000 of them found themselves without Ukrainian citizenship, of which some 25,000 were stateless. The United Nations High Commissioner for Refugees (UNHCR) and other international organizations have been working with the Ukrainian government to facilitate access to Ukrainian citizenship for these formerly deported people (FDPs).

The paper provides an overview of UNHCR's and other international organizations' (IOs') activities aimed at bringing about changes in Ukrainian citizenship policy and facilitating access of FDPs to Ukrainian citizenship. In examining IOs' effectiveness, the paper distinguishes among three types of IOs' effects: their effect on domestic policy formation regarding different elements of citizenship policy; on interpretation of different legal provisions by central and local-level authorities; and on policy implementation. The paper seeks to specify under what conditions and through what mechanisms IOs influence domestic policy in each of the three areas.

Research findings suggest that, overall, IOs had greater effect at the level of policy interpretation and implementation than on policy formation. With regard to the latter, IOs' effectiveness was limited to policy elements that were not highly politicized and divisive domestically, while on issues that were politicized, domestic political considerations were the main determinants of policy progress. The paper identifies "best practices" and most successful strategies of IOs in operating in a transition country, and specific features of the political, economic, and legal environment that sets a transition country apart from stable polities. Finally, the paper calls for an appropriate approach by international actors.

Research presented in this paper is part of a larger project (Ph.D. dissertation in progress) that examines variations in the effect of formal international organizations on refugee and citizenship policies in four post-Communist countries (the Czech Republic, Poland, Ukraine and Russia). For this paper the author conducted research Ukraine (in the capital Kiev, and on the Crimean peninsula in Simferopol, Bakhchisarai and Yalta) on the effect the UNHCR and some other international organizations have had on citizenship policies in this country. Research methodology consisted of extensive interviews with staff of IOs in Kiev and in Crimea, Ukrainian government officials, NGO representatives, and Crimean Tatar leaders, and reading of IO and government documents, Ukrainian press reports, and proceedings from UNHCR-organized conferences and workshops on citizenship problems in Ukraine.

¹ This study was supported by a generous grant from the Andrew W. Mellon Foundation.

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II. Introduction and summary: The Citizenship Problem of FDPs in Ukraine and its Solution (1991-1999)

When Soviet citizenship ceased to exist in December 1991, some 287 million people were left with or in need of a new citizenship. Ukraine, like most of the successor states of the USSR (with the notable exception of the Baltic States), defined the initial body of citizens in an inclusive way, on the basis of residency in the territory of the country. The Law of Ukraine “On Citizenship of Ukraine” adopted by the Ukrainian parliament on 8 October 1991 recognized as Ukrainian citizens “persons who at the moment of the entry of this law into force (13 November 1991) have been residing in Ukraine, regardless of origin, social and property position, or racial or national affiliation, sex, education, language, political views, religious convictions, and type and nature of occupation, who are not citizens of other states.”³

The inclusive principle of the law, however, did not prevent the emergence of the citizenship problem that soon drew the attention of the world community. The problem arose as a result of the massive return to the Crimean peninsula in Ukraine of Crimean Tatars and other formerly-deported peoples (FDPs) who had been deported en masse from Crimea by the Soviet regime in 1944 on charges of collaboration with the Nazis.⁴ Mass return to Crimea started in the late 1980s, after the Crimean Tatars won a decades-long fight with the Soviet regime for the right to return to their homeland, and to date approximately 258,000 have returned to Crimea where they now constitute about 12 percent of the population (see Figures 1 and 2 in the Appendices below). With residency in Ukraine on 13 November 1991 (the date of entry into force of the 1991 citizenship law) being the main criterion for inclusion in the initial body of citizens, those 146,547 FDPs who returned to Ukraine before 13 November 1991 automatically became citizens of Ukraine,⁵ while some 108,000 who returned to Ukraine after that date did not get Ukrainian citizenship, assuming the status of either foreigners or stateless persons (see Figure 3).

³ Verkhovna Rada Ukrainy, *Zakon Ukrainy ‘Pro hromadianstvo Ukrainy,’* no. 1636-XII, (8 October 1991); *Vidomosti Verkhovnoi Rady Ukrainy*, no. 50, 701.

⁴ Deportation and Crimean Tatars’ struggle for the right to return during the Soviet period is outside the scope of this paper. For detailed discussion of these subjects see: Edward Allworth, ed., *Tatars of the Crimea: Their Struggle for Survival. Original Studies from North America, Unofficial and Official Documents from Czarist and Soviet Sources, Central Asia Book Series* (Durham: Duke University Press, 1988); Edward Allworth, ed., *The Tatars of the Crimea: Return to the Homeland. Studies and Documents* (Durham: Duke University Press, 1998); Oleh Bazhan and Yurii Danyliuk, ed., *Krymski tatarsy, 1944-1994 rr.: statti, dokumenty, svidchennia ochevydtsiv* (Kiev: Ridnyi kraj, 1995); Robert Conquest, *The Nation Killers: the Soviet Deportation of Nationalities* (London: Macmillan, 1970); Maria Drohobycky, ed., *Crimea: Dynamics, Challenges and Prospects* (Lanham, MD: Rowman & Littlefield, 1995); Oleg Gabrielian et al., *Krymskie repatrianty: deportatsia, vozvrashchenie i obustroistvo* (Simferopol: Izdatelskii dom “Amena,” 1998); Oleg Gabrielian and Vadim Petrov, *Krym--deportirovannye grazhdane--vozvrashchenie, obustroistvo, sotsialnaia adaptatsiia* (Simferopol: Izdatelskii dom “Amena,” 1997); Mikhail Guboglo and Svetlana Chervonnaia, *Krymskotatarskoe natsionalnoe dvizhenie*, 4. V. (Moskva: Rossiiskaia akademiia nauk, Tsentr po izucheniiu mezhnatsionalnykh otnoshenii. Institut etnologii i antropologii im. N.N. Miklukho-Maklaia, 1992); Open Society Institute, *Crimean Tatars: Repatriation and Conflict Prevention* (New York: The Open Society Institute, 1996); Otto Pohl, *The Stalinist Penal System: a Statistical History of Soviet Repression and Terror, 1930-1953* (Jefferson, N.C.: McFarland, 1997); Mykola Shulha, ed., *Problemy mihratsii ta povernennia deportovanykh v Ukrainu: materialy mizhnarodnoho sympoziuma 14-15 bereznia 1997 roku* (Kiev: Freedom House, 1997).

⁵ Ukrainian Ministry of Interior data as quoted in *Krymskaia Gazeta* (26 November 1997).

As Figure 3 illustrates, among the 108,000 returnees there were two categories of non-citizens. The first were *de jure* stateless FDPs (about 25,000) who left their previous country of residency *before* that country's new citizenship legislation entered into force, and thus possessed neither Ukrainian nor any other citizenship. The second, larger group (some 81,000), consisted of those who left their previous country of residency *after* that country's new citizenship legislation entered into force. These FDPs thus became *de jure* citizens of the countries of their prior residency. For the majority of FDPs (61,000, or 75 percent) it was Uzbekistan; for some 13 percent (11,000), Russia; the remaining 9,800 (12 percent) had citizenship of other CIS countries (Tajikistan, Kyrgyzstan, Kazakhstan). Of those with *de jure* citizenship of other CIS states, many could be considered *de facto* stateless, as FDPs who repatriated to Ukraine have not effectively exercised their citizenship of other CIS countries. According to the Uzbek embassy information given to the UNHCR, as of mid-1998 none of the returnees from Uzbekistan ever approached the Uzbek embassy in Kiev for diplomatic protection or assistance, nor registered with the embassy as Uzbek law requires. Sociological research also indicates that many FDPs were not even aware that they were Uzbek citizens, commonly believing that their legal residency in Ukraine made them Ukrainian citizens.⁶ Old residency stamps in FDPs' Soviet passports signifying their prior residency in Uzbekistan or another CIS country were often the only indication that they were legally citizens of other CIS states. Furthermore, *de facto* Uzbek citizens permanently living in Ukraine were at risk of becoming *de jure* stateless, since Article 21 (2) of the Uzbek citizenship law foresees loss of Uzbek citizenship "where a person permanently residing abroad has not registered without good reasons in a consular institution [of Uzbekistan] within five years."⁷

For reasons that will be elaborated in the next section of this paper, until 1997 prospects of policy change remained virtually deadlocked because of conflicting interests around this issue, as well as legal and informational hurdles. By the mid-1990s, the citizenship problem of FDPs in Ukraine received international attention and IOs became involved in trying to find a solution to the lack of Ukrainian citizenship by tens of thousands of FDPs. In line with its mandate to reduce statelessness received from the United National General Assembly, and in response to the request from the Ukrainian government, the UNHCR was the first international organization to get most actively involved in the search for a solution to the citizenship problem of some 107,000 returnees who did not have Ukrainian citizenship. The Council of Europe (COE) and the Organization for Security and Cooperation in Europe (OSCE) were also involved in trying to solve the citizenship dilemma of formerly deported people in Ukraine.

Section IV of this paper will analyze the activities of these IOs, and their impact on the policy changes that took place after 1996 when the IOs became actively involved with the citizenship issue. Figures 4, 5, and 6 illustrate progress in the reduction of statelessness in Ukraine, and affiliation to Ukrainian citizenship of FDPs who were Uzbek citizens. As Figure 4 illustrates, in the period between 1992 and 1996 only about 300 FDPs have received Ukrainian citizenship. April 1997 amendments to the citizenship law, which removed a number of criteria the FDPs had

⁶ Iryna Pribytkova, *Examination of the Citizenship Issue on the Return and Reintegration of the Formerly Deported Peoples in Crimea* (Kiev: UNHCR, 1998).

⁷ "Law of the Republic of Uzbekistan on Citizenship of the Republic of Uzbekistan" reprinted in IOM, *Sbornik zakonodatelnykh aktov gosudarstv SNG i Baltii po voprosam migratsii, grazhdanstva i sviazannym s nimi aspektami* (International Organization for Migration, 1995), 372-84. There has been no precedent of an Uzbek citizen in Ukraine losing his Uzbek citizenship under this provision of the Uzbek citizenship law, however.

to fulfill to obtain Ukrainian citizenship, such as a source of income, knowledge of the Ukrainian language, and a five year residency requirement (see Table 1 in the appendix), opened the door to Ukrainian citizenship to those who were *de jure* stateless.⁸ As seen in Figure 5, by June 1999 all 25,000 stateless FDPs had acquired Ukrainian citizenship, and thus the problem of statelessness was resolved.

Even after the April 1997 amendments, however, the citizenship problem was far from over. Some 82,000 FDPs in Ukraine who were *de jure* citizens of other CIS states were still unable to acquire Ukrainian citizenship, barred by the requirement that they obtain documented proof of release from other citizenship. The requirement, as will be elaborated below, presented virtually insurmountable material and logistic obstacles for the overwhelming majority of FDPs. It was not until the August 1998 agreement between Ukraine and Uzbekistan that the majority of FDPs (who were Uzbek citizens—see Figure 3) were able to apply for Ukrainian citizenship. As Figure 6 illustrates, as of October 1999 almost 70 percent of FDPs with Uzbek citizenship (43,000 persons) have applied for Ukrainian citizenship under the procedure set forth in the August 1998 Ukrainian-Uzbek agreement. For those FDPs who hold citizenship in CIS countries that do not have such bilateral agreements with Ukraine, however, access to Ukrainian citizenship continues to depend on their obtaining a proof of release from previous citizenship.

Given this evolution of Ukraine's citizenship policy after the involvement of IOs in mid-1990s, the central question this study asks is, what was the role of IOs in these policy changes? The rest of this paper will be devoted to answering this question.

III. The Situation Prior to International Involvement: Conflicting Domestic Political Interests, and Political and Legal Impediments to Policy Changes

The need to focus research agendas on specifying the logic and mechanisms of “complex dynamic processes” that characterize the interaction between international and domestic politics—in other words, to bridge the division between studies of international and domestic politics—has been emphasized for over two decades,⁹ and continues to be emphasized today.¹⁰ International actors and institutions project their influence not in a domestic vacuum, but in an environment where certain interests, coalitions and institutional arrangements are in place. Therefore, whether and how an IO can achieve its policy objectives depends not only on the attributes of IOs (such as staff professionalism or sufficient budget), but also on the constellation of political interests in the domestic environment where IOs operate, and IOs' ability to understand and effectively navigate

⁸ Amended citizenship law from 16 April 1997. Verkhovna Rada Ukrainy, *Zakon Ukrainy 'Pro hromadianstvo Ukrainy'*, no. 210-97BP (16 April 1997); *Vidomosti Verkhovnoi Rady Ukrainy*, no. 23, 169.

⁹ As early as 1976, Peter Katzenstein called for ending this division. See Peter Katzenstein, “International Relations and Domestic Political Structures: Foreign Economic Policies of Advanced Industrial States,” *International Organization* 30, no. 1 (1976).

¹⁰ See, for example, Robert Bates, *Open-Economy Politics: The Political Economy of the World Coffee Trade* (Princeton: Princeton University Press, 1997); Katzenstein, “International Relations and Domestic Political Structures”; Helen Milner, *Interests, Institutions, and Information: Domestic Politics and International Relations* (Princeton: Princeton University Press, 1997); Helen Milner, “Rationalizing Politics: The Emerging Synthesis of International, American, and Comparative Politics,” *International Organization* 52, no. 2 (1998).

these interests. Therefore, before moving on to the analysis of IOs' abilities to bring about changes in Ukraine's citizenship policy, this section of the paper will outline the domestic political and legal environment, and conflicting domestic interests over the question of citizenship that had developed in Ukraine by the time IOs became involved with this problem in the mid-1990s.

As noted above, the citizenship problem in Ukraine that the Crimean Tatars and other FDPs have experienced stemmed from the massive return of the Crimean Tatars to Crimea in the late 1980s and early 1990s (see Figure 2). The citizenship law, passed in November 1991 after the Ukrainian Parliament adopted the Act of State Independence on 24 August 1991, did not take into account the consequences of the massive return of the Crimean Tatars to Ukraine. The "triple transition" process—the need to engage in state building while simultaneously undertaking political and economic reforms—presented a unique and unprecedented challenge to state builders of the newly independent states on the territory of the former USSR. Such founding laws as those applying to citizenship had to be adopted without delay, and in Ukraine there was additional time pressure to pass the law before the 1 December 1991 independence referendum in which Ukrainian citizens were to vote for or against Ukrainian state independence, as well as to elect Ukraine's first president. Further, once a law is in place and its norms become operational, its implementation can produce consequences that the law's creators had not intended or had overlooked.

A. Socio-economic and Political Challenges Associated with the Crimean Tatar Return and Integration in Ukraine

1. Destitute Socio-economic Conditions of Crimean Tatar Returnees

Crimean Tatars who returned to Ukraine found themselves in an inhospitable economic, social and political environment. Therefore, the citizenship problem was one among many obstacles to integration that they have faced. With the peak of massive Crimean Tatar return coinciding with the beginning of hyperinflation, many returnees saw their life-long savings and money received for the sale of property in their place of origin erode in a matter of months or even weeks. The rapidly deteriorating economic situation, plus the unwillingness of local Crimean authorities to allocate housing and land to returnees, have led to numerous violent clashes between the returnees and local police and sometimes residents, while Crimean Tatars were left in a destitute economic situation even in comparison with the depressed and deteriorating economy in Crimea and Ukraine.¹¹ Currently, as many as an estimated 60 percent of Crimean Tatars are unemployed (at least double the rate for Crimea as a whole), and around 50 percent lack proper housing. Out of 291 Crimean Tatar settlements, around 25 percent do not have electricity, 70 percent are without water, 90 percent without tarmac roads, 96 percent are without gas, and none has sewers.¹²

¹¹ For more detailed discussion of socio-economic and political difficulties experienced by the returning FDPs see, for example, Allworth, ed., *The Tatars of the Crimea: Return to the Homeland. Studies and Documents*; Drohobycky, ed., *Crimea: Dynamics, Challenges and Prospects*; Gabrielian et al., *Krymskie repatrianty: deportatsia, vozvrashchenie i obustroistvo*; Guboglo and Chervonnaia, *Krymskotatarskoe natsionalnoe dvizhenie*; Open Society Institute, *Crimean Tatars: Repatriation and Conflict Prevention*.

¹² Ukrainian government statistics cited in Committee on Migration, Council of Europe Parliamentary Assembly, Refugees and Demography. *Repatriation and Integration of the Tatars of Crimea*, no. 8655 (18 February 2000), available from <http://stars.coe.fr/doc00/EDOC8655.htm>. Also see Remzi Iliasov, "Analiz sotsialno-

2. Crimean Tatars and Political Conflict over Crimea's Status within Ukraine

In addition to having pressing socio-economic problems, Crimean Tatars also became the center of high-profile political conflict concerning Ukraine's jurisdiction over the Crimean peninsula. Crimea became part of Ukraine in February 1954 after being transferred from Russia to Ukraine by the Soviet government. After Ukraine gained independence, Crimea became a bone of contention between Russia and Ukraine, with the Russian parliament and many prominent Russian politicians questioning the legality of the 1954 transfer. Crimea was the only region in Ukraine where Russians were in the majority (64 percent of the population, with Ukrainians being 23 percent, and the Crimean Tatars currently at around 12 percent). Not only ethnically and linguistically, but also politically, Crimea was not a region that favored Ukrainian independence, and this further produced tensions in the relations between Crimean authorities and the central Ukrainian government in Kiev. The peninsula has enjoyed a reputation as a Communist party stronghold because of its status as a playground for the Communist *nomenklatura* in the Soviet period, its popularity as a retirement site for high-level government officials, and the substantial military and naval presence (the Black Sea Fleet is based in the Crimean port of Sevastopol). The majority of the Crimean electorate has supported the Communist and pro-Russian forces, as is illustrated by the consistently strong showing of these political forces during local and national elections in Crimea.¹³

As such, the political and ideological orientations of the majority of the Crimean electorate and Crimean leadership were in stark contrast to those of the majority of the Crimean Tatars. Harboring grievances against the Soviet regime and Communist ideology, the majority of the Crimean Tatars are staunchly anti-Communist, and Crimean Tatar leaders tend to see the Ukrainian state as their only ally against the hostile stand of local Crimean leaders. Such strategic rationale, as well as long-standing personal ties between Crimean Tatars leaders and Ukrainian dissidents, made the Crimean Tatars the main supporters of Ukrainian independence in Crimea, and Ukraine's jurisdiction over the peninsula. Their pro-Ukrainian position made the Crimean Tatars natural allies of the pro-Ukrainian forces in Ukraine and in Crimea. Referring to the weakness of local pro-Ukrainian forces, Crimean Tatar leaders like to say that Crimean Tatars are "the only Ukrainians in Crimea."¹⁴

ekonomichnoho stanovyscha krymskotatarskoho narodu v Krymu," in *Sotialno-Ekonomichni aspekty intehratsii krymskykh tatar. Materialy 'kruhloho stoly.' 17 bereznia 1999 roku* (Kiev: Ukrainsky Nezalezhny Tsent Politychnykh Doslidzhen, 1999), 51.

¹³ Following elections on 28 March 1998, the Communists became the largest group in the current Crimean parliament with 32 out of 91 deputies elected that day (election results as reported in *Krymskoie Vremia*, 30 April 1998), and 34 out of 48 (or 71 percent) of the deputies elected to the Simferopol city soviet (election results in *Krymskoie Vremia*, 25 April 1998). During the March 1998 Ukrainian parliamentary elections, the Communist party received 25 percent of the votes on the party list vote in Ukraine overall, while in Crimea it got 39 percent. (Party list voting results as listed at the Central Electoral Commission of Ukraine's web site at <http://195.230.157.53:8082/index.htm>). Finally, during the November 1999 Ukrainian presidential elections, in Crimea Communist candidate Petro Symonenko came in first with 38 percent of the votes in the first round (the second highest vote for the Communist party candidate in Ukraine's 27 regions), and beat incumbent president Leonid Kuchma in the second round 51 percent to 44 percent (1999 Presidential election results listed at the Central Electoral Commission of Ukraine's web site at <http://195.230.157.53:8082/vp1i/owa/webproc0>).

¹⁴ This describes the position of the majority of the Crimean Tatars and their leadership represented by the Mejlis (a 33-member permanent representative body elected by the *Kurultai*—a Crimean Tatar national congress). A

If the Crimean Tatars' support for Ukrainian independence has been evident and consistent, as demonstrated by the Crimean Tatar voting record during parliamentary and presidential elections,¹⁵ the central government's support of Crimean Tatar political and legal demands has not been so. In their quest for the restoration of their rights, Crimean Tatars have advanced a number of political and legal demands that have been viewed highly negatively by the Communist leadership of the Crimean parliament, and have been a cause of the on-going political confrontation between the Crimean Tatars and Crimea's leadership.¹⁶ In this situation, Kiev was left with the difficult task of balancing virtually diametrically opposed political interests of Crimea's numerically much larger "Russian-speaking" electorate, and its smaller but highly organized and mobilized Tatar minority. Given the inhospitable political climate in Crimea, Crimean Tatars have sided with Kiev almost by default, while Kiev has been in a position to rely on the Crimean Tatar support without offering much in return.

B. The Citizenship Problem of FDPs in Crimea

1. Crimean Tatars and Ukrainian Authorities: Disagreements on the Nature of the Problem and Solutions Needed

In this context, the lack of Ukrainian citizenship was just one of many economic, social and political problems with which the returnees were faced. Crimean Tatar demands for Ukrainian citizenship usually have been voiced as part of a larger spectrum of demands for the restoration of

notable exception to this position is the NDKT (National Movement of the Crimean Tatars), a Crimean Tatar organization opposed to Mejlis/Kurultai. NDKT and Mejlis leaders were at the roots of the Crimean Tatar movement in the 1960s, but they parted ways in the late 1980s. During the 1994 elections to the Crimean Parliament, on the Crimean Tatar list NDKT received only 5 percent of the Crimean Tatar votes, while Mejlis received 95 percent. NDKT's influence has declined following the murder of its leader Yuri Osmanov in 1993. The NDKT's stated political orientation is very different from that of Mejlis/Kurultai—NDKT leaders regret the disappearance of the Soviet Union, support the creation of a "Slavo-Turkic" Union in its place, and therefore are very critical of Mejlis' cooperation with the pro-Ukrainian forces. NDKT has called Ukraine's rule over Crimea "occupational," and has stressed the importance of working with the existing Crimean authorities and pro-Russian forces in Crimea. For more on the creation of and differences between Mejlis/Kurultai and the NDKT see, for example, Guboglo and Chervonnaia, *Krymskotatarskoe natsionalnoe dvizhenie*; Susan Stewart, *The Tatar Dimension, RFE/RL Research Report* 3, no. 19 (1994); Andrew Wilson, "Politics In And Around Crimea: a Difficult Homecoming," in Allworth, *The Tatars of the Crimea*, 283-86.

¹⁵ For illustrative voting data See Oxana Shevel, "Crimean Tatars in Ukraine: The Politics of Inclusion and Exclusion" *Analysis of Current Events* 12, no. 1-2 (2000).

¹⁶ Among the main political demands voiced by the Crimean Tatars are a need for a legal mechanism to guarantee Crimean Tatar representation in Crimean and Ukrainian organs of power; official recognition of the Crimean Tatar Mejlis; official recognition of Crimean Tatars as an indigenous people of Crimea and Ukraine rather than a national minority; recognition of the Crimean Tatar language as one of the official languages in Crimea; and establishment of national-territorial autonomy in Crimea in place of the current territorial one. Demands detailed in the "Appeal of the Crimean Tatars addressed to the President of Ukraine, Peoples Deputies of Ukraine, UN High Commissioner for Human Rights, and the OSCE" (*Avdet*, 13 January 1997). The appeal has been signed by over 100,000 Crimean Tatars over 18 years of age, according to Mustafa Jemilev, Chairman of the Crimean Tatar Mejlis. (*Avdet*, 24 November 1998). For analysis of these political demands and conflicting domestic political interests surrounding them, see Oxana Shevel, "Crimean Tatars and the Ukrainian State: the Challenge of Politics, the Use of Law, and the Meaning of Rhetoric" (paper presented at the Fifth Annual World Convention of the American Association for the Study of Nationalities, New York, NY, 13-15 April 2000) and Shevel, "Crimean Tatars in Ukraine: The Politics of Inclusion and Exclusion."

their political rights, and thus have been subject to the same political controversies and tensions as other, more controversial issues (such as national territorial autonomy status and group representation). Analysis of documents, press reports, and interviews with both Ukrainian government representatives and Crimean Tatar leaders indicate that on the question of citizenship, a *de facto* deadlock existed in the early and mid-1990s.

The authorities were initially reluctant to acknowledge that changes to the citizenship legislation were necessary. They posited that the Crimean Tatars should individually resort to existing citizenship acquisition procedures specified in the law, and often blamed the Crimean Tatar leaders for playing a “political card” by calling on the government to give Ukrainian citizenship to the Crimean Tatars “en masse,” instead of encouraging Crimean Tatars to apply individually according to existing procedures. Crimean Tatar leaders were commonly accused by many Ukrainian officials of trying to keep the Crimean Tatar population disenfranchised, as this provided the Tatar leaders with leverage in negotiating political benefits from Ukrainian and Crimean authorities (such as seat quotas for the Tatars in the Crimean parliament, or collective Ukrainian citizenship). The Crimean Tatar leaders, on their part, pointed out that they had never discouraged individual citizenship applications,¹⁷ but that the procedure was so cumbersome and costly that it presented virtually insurmountable logistical and material obstacles for the vast majority of FDPs, and thus changes were necessary. Additionally, Crimean Tatars saw the existing citizenship policy as an unjust one that made Crimean Tatars hostages of Ukrainian and other CIS countries’ legal systems: Crimean Tatars had become Uzbek (or other CIS countries’) citizens against their will as a consequence of their forced deportation, and now they were expected to apply for and pay to be released from citizenship that they had never asked for in the first place.

Requirements for acquiring Ukrainian citizenship are specified in Article 17 of the 1991 Law on Citizenship of Ukraine, and government orders regulating the application process (March 1992 Regulation on citizenship application procedure approved by the order of the President,¹⁸ and unpublished instruction of the Ministry of Interior from May 1993 detailing how responsible officials are to handle applications¹⁹).

¹⁷ Indeed, as early as September 1992, the Mejlis issued a resolution recommending that all Crimean Tatars affiliate to Ukrainian citizenship under procedures specified in Ukrainian citizenship legislation (Mejlis’ resolution dated 27 September 1992, reprinted in Guboglo and Chervonnaia, *Krymskotatarskoe natsionalnoe dvizhenie*. 3, 51.

¹⁸ Prezydent Ukrainy, *Ukaz Prezydenta Ukrainy pro poriadok rozhlidu pytan, zviazanykh z hromadianstvom Ukrainy*, no. 196, (31 March 1992).

¹⁹ This instruction was referred to and cancelled by the Ministry of Interior of Ukraine. *Instruktsia pro poriadok pryiniattia, rozhlidu ta prokhozhenia v organakh vnutrishnikh sprav Ukrainy klopotan, zaiav, inshykh documentiv z pytan hromadianstva Ukrainy*, Ministry of Interior document no. 211, registered at the Ministry of Justice on 8 May 1998 under the number 292/2732 (30 March 1998).

Box 1

Article 17 of the 1991 Citizenship Law —Requirements for Acquiring Ukrainian Citizenship.

Conditions for acquiring Ukrainian citizenship are:

- (1) renunciation of foreign citizenship;
 - (2) permanent residence on the territory of Ukraine over the last five years.
- This rule does not apply to persons who arrived in Ukraine for permanent residence and expressed a desire to become Ukrainian citizens provided that they were born or prove that at least one of their parents, grandfather, or grandmother was born on its territory and are not citizens of other states;²⁰
- (3) knowledge of Ukrainian language at a level sufficient for communication;
 - (4) availability of legal sources of income;
 - (5) recognition of and compliance with the Constitution of Ukraine.

In practice, the procedure has been extremely lengthy, cumbersome, and costly, and indeed insurmountable for many returnees. In one of its bulletins, the “Assistance” Foundation, an NGO established with the assistance of the UNHCR to help FDPs apply for Ukrainian citizenship, described in detail all stages of a sample case of citizenship application by an FDP. The procedure took about a year in Ukraine, plus another six to twelve months to obtain an Uzbek certificate of release. Among the documents an applicant had to submit, in accordance with the requirements set forth in the government’s interpretation of the law, were certificates from a psychiatrist, dermatologist, venereal disease hospital, and AIDS testing facility. All these certificates had to be paid for, and the applicant had to travel, usually several times, to establishments issuing them. The cost of obtaining all required documents was 73 hryvnia at a time when the average monthly wage in Crimea was 132.5 hryvnia.²¹

Given over 60 percent unemployment among the Crimean Tatars, and their settlements in remote areas often without easy access to transportation, many found these requirements all the more insurmountable. The US\$100 fee charged by the Uzbek authorities for the certificate confirming release from Uzbek citizenship—a requirement beyond all those set by the Ukrainian side—was well beyond the means of the returnees. Those who were *de jure* stateless and thus did not have to obtain a certificate of release from prior citizenship still had to fulfill all other requirements. Being recent returnees, most of the Crimean Tatars did not satisfy the five year residency requirement; further, to prove their ancestors’ origin from the territory of Ukraine was a onerous task for many, especially for those whose ancestors had been born in Ukraine but died in places of deportation, as the archives containing data on those deported were often incomplete or destroyed. Documentation of a legal source of income was also an impediment, since the majority were unemployed and survived by small trading, gardening, and other such unregistered income-generating activities.

As a result of all these obstacles to acquiring citizenship, Crimean Tatar leaders demanded a policy decision that would grant all returnees Ukrainian citizenship automatically on the basis of

²⁰ This paragraph was added to the law on 28 January 1993 by Law no. 2949-12 Verkhovna Rada Ukrainy. *Zakon pro vensennia zmin i dopovnen do Zakonu Ukrainy ‘Pro hromadianstvo’*, no. 2949-XII (28 January 1993); *Vidomosti Verkhovnoi Rady Ukrainy*, no. 14, 121.

²¹ Fera Abkhairova, “Legko-li stat grazhdaninom Ukrainy?” *Grazhdanin*, 1, no. 4 (1997). The fees for documents convert to approximately US\$29, at a time when the average monthly wage was about US\$53.

written application. This demand, as worded in the January 1997 Appeal cited above,²² asked Ukraine “to give Ukrainian citizenship to all Crimean Tatars and members of their families who live in Crimea and expressed desire to become Ukrainian citizens. The Appeal also asked the authorities to amend the law ‘On citizenship of Ukraine’ so that it would enable Crimean Tatars and members of their families who return to Crimea for permanent residency to obtain Ukrainian citizenship by way of application and without being subjected to any limiting requirements.”²³

2. Ukraine’s Insistence on the Single Citizenship Principle and Avoidance of Dual Citizenship with Russia: Consequences for the Crimean Tatars

Such demands of the Crimean Tatars were rebutted by the authorities on the grounds that citizenship affiliation is an individual decision requiring personal application, as well for fear of possible negative political and geopolitical consequences of a decision that would enable Crimean Tatars who were *de jure* citizens of Uzbekistan and other CIS states to become Ukrainian citizens at the same time. Ukraine’s insistence on the individual application procedure, and in particular on the requirement to obtain official proof of release from their prior citizenship, stemmed from Ukraine’s determination to adhere to the single citizenship principle in law and in practice and the fear of negative consequences of dual citizenship, in particular with Russia, for Ukrainian statehood.

While Ukrainian national-democratic politicians and groups have insisted on the single citizenship principle as a way to consolidate new Ukrainian statehood, leftist forces have favored dual citizenship, in particular with Russia. Since the early 1990s, the issue of single citizenship has become a controversial and highly politicized one in Ukraine, and it was the issue that sparked most of the debate when the first citizenship law was discussed in the parliament in the fall of 1991.²⁴ After heated debates on the issue during the first and second readings of the 1991 citizenship law in October 1991 and several failed rounds of voting, a compromise was struck and was reflected in Article 1 of the 1991 law, which read: “In Ukraine there is a single citizenship. Dual citizenship is allowed on the basis of bilateral international agreements.”

This wording was supported by those MPs who favored dual Ukrainian-Russian citizenship, since it was expected at the time of the debate that in due course Ukraine would conclude a bilateral agreement with Russia to establish dual citizenship. However, Ukraine never concluded any such agreement, despite advocacy for it by Russia and many political forces in Ukraine. The principle of single citizenship was further strengthened with the passage of the Constitution in 1996 (Article 4 of the Constitution states “in Ukraine there is a single citizenship”), and April 1997 amendments to the Ukrainian citizenship law, which removed the clause on possible dual citizenship on the basis of bilateral agreements, citing the need to put the law in line with the Constitution, and overriding objectives by advocates of dual citizenship.

²² See footnote 16.

²³ *Avdet*, 13 January 1997.

²⁴ See verbatim report of the parliamentary discussion of the citizenship law. First reading: Verkhovna Rada Ukrainy, “Zakon Ukrainy pro hromadianstvo Ukrainy - pershe chytannia,” in *Bulletin # 7* (Kiev: Verkhovna Rada Ukrainy, 1991). Second reading: Verkhovna Rada Ukrainy, “Zakon Ukrainy pro hromadianstvo Ukrainy - druhe chytannia,” in *Bulletin # 18* (Kiev: Verkhovna Rada Ukrainy, 1991).

Ukraine, as its Deputy Foreign Minister noted, feared negative consequences of dual citizenship for Ukraine's national interest....The presence of people with dual citizenship in regions where a minority compactly resides...in a certain manner stimulates anti-Constitutional 'pro-autonomy' activities of certain political forces, which will lead to increased socio-political tensions in the country....Concluding agreements on dual citizenship may in the future lead to forceful interference by one state into internal affairs of the other under the pretext of protecting the rights of its citizens²⁵—a clear reference to the situation around Crimea, albeit in diplomatic language.

Furthermore, implications for Ukraine of the Russian citizenship law itself were cause for Ukraine's concern. Article 13(2) of the 1991 Russian citizenship law recognizes as Russian citizens by birth those former Soviet citizens born after 30 December 1922 who were born, or at least one of whose parents was born, on the territory of the Russian Federation. "Territory of Russian Federation is understood to mean territory that was part of the Russian Federation at the moment of a person's birth."²⁶ This last provision of the law basically recognizes all residents of Crimea born between December 1922 and 1954 (when Crimea was transferred from Russia to Ukraine) and their descendents as Russian citizens by birth.

Although Ukraine's concern over negative consequences of dual citizenship with Russia for the development of Ukrainian statehood was the driving force behind its insistence on single citizenship, the Crimean Tatars with *de jure* citizenship of Uzbekistan and other CIS states became inadvertent victims of this concern—an ironic situation, given that Crimean Tatars have been consistent supporters of Ukrainian statehood. However, the authorities feared that allowing Crimean Tatars who held citizenship of other CIS states to acquire Ukrainian citizenship without official proof of release from previous citizenship would create a precedent of dual citizenship, and could be used by those forces who favored dual citizenship with Russia. As one Western official put it during an interview, "if not for concerns about Russia, the Crimean Tatar citizenship problem in Ukraine would not have existed in the first place."²⁷

IV. Changes in Ukrainian Citizenship Policy and the Role of International Organizations

As the above discussion seeks to illustrate, the FDPs' citizenship problem in Ukraine was embedded in a web of political complexities and legal deficiencies, and until the mid-1990s the situation was one of a virtual stand-off between the Crimean Tatar leaders, who were demanding that the government solve the citizenship problem for them as a group, and the authorities, who tended to deny that current policy was sub-optimal and blamed the Crimean Tatars themselves for not actively pursuing Ukrainian citizenship by way of individual applications.

²⁵ Volodymyr Khandogii, "Dvostoronnii uhody, scho spriamovani na vyrishennia pytan' hromadianstva," in *Bizhentsi ta mihratsia: Ukrainskyi chasopys prava i polityky* 1, no. 2 (1997): 16-17.

²⁶ IOM, *Sbornik zakonodatelnykh aktov gosudarstv SNG i Baltii po voprosam migratsii, grazhdanstva i sviazannym s nimi aspektami*: 280-95.

²⁷ Kiev, June 1999. The official wished to remain anonymous.

In the mid-1990s, when the problem attracted the attention of international organizations, IOs faced the difficult task of finding a solution that would be acceptable to all the parties involved. As described in Section IV(B) below, by mid-1999 significant progress had been achieved—statelessness among FDPs was eliminated entirely, and procedures enabling the majority of FDPs to become Ukrainian citizens were put in place. Section IV of this paper analyzes to what extent these changes were a product of IOs' efforts.

Section IV(A) analyses the Ukrainian government's acknowledgement, by 1995, that changes to the citizenship policy were indeed necessary. Section IV(A)1 summarizes the developments and events that led to this decision, while section IV(A)2 analyzes the importance of the IOs in bringing about this decision.

Section IV(B) analyzes specific changes to different elements of the citizenship policy that took place after 1995, and IOs' influence with regard to each of these policy changes. Section IV(B)1 details changes to different policy elements that were initiated, while section IV(B)2 assesses the impact of the IOs in each instance.

A. Ukraine's Acknowledgement that Citizenship Policy Needs to be Changed: The Role of IOs

1. How the Problem Gained Attention of IOs, and How Ukrainian Authorities Moved to Amend the Citizenship Law

Changes to Ukrainian citizenship legislation involved both an official acknowledgement that the existing policy was sub-optimal and changes were needed, and, once such an acknowledgement was made, decisions on the precise changes to be undertaken. As discussed above, until the mid-1990s there was no consensus on the part of the government acknowledging that the existing citizenship policy in practice (even if not in theory) precluded the vast majority of Crimean Tatars from become Ukrainian citizens. For Crimean Tatars themselves, who were struggling to deal with many socio-economic and political challenges, citizenship was just one of many concerns. By 1995, however, the issue was coming to the forefront of government concerns, as well as those of international organizations.

Between late 1994 and early 1995, UNHCR and OSCE established their presence in Ukraine. The UNHCR permanent office in Ukraine opened in June 1995. The UNHCR representative visited Crimea in July 1995, and a detailed fact-finding mission to Crimea was conducted in February 1996. With the initial focus of its activities being refugees in Ukraine, the organization soon became involved with FDP problems in Crimea, where some persons were found to be in refugee-like situations; UNHCR's mandate to prevent and reduce statelessness also prompted its involvement in the FDPs' citizenship problem.

The other IO actively involved was the OSCE. The OSCE Mission to Ukraine was established in June 1994 and became operational in November 1994. The primary task of the mission was to "facilitate the dialogue between the central Government and the Crimean authorities" over the status of Crimea within Ukraine, but the mission's responsibility also included "preparing reports on the situation of human rights and rights of persons belonging to national minorities in the

Autonomous Republic of Crimea.”²⁸ In October 1995, after the problem of citizenship was discussed at a September 1995 round-table in Crimea organized by the OSCE, the OSCE High Commissioner on National Minorities, Max van der Stoep, wrote a letter to the Minister of Foreign Affairs of Ukraine in which he referred to the problem of the acquisition of Ukrainian citizenship by FDPs as “one of the most urgent questions to be settled,” and urged Ukraine to consider the option of granting Ukrainian citizenship to deportees and their descendants “if they sign a declaration renouncing the citizenship of the states they have left.”²⁹

At the same time as IOs were establishing their presence in Ukraine and beginning operations in Crimea, the IOs were further stimulated to give higher priority to the FDPs’ citizenship problem by the strategy of the Crimean Tatar Mejlis, which was aimed at attracting international attention to the plight of the Crimean Tatar people. Since 1994, the Crimean Tatar leaders had held a growing number of meetings with representatives of Western governments and international organizations in Ukraine—in 1993 just two such meetings were conducted; in 1994 there were over two dozen.³⁰ Crimean Tatar leaders also traveled to various European countries and IO headquarters to speak about their problems at international forums and conferences, some held under UN auspices.

By the mid-1990s, the Ukrainian government itself had come to desire international involvement and assistance for Crimean Tatar resettlement in Ukraine. Struck by economic crisis, Ukraine was not capable of independently financing Crimean Tatar repatriation—according to the estimates, as much as US\$2 billion would be needed to cover the costs of Crimean Tatar integration and return, and funds the Ukrainian government was able to allocate to this purpose had to be reduced year after year. Substantial international assistance was the only possibility to improve the dire economic situation of FDPs, which could otherwise become a cause of socio-political crisis. IOs’ involvement in Crimea was further welcomed by the Ukrainian government because of its protracted political confrontation with local Crimean authorities over the definition of Crimea’s status within Ukraine. While some organizations, especially the OSCE, initially were involved mainly in mediating relations between central Ukrainian and Crimean authorities, they soon became occupied with the problems of FDPs in Crimea, as Crimean Tatars were a crucial ethnic group for the maintenance of overall stability in the region.

The May 1996 CIS Regional Conference on Refugees and Migrants, which was called by the UNHCR and took place in Geneva, systematically addressed population displacement in the CIS, including concerns of formerly deported peoples, and thus brought the problems of FDPs in Ukraine, including that of citizenship, to the attention of Western donors, governments, and a number of IOs. Since that time, it has not left the agenda of IOs operating in Ukraine.

As a result of all these developments, in the spring of 1995 a decision was taken by the Ukrainian government to prepare a new edition of the citizenship law. A working group to draft changes

²⁸ OSCE, “The OSCE Mission to Ukraine,” (10 August 1998). Available from <http://www.osce.org/e/docs/survey/ukraine.htm>.

²⁹ OSCE High Commissioner on National Minorities, “Letter to Hennady Udovenko, Minister of Foreign Affairs of Ukraine, and the letter of reply,” Prague OSCE Documentation Center reference number REF.HC/10/95 (12 October 1995). Available from <http://www.osce.org/inst/hcnm/recomm/ukraine/1995/27hc105.html>.

³⁰ Mejlis Krymskotatarskogo naroda, *Kratkaia khronika deiatelnosti Mejlisa krymskotatarskogo naroda. Iiul 1991 - iiun 1996* (Simferopol: 1996).

was set up, and the new edition of the citizenship law was submitted to the Ukrainian parliament in mid-1996.

2. Impact of IOs on the Ukrainian Government's Decision to Change the Citizenship Law

Because the Ukrainian government's 1995 decision to initiate amendments to the citizenship law was taken at about the same time as IOs were beginning to establish their presence in Ukraine, one cannot claim with certainty that IOs were the main determinants of this decision, or, in other words, that the government would not have taken such a decision on its own initiative. Rather, a combination of factors and events that took place at that period of time resulted in the decision of the Ukrainian government to initiate amendments to the citizenship law, with IOs' advocacy for such changes being one of the factors.

However, it is likely that the IOs' advocacy for changes in the Ukrainian citizenship policy did, at the very least, speed up the government's decision. In terms of the consequences of the existing citizenship policy for FDPs, the situation in 1995 was no different from that of previous years, when the government was reluctant to acknowledge that changes were in order. After the involvement of IOs, pressure for policy changes acquired an international dimension. In this light, the decision of the government to initiate changes to the law seems consistent with the government's growing interest in international financial support for the FDPs' resettlement, as well as for political approval from western democracies.

Some of the approaches and strategies that the IOs themselves took further stimulated the Ukrainian government's willingness to consider citizenship policy changes. Since the Ukrainian government was keenly interested in financial and material assistance from the international community, the UNHCR, as one of its very first projects, engaged in financing the rehabilitation of communal buildings in Crimea for the most vulnerable FDPs, many of whom were in refugee-like situations. The organization also provided computer and office equipment to the relevant Ukrainian governmental agencies. Quick and visible outcomes of such activities served to build confidence and also paved the way for the government's future receptivity to UNHCR initiatives and policy recommendations.

Another area of UNHCR's and other IOs' activities in Ukraine that proved to produce very beneficial consequences—given the specifics of the environment in which the IOs operated—was the organization of various round-tables and seminars. Such meetings (some organized by the UNHCR on an annual basis, and others more frequently, at different intervals) brought together representatives of international organizations, officials from relevant governmental agencies, Ukrainian MPs from relevant committees, Crimean Tatar leaders, and some NGOs. In the domestic political and institutional context of Ukraine such meetings were particularly important forums for a number of reasons.

First, unlike in developed democracies that have well-established and long-functioning governmental institutions, and established procedures for interaction and exchange of information between various government organs and outside institutions, in Ukraine such procedures are not yet firmly in place. As a result, the dissemination of information is often sub-optimal, not only between the government and outside organizations, but also between different branches of

government, and between the central and regional offices of the same branch of government. Forums such as these round-tables and conferences were therefore particularly valuable, because their members of the government in their presentations (which they were requested by the UNHCR to prepare also in written form for subsequent publication) detailed the position of the government on different elements of citizenship policy, its interpretation of legal provisions, challenges that the government encountered during its work, and plans for policy changes.

Since, in practice, the letter of the law was usually implemented by means of administrative decrees issued by one or another government agency, it was not uncommonly the case that other agencies were unaware of planned decrees, or confused about how certain provisions were to be interpreted in practice when applied to particular cases. Therefore, these forums served an additional function of clarification and discussion among government experts on how the letter of the law was to be interpreted in practice. Since in addition to senior officials from the central ministries, practitioners from the regions who worked with often complex individual cases of FDP applicants were also present, policy-makers of different levels and of different agencies could draw links between the situation on the ground and policy responses, while UNHCR could develop a fuller understanding of the current situation and its main problems.

The function of facilitating communication between branches of the government and central and regional officials that these UNHCR-organized seminars and round-tables played may seem trivial in the context of a developed country with a functioning state. However, in the context of a post-Communist country engaged in the simultaneous processes of state-building and development, the importance of such meetings cannot be underestimated. Given economic crisis and dire underfunding on all levels, it was often the case that officials located in different regions simply could not communicate among themselves, because even the costs of long-distance phone calls was more than their budgets could cover. This made the dissemination of information and clarification of approaches towards the interpretation of different government orders, as well as identification of practical problems uncovered at the local level but requiring action by central authorities, a slow and complex task.

Second, the UNHCR sponsorship of forums that brought together various government officials and enabled them to discuss many outstanding problems at the same time, also enabled the UNHCR to become better aware of the specifics and outstanding challenges, and thus to better formulate its strategy on how and when to get involved. In Western countries the UNHCR and other IOs can rely on standard channels of information dissemination from the authorities, as well as on more expensive informational networks consisting of NGOs, academics, and other resources. In the post-Communist countries in transition, however, such sources of information are few and inconsistent. In such an environment, informal contacts with policy-makers are all the more important: they commonly serve as one of the main sources from which the IOs and other observers can obtain information on policy progress and plans being made by the government.

Third, another positive effect of the forums that the UNHCR has sponsored in Ukraine has been the venue they presented for the government representatives and the Crimean Tatar leaders to meet and discuss their different opinions in a neutral setting under the “mediation” of international actors. In an often tense domestic political climate, with political tensions running high around the Crimean Tatars’ political demands, the availability of a forum where the main interlocutors can

meet and discuss the problems with international observers can be very beneficial. Such a setting encourages a search for compromise: the authorities would not wish to be seen by international observers as dismissing Crimean Tatar demands off hand; nor would it be in the interests of Crimean Tatars to look like “radicals” in the eyes of the IOs by putting forth demands that were too broad or too radical. The forums indeed had such moderating effects on a number of occasions. For example, after the first such seminar in July 1996, the government apparently realized it had significantly underestimated the number of people willing to apply, and had only a limited understanding of the logistical and legal barriers the procedures posed for potential FDP applicants. The government then reportedly invited proposals from the Crimean Tatars for practical changes in the administrative procedure for acquiring citizenship, when it became apparent that the existing procedure did not take into account the complex situation of many FDPs and discouraged them from initiating applications.

Finally, since the UNHCR, given its mandate, was involved only with the citizenship problem of the Crimean Tatars (but not other political problems), this allowed the issue of citizenship to be “depoliticized” and to be separated from other contested questions such as voting rights, the nature of Crimea’s autonomy, and Crimean Tatar representation in the government organs. As the next section will show, depoliticization is important, as the more politicized a policy issue has been, the less likely are IOs to be able to promote policy changes on such issues.

B. Introduction of Changes to Different Elements of Ukrainian Citizenship Policy

1. Policy Elements Amended by the 1997 Ukrainian Citizenship Law and the 1998 Ukrainian-Uzbek Bilateral Agreement

Table 1 in the appendix compares provisions of the 1991 citizenship law, amendments as proposed by the government working group and approved during the first reading of the law in October 1996, and final provisions as reflected in the new citizenship law passed by the parliament in April 1997. The law has substantially liberalized requirements for acquisition of Ukrainian citizenship for those with ancestral roots in Ukraine. The new law exempted FDPs (and their children and grandchildren) from the 5-year residency requirements, knowledge of Ukrainian language, and proof of legal sources of income. The FDPs and their descendants could apply for affiliation to citizenship under a simple procedure until the end of 1999, and after that date, under a naturalization procedure that was also simplified for them. One requirement that remained unchanged was the necessity to document release from previous citizenship for those FDPs who were *de facto* citizens of Uzbekistan or other countries.

Interviews with participants in the law discussion process, and examination of minutes from the parliament during the readings of the citizenship law, revealed the domestic preferences on the issues that had emerged by 1997. In Box 2 below, the dark shaded areas in the top row show what policies were eventually reflected in the final law passed in April 1997, while the light shaded areas highlight issues over which the interests of different groups diverged.

Box 2 – Support From Different Interest Groups for Amendments to Citizenship Law				
	Proposed Amendments to Citizenship Law			
Interest Group	Eliminating 5 year residency requirement	Eliminating official source of income requirement	Eliminating knowledge of Ukrainian language requirement	Eliminating proof of release from previous citizenship requirement
Ukrainian government, in particular Citizenship Department of the Presidential Administration, and other law drafters	Yes	Yes	Yes	No
Crimean Tatar Mejlis	Yes	Yes	Yes	Yes
Political forces in the parliament: -- Left & Left/Center	No one objected during law discussion in parliament	No one Objected during law discussion in parliament	-- Yes, but not just for FDPs, but to eliminate completely from the law	Generally Yes, since dual citizenship was favored
-- Right & Right/Center			-- Far Right and some Center Right objected	Generally No, since single citizenship was favored

Verbatim reports from the readings of the law in the parliament reveal which proposed amendments to the citizenship law turned out to be most contested. The first reading of the new edition of the citizenship law took place on 30 October 1996, and as soon as the discussion began, it became clear that the two most contested provisions would be the language requirement and the issue of dual citizenship to which the requirement to obtain proof of release from previous citizenship before applying for Ukrainian citizenship was linked (see shaded sections in the box above). Most of the debate—on the floor of the parliament as well as during meetings of the committee between the first and second readings—have centered around these provisions.

The introductory section of this paper explained why, in the context of Ukrainian state building and Ukraine’s relations with Russia, the question of dual citizenship was so politicized, and this was also evident during the debates in the parliament. The language question in Ukraine has been politicized for similar reasons. Heavy Russification during the Soviet period prompted national-democratic politicians in Ukraine to make it a policy priority to reverse the consequences of Soviet-era policy and to promote the use of Ukrainian in all spheres of public life, making it the state language. However, the majority of the leftist forces, as well as populations in the eastern and southern regions of the country that were most Russified and where the majority of Ukraine’s 11 million strong Russian community resides, have long favored state and/or official status for the Russian language. Discussion of the citizenship law’s provision making knowledge of Ukrainian a requirement for citizenship was seen by the leftist groups as an opportunity to oppose the measure and seek its removal from the law completely. Some rightist MPs, on their part, were unhappy that the law exempted some groups, including Crimean Tatars and other FDPs, from this requirement, and insisted that the language requirement ought to apply to everyone. The eventual solution was a compromise that kept the language requirement in the law, while exempting certain categories of people with family origin from the territory of Ukraine.³¹

³¹ It is important to note that the exception—worded as “persons who were born or resided permanently on the territory of Ukraine, as well as their descendants (children, grandchildren)” —see Table 1—was territorially, not

After the new citizenship law was adopted and entered into force on 20 May 1997, it opened the way to Ukrainian citizenship for those FDPs who were *de jure* stateless and thus could make use of the simplified affiliation procedure at once, as the requirement to obtain a proof of release from previous citizenship did not apply to them. However, this requirement (stemming from Ukraine’s desire to uphold the single citizenship principle) continued to bar over 80,000 FDPs who held citizenship of other CIS states from becoming Ukrainian citizens, as material and logistical obstacles associated with obtaining such certificates were practically insurmountable for the overwhelming majority of FDPs.

Box 3 below summarizes positions of the government, the Crimean Tatars, and IOs on the remaining issue—the requirement to obtain a proof of release from previous citizenship. In particular, it shows different actors’ opinions as to whether Ukraine could solve the issue itself (by changing legislation or interpreting existing legislative provisions in a way that would allow Crimean Tatar FDPs to apply for Ukrainian citizenship without obtaining documents from other countries where they were *de jure* citizens), without depending on other CIS countries changing their procedures for release from citizenship. The darkly shaded area shows the policy that was adopted, while lightly shaded areas show where interests of different groups diverged.

Box 3 – Preferences of Actors on How to Resolve Release from Previous Citizenship Issue	
Actor	Policy issue: Can Ukraine resolve the requirement that release from previous citizenship be documented by changing its own legislation or by interpreting existing legal provisions differently?
Ukrainian government, in particular Citizenship Department of the Presidential Administration	No
Crimean Tatars represented by Mejlis	Yes
UNHCR	Yes, by interpreting existing legal provisions differently
OSCE	Yes, by means of introducing a government order
Council of Europe	Yes, by interpreting existing legal provisions differently

As this box illustrates, the Crimean Tatars wanted the Ukrainian government to remove the requirement for proof of release from previous citizenship—not because they were opposed to the single citizenship principle, their leaders argued, but because the principle, as implemented in the law, had a particularly adverse effect on them, *de facto* barring them from obtaining Ukrainian citizenship. The solution proposed by the Crimean Tatars was to introduce a provision in the citizenship law allowing for the clause of Article 2 (3) “not being citizens of other states” not to be applied when an FDP submits a declaration on his/her willingness to be a citizen of Ukraine and not citizen of the state of his or her current citizenship. The proposal to have the issue resolved by submission of individual declarations renouncing prior citizenship was an option proposed not only by the Crimean Tatars, but by some of the IOs as well.

ethnically, based. Emphasizing one’s origin from the territory of Ukraine rather than one’s Ukrainian ethnicity made the provision more neutral and more inclusive, since it applied to groups such as Crimean Tatars who were not of Ukrainian ethnic origin, but had links to Ukrainian territory.

In a February 1997 letter to the Foreign Minister of Ukraine, the OSCE High Commissioner on National Minorities suggested that all Crimean Tatars

be granted citizenship of Ukraine provided that they submit an application requesting this accompanied by a formal declaration of renunciation of the citizenship of the country from which they had returned to Crimea....In order to respect interests of the states from which Crimean Tatars falling under such an arrangement have returned, a list of those who have renounced their citizenship could be dispatched to the Government concerned. In this connection, I also note that no state can forbid a person to change his citizenship....It would even be contrary to the letter and the spirit of the Universal Declaration [of Human Rights] to make the acquisition of Ukrainian citizenship dependent upon the determination of another state to agree to and to facilitate renunciation.³²

In his letter of response, Ukraine's Foreign Minister promised that the OSCE proposal "will be thoroughly considered by our experts and taken into account," but this proposal was eventually not supported, as one can see from the provisions of the law finally adopted in April 1997.

The Ukrainian authorities' stance was that with the passage of the new citizenship law, Ukraine had done everything in its power to facilitate as much as possible FDPs' access to citizenship. If the US\$100 fee charged by the Uzbek side for the certificate of release was a problem, it was not up to Ukraine to solve this issue. Allowing acquisition of Ukrainian citizenship on the basis of a declaration renouncing prior citizenship would lead to cases of *de jure* dual citizenship, since legally the Ukrainian state cannot make decisions on termination of Uzbek citizenship, and therefore these proposals were deemed unacceptable by the government.

After the 1997 citizenship law was adopted, the UNHCR and the Council of Europe made several suggestions to the government on how the dilemma of FDPs with foreign citizenship in Ukraine could be solved and the principle of single citizenship upheld. One proposal was to adopt an interpretation of the clause in Article 34 (5) (that did not demand a document on release from previous citizenship in cases when a person is unable to receive such a document "for good reasons despite one's control") whereby lack of funds to pay for the release document would be interpreted as a good reason beyond a person's control. Such an interpretation of Article 34 (5) could have given access to Ukrainian citizenship to those FDPs who were citizens of Uzbekistan and could not afford to pay the \$100 fee set by the Uzbek side for release from citizenship, while upholding the principle of single citizenship. The Ukrainian side did not agree to such an interpretation, however, being unconvinced that inability to pay the fee could be deemed a "good reason beyond one's control."³³

The position of the Ukrainian authorities on the dilemma of avoiding cases of dual citizenship and not requiring FDP applicants to present a proof of release from previous citizenship was that this

³² OSCE High Commissioner on National Minorities, "Letter to Hennady Udovenko, Minister of Foreign Affairs of Ukraine, and the letter of reply," Prague OSCE Documentation Center reference and number REF.HC/4/97, (14 February 1997). Available from <http://www.osce.org/inst/hcnm/recomm/ukraine/1997/44hc47.html>.

³³ Interpretations of the clause on what shall and shall not be considered good reasons beyond one's control are reflected in Appendix 9 of the March 1998 Ministry of Interior Order on processing applications related to citizenship of Ukraine. Ministry of Interior of Ukraine, *Instruktsia pro poriadok pryiniattia, rozhliadu ta prokhodzhenia v organakh vnutrishnikh sprav Ukrainy klopotan, zaiav, inshykh documentiv z pytan hromadianstva Ukrainy*.

could be solved by way of bi- or multi-lateral agreements with CIS states where these FDPs were *de jure* citizens. This solution was favored by Ukraine, as the Ukrainian Deputy Foreign Minister argued, because no unilateral legal acts can foresee all possible changes in the laws of another country, and thus cannot guarantee against the emergence of cases of dual citizenship in the future.³⁴

Bilateral agreements (the first one was between Ukraine and Uzbekistan) were how this last outstanding aspect of citizenship was resolved in the end. The agreement was officially announced in August 1998 after several rounds of negotiations between Ukrainian and Uzbek authorities and meetings of the Ukrainian and Uzbek presidents. Under this agreement, a mechanism was established whereby FDPs wishing to be released from Uzbek citizenship can submit an application to local bodies of the Ukrainian Ministry of Interior, which are to collect such applications and pass them to the Uzbek authorities, who within six months are to inform the Ukrainian side on the applications submitted.³⁵ Fees for submission of such applications were waived by the Uzbek side, and the agreement was in force until the end of 1999.

2. IOs' Effect on Legislative Change

This section analyzes the effect IOs had at different stages and with regard to different aspects of the Ukrainian citizenship legislation amended in 1997 and 1998, as well as the role they played in influencing practical implementation of the citizenship policy.

The UNHCR and other IOs became actively involved with the FDP citizenship problem in Ukraine at approximately the same time as governmental working groups began drafting amendments to the citizenship law. The UNHCR provided recommendations to the law drafters, and many of these were incorporated in the law. Specifically, the UNHCR served as a source of international expertise, providing the Ukrainian government information about international legal standards on citizenship. It funded translations of international legal documents into Ukrainian for use by the experts in the Citizenship Department of Presidential Administration and other domestic experts, and also funded travel to international seminars and conferences by Ukrainian officials. The first such trip took place in December 1996, when the draft citizenship law was under discussion in the parliament, and the UNHCR funded a trip to Geneva by several members of the sub-committee as well as representatives of the Presidential Administration. During this trip, Ukrainian representatives approached the Council of Europe and the UNHCR, requesting them to conduct expert analysis of the new Ukrainian citizenship legislation and its compliance with international legal standards.

Such developments must have made the draft Ukrainian law closer to international standards, of which there was limited knowledge in Ukraine before the involvement of IOs, not the least because citizenship itself was a new concept for Ukraine, having become an independent state only in 1991. There was little domestic expertise, and few international materials and legal texts

³⁴ Khandogii, "Dvostoronni uhody, scho spriamovani na vyrishennia pytan' hromadianstva," 19.

³⁵ The Ukrainian-Uzbek agreement and the administrative decrees detailing the mechanism of its realization are published in Viktor Andrienko, ed., *Domovlennist mizh Ukrainoiu ta Respublikoiu Uzbekistan schchodo spivrobotnytstva u vyrishenni pytan' hromadianstva deportovannykh osib ta yikhnikh nashchadkiv* (Kiev: UNHCR, 1999): 176-202.

were available in Ukrainian. This demonstrates the particular importance of expert functions performed by IOs in countries with limited experience and expertise in a given area.

However, the evidence discussed in the previous section also demonstrates that, on the question of proof of release from prior citizenship, UNHCR and other IOs have not been able to influence the policy preferences of the Ukrainian government. The issue was highly contested domestically and had implications directly bearing on what was defined by the government as a matter of “national interest”—not allowing for *de facto* or *de jure* dual citizenship to emerge. However, with the conclusion of the bilateral Ukrainian-Uzbek agreement, policies were changed eventually, with the final outcome acceptable to and welcomed by IOs. What does this course of events tell us about the role IOs played?

First, it allows us to conclude that international pressure is less effective on policy issues that are highly politicized, and linked to issues of high political importance for the governments involved. The definition of single citizenship as a matter of “national interest” and the requirement to obtain proof of release from prior citizenship stemming from this principle, can be attributed to the Ukrainian government’s insistence on this requirement and rejection of IOs’ recommendations that, in the view of the government, could have compromised this principle.

Second, the fact that the UNHCR and other IOs have nevertheless persisted in their cooperation with the Ukrainian authorities in search of an acceptable compromise, which was eventually concluded, shows that flexibility when setting policy objectives was an effective strategy on the part of the IOs. The Ukrainian government insisted that only by means of bilateral agreements with other relevant states could a solution to the release requirement be found, and the UNHCR, instead of criticizing the Ukrainian authorities for not accepting the solution it proposed, instead chose to assist the Ukrainian authorities in concluding such agreements with Uzbekistan and other CIS countries.

When Ukraine and Uzbekistan engaged in negotiations exploring the possibility of such an agreement, the UNHCR offered its “good offices” for the two sides during negotiations, but apparently due to the reluctance of the Uzbek side to “internationalize” the issue, negotiations remained bilateral. The UNHCR, although not involved in the negotiations process, followed it closely and took actions to inform both sides of its position, as did other IOs. In December 1997 both UNHCR High Commissioner Sadako Ogata and OSCE High Commissioner on National minorities Max van der Stoep addressed letters to the Uzbek Foreign Minister requesting that his government simplify citizenship renunciation procedures for Crimean Tatars who had relocated to Crimea from Uzbekistan. The UNHCR has also financed missions of Ukrainian experts who traveled to Uzbekistan to negotiate with their Uzbek counterparts, and later financed similar trips to other CIS countries where a number of FDPs living in Ukraine still had citizenship.

Third, even though on the issue of release from previous citizenship IOs have not succeeded in having the Ukrainian government accept their initial proposals, it can be said that the IOs have nevertheless had an effect by way of “closing” certain policy alternatives for the government. The UNHCR has shown flexibility when some of its policy recommendations have been rejected, and, not being directly involved in the Ukrainian-Uzbek negotiations process, did not make specific recommendations on what solution the two countries should adopt. However, the UNHCR and

other involved IOs made it clear what outcomes were *not* acceptable. Most notably, they made it clear to the Ukrainian government that a situation whereby applicants had to pay a US\$100 fee and had to travel from Crimea to the Uzbek embassy in Kiev was not acceptable, since it *de facto* prevented FDP applicants from being able to apply for citizenship at all, and that therefore changes were necessary. How the issue was to be resolved otherwise and what procedures were to be applied were left to the competence of the two governments involved.

3. IOs' Effect on Interpretation of Legal Provisions and Implementation of New Regulations

Although changes in the law are a very important element of any overall policy changes, changing the letter of the law is not sufficient to bring about results desired in practical terms, especially in a country where the rule of law is only being developed, and policy changes on paper do not automatically translate into policy changes in practice. Therefore, this section will analyze IOs' impact on the interpretation of existing legal provisions by the Ukrainian authorities, and on the practical implementation of new citizenship policies. The evidence that will be laid out below suggests that IOs have been most influential in this realm, and this influence has been a critical factor that has allowed statelessness in Ukraine to be eliminated, and the overall number of non-citizens among FDPs to be substantially reduced.

- Effect on interpretation

With regard to policy interpretation, there have been many instances when the UNHCR has identified and successfully lobbied the authorities to change interpretations of various laws and government orders in a manner that would be more advantageous to FDPs applying for Ukrainian citizenship. One example was the simplified citizenship affiliation procedure established in the 1997 citizenship law applied to those who could document their or their ancestor's origin in Ukraine. The law did not specify what documents would be considered as acceptable proofs of origin, which was left to be specified in government interpretations. The March 1998 instruction of the Ministry of Interior on processing citizenship applications excluded the passport as a document certifying an applicant's place of birth. Instead, a birth certificate or archival documents were to be provided. This provision, if implemented, would have had a significantly adverse effect on descendants of FDPs who needed to document that their parents or grandparents had been born in Crimea, since archival records in Crimea have been incomplete, missing, or otherwise difficult to obtain. The UNHCR took up this issue with the Ministry of Interior, and was successful. Although the instruction itself has not been changed, the Ministry issued orders to local authorities in Crimea to continue accepting passports as a proof of origin from Ukraine. Several months later, the UNHCR successfully advocated for an even more simplified procedure whereby local migration services in Crimea began issuing a standard form confirming applicants' FDP status, and thus origin from Ukraine.

Among other examples of UNHCR's successful direct impact on how legal provisions were interpreted was the waiving of all fees related to the citizenship affiliation procedure by the Ukrainian authorities. The Ukrainian authorities also followed UNHCR recommendations to establish a procedure whereby an administrative conclusion stating the individual's eligibility for Ukrainian citizenship is drafted before the renunciation application is forwarded to the Uzbek

authorities in order to avoid cases of interim statelessness in the period between one's release from Uzbek and affiliation to Ukrainian citizenship.

- Effect on implementation

With regard to practical implementation of the new, simplified citizenship procedures established in the 1997 and 1998 legal acts, the UNHCR has been instrumental in making the spirit and the letter of the law a reality, and can undoubtedly take credit for the fact that tens of thousands of FDPs in Crimea now hold Ukrainian passports. Figures 4 and 6 in the Appendices illustrate that since mid-1997 thousands of FDPs and their descendants have received Ukrainian passports, in comparison with less than 300 in years prior to 1997. UNHCR's impact on citizenship policy implementation has been many-fold, and several successful strategies can be identified.

First, on-the-ground monitoring through its field office, local NGO counterparts, and a consultancy project enabled the UNHCR to identify incorrect interpretations or applications of the legislation by officials at the local level, which in turn permitted timely interventions by UNHCR with central authorities and by those authorities with local officials to correct local policies. By monitoring activities of authorities at the local level, the UNHCR has been acting as a "fire alarm," identifying sub-standard practices and alerting central government authorities about it. For example, the UNHCR has identified that, in contradiction to the citizenship law, authorities in Crimea often refused to accept citizenship applications from those FDPs who lived in substandard housing and did not have an official *propiska*³⁶ registration. According to the law, citizenship applications are to be accepted by relevant Ministry of Interior bodies at places of applicants' residence. Some OVIRs (Departments of Visas and Registrations, the Ministry of Interior bodies charged with processing applications), interpreting residence as *propiska*, had refused to accept applications from people who did not have a *propiska*, for example those living in dormitories. The UNHCR brought this to the attention of the central authorities, which led to the central authority instructing local offices on the proper interpretation of the law.

Second, monitoring at the micro-level also enabled the UNHCR to identify precise needs of local government offices on which successful policy implementation depended, and thus to plan targeted assistance. For example, anticipating a sharp increase in the rate of applications for citizenship after the Ukrainian-Uzbek agreement was signed in August 1998, and being aware that organs accepting and processing applications might not have sufficient capacity to process all new applications (the rate of applications was expected to sky-rocket from several dozen a year to 600-1,000 a month), the UNHCR offered to finance the creation of additional positions at the Crimean OVIRs, and also provided substantial material assistance such as office equipment, filing cabinets, and cars to enable staff to travel to remote settlements to collect applications.

Scholars of international institutions have pointed out that "one of the most fundamental ways in which international institutions can change state behavior is by substituting for domestic

³⁶ The *propiska* is a stamp in one's internal passport that is placed by the authorities and which specifies where the person legally resides and is registered. It is in turn related to where one can get social assistance, go to school, etc.

practices.”³⁷ This has indeed been the case with the UNHCR in Ukraine, which has often been fulfilling functions traditionally performed by state institutions, and even contributing to state-building. The UNHCR has monitored implementation of national legislation by local authorities, financed and produced instructions, forms, and texts of the laws and by-laws, and planned and implemented a massive awareness campaign in the media to alert FDPs in Crimea about changes in citizenship procedures and the importance of becoming Ukrainian citizens.

All of these functions are traditionally performed by the state rather than a foreign institution. UNHCR’s awareness campaign aimed at raising the consciousness of FDPs about the importance of citizenship can furthermore be regarded as a *de facto* state-building measure. With citizenship being a new concept for residents of the post-Soviet states, the importance of citizenship has been commonly underestimated, and the whole concept ill understood. As sociological research has revealed, many FDPs were not even aware that they were not Ukrainian citizens, wrongly believing that residency and citizenship were the same. By launching a massive awareness campaign in the media and through NGO counterparts, the UNHCR assisted in raising civic consciousness and “creating” many thousands of Ukrainian citizens.

Faced with all this evidence one may wonder why the Ukrainian government was so receptive to these activities of IOs? Why did it allow them to take on many functions traditionally performed by domestic actors and institutions? Why have the authorities often proved to be willing to reconsider their policies on issues such as implementation of existing laws and interpretation of provisions of the law and by-laws? As one scholar put it in a recent article on the effect of supranational experts, “why should governments, with millions of diverse and highly trained professional employees, massive information-gathering capacity, and long-standing experience with international negotiations at their disposal, *ever* require the services of a handful of supranational entrepreneurs to generate and disseminate useful information and ideas?”³⁸

This may be a puzzle with regard to countries where governments indeed have a wealth of information, resources, and trained employees at their disposal, as well as long-standing experience and expertise with policies that IOs seek to influence. In the case of Ukraine, however, the government does not have any of these advantages: economic crises have severely limited government’s material capacity, and such a trivial issue as the purchase of filing cabinets to store files of citizenship applicants is an insurmountable obstacle to many of the local OVIR departments. The whole issue of citizenship is novel for Ukraine which became an independent state less than a decade ago. As a result, the specialized bureaucracy does not have accumulated expertise or the benefit of prior experience.

Under these conditions, the government had much to gain from information and resources offered by the IOs without which, even if there was a will to have new laws implemented, it might not have been possible because of material, informational, and coordination constraints. The material and technical assistance IOs can offer are likely to be incentives in any setting, but they are particularly powerful incentives in an environment of economic crisis where state resources are

³⁷ Lisa Martin and Beth Simmons, “Theoretical and Empirical Studies of International Institutions” *International Organization* 52, no. 4 (1998): 747-48.

³⁸ Andrew Moravcsik, “A New Statecraft. Supranational Entrepreneurs and International Cooperation” *International Organization* 53, no. 2 (1999): 273.

severely limited. It can be mentioned that as a result of UNHCR's material assistance, the Citizenship Department has become the only department in the Presidential Administration fully fitted with computers and office equipment.

However, as this paper has demonstrated, when the issues in question are highly politicized and divisive domestically, the material and other incentives that IOs can offer to bring about policy changes usually do not outweigh considerations stemming from concerns about possible negative domestic political consequences.

V. Conclusions and Policy Recommendations

Evidence presented in this paper illustrates that the UNHCR and other international organizations had a significant effect on different aspects of Ukrainian citizenship policy, and that, most likely, without their involvement the FDPs' citizenship and statelessness problems would not have been solved. More specifically, evidence from the Ukrainian case supports the argument that the IOs have been most effective in influencing the interpretation and implementation of existing legal provisions, rather than policy formation. Furthermore, with regard to policy formation, IOs' effectiveness appears to be determined by the level of politicization of the given policy issue, with IOs' influence being weakest on more politicized questions. Analysts and policy makers interested in international influences on transition countries can draw several lessons from the case analyzed in this project.

Policy Recommendations

IOs should pursue a flexible, step-by-step strategy and periodically make adjustments to policy aims.

As demonstrated by this research, the eventual solution of FDP citizenship problems in Ukraine was not a smooth process, but rather one of slow adjustments by all the parties involved in relation to their "ideal" policy preferences, and moves toward each other in search of a compromise acceptable to all. This relates not only to the Ukrainian government and Crimean Tatar leaders, but also to the IOs, which had to be able to respond to the situation when many of their proposals and recommendations were not initially accepted. The decision of the UNHCR to adjust its aims in such a way that the desirable practical outcome would still be eventually achieved by designing different ways to achieve it was an important and effective strategy.

Such an approach also turned a potential "winner/loser" situation into an "all winners" one. Interestingly enough, different Ukrainian actors are now quick to argue that it was thanks to them that the FDP citizenship problem in Ukraine was finally solved: Crimean Tatar leaders emphasize the importance of their protest actions and government lobbying efforts, government officials credit their good will and legal skills in drafting successful policy proposals, and Members of Parliament from specialized subcommittees also claim credit for their attention to the problem and initiation of legal amendments. The UNHCR, emphasizing its own role, does not forget to express appreciation for the Ukrainian government's good will, while the authorities express their appreciation of the UNHCR's material and expert assistance. Pursuit of a step-by-step policy and

adjustments of specific policy objectives on the part of IOs have enabled all parties involved, including domestic actors, who used to hold very different views on the nature of the problem and possible solutions, to reach a compromise. The compromise, perhaps sub-optimal from each party's initial "ideal point," has nevertheless proved acceptable to all. In this regard, another, related, lesson can be drawn:

In the transition environment, the success or failure of IOs' policies are not final, but can change rapidly. Policy decisions are more often a product of short-term political considerations than well-established institutional procedures and rules.

This reality sets transition countries apart from established democracies, and necessitates adjustment of the approaches and strategies IOs adopt when seeking to influence domestic policies. As illustrated in this paper, informal contacts and information exchanges at settings such as seminars, round-tables, and so forth, are often more effective than such "traditional" lobbying methods as formal letter writing and regular periodic meetings. In a transition environment with unstable formal rules, informal rules and practices are of equal if not greater importance than formal ones. The IO's ability to understand and successfully navigate the world of informal policy-making rules and influence networks can make them very effective players. However, informal rules and policy-making mechanisms are not as stable as formal rules, and policies may be reversed more easily for short-term political considerations—a reality that can have both negative and positive consequences for IOs. This leads to another potential lesson:

Micro-level monitoring and situation assessment are important in allowing IOs to formulate timely and effective policy aims, and to create effective strategies responsive to micro- and macro-level needs.

A key factor accounting for the overall success of the UNHCR's activities in Ukraine analyzed in this paper has been the UNHCR's consistent involvement at a micro-level, which has enabled the organization to identify policies that have been sub-optimal or turned out to have a sub-optimal effect in practice, and therefore to formulate objectives that were well-informed in terms of current local needs, and effective and feasible ways of bringing about desired changes. The importance of micro-level presence and monitoring—a critical factor contributing to the UNHCR's overall success in the sphere of Ukrainian citizenship policy—has larger implications for the effectiveness of external influences generally. An organization or another foreign actor operating in a different manner, that is, without a permanent local presence that permits monitoring the situation as it changes, assessing current needs and challenges, and formulating policies accordingly, may not be as effective as the UNHCR in Ukraine has been. Furthermore, local presence is also an effective way to monitor how material assistance is being used, and thus to minimize the danger of its misuse—a problem many international donors face.

Table 1: Provisions of 1991 and 1997 editions of the Ukrainian citizenship law related to FDPs.

1991 law with 1993 amendments, in force until May 1997 ³⁹	New edition of the law as proposed by the working group and approved during the 1 st reading on 30 October 1996 ⁴⁰	New edition of the citizenship law as passed by the Parliament on 14 April 1997, in force since 20 May 1997 ⁴¹
<p>Article 2: Affiliation to the citizenship of Ukraine. Citizens of Ukraine are:</p> <p>...</p> <p>(2) persons who work abroad on recommendation of the state, serve in the armed forces, or study abroad, or who left legally for permanent residency abroad, if they were born in Ukraine or prove that they have permanently resided in Ukraine before they left, are not citizens of other states, and have expressed their desire to become citizens of Ukraine no later than five years from the date of entry of this law into force.</p>	<p>Article 2: Affiliation to the citizenship of Ukraine. Citizens of Ukraine are:</p> <p>....</p> <p>(2) persons who left Ukraine if they are not citizens of other states, were born or have resided permanently on a territory that was part of Ukraine as of the day when Declaration of Independence was adopted (24 Aug 91), as well as members of their family (children, grandchildren, husband, wife) who have, no later than 31 December 1996, expressed desire to become Ukrainian citizens.</p>	<p>Article 2: Affiliation to the citizenship of Ukraine. Citizens of Ukraine are:</p> <p>...</p> <p>(3) persons who were born or resided permanently on the territory of Ukraine, as well as their descendants (children, grandchildren), if they resided beyond the borders of Ukraine on 13 November 1991, do not hold citizenship of other states, and before 31 December 1999 submitted an application on determining their affiliation to the citizenship of Ukraine by procedure established in the present law.</p>
<p>Article 17: Admission to the citizenship of Ukraine. Conditions for acquiring Ukrainian citizenship are:</p> <p>(1) renunciation of foreign citizenship; (2) permanent residence on the territory of Ukraine over the last five years.</p>	<p>Article 17: Admission to the citizenship of Ukraine. Conditions for acquiring Ukrainian citizenship are:</p> <p>(1) renunciation of foreign citizenship; (2) permanent residence on the territory of Ukraine over the last five years.</p>	<p>Article 16:⁴³ Admission to the citizenship of Ukraine. Conditions for acquiring Ukrainian citizenship are:</p> <p>(1) recognition of and compliance with the Constitution and laws of Ukraine; (2) not holding foreign citizenship;</p>

³⁹ As initially adopted by the Ukrainian parliament on 8 October 1991 (Verkhovna Rada Ukrainy, 1991), and amended on 28 January 1993 (Verkhovna Rada Ukrainy, 1993), on 14 July 1994 (Verkhovna Rada Ukrainy, 1994), and on 14 October 1994 (Verkhovna Rada Ukrainy, 1994).

⁴⁰ Verkhovna Rada Ukrainy, Komisia z pytan prav liudyny, natsionalnykh menshyni mizhnatsionalnykh vidnosyn, 1997. "Porivnialna tablytsia do proektu zakonu Ukrainy 'Pro vnesennia zmin i dopovnen do zakonu Ukrainy' Pro hromadianstvo Ukrainy." Document No. 509 (20 January 1997).

⁴¹ Verkhovna Rada Ukrainy, 1997. "Zakon Ukrainy 'Pro hromadianstvo Ukrainy'." Document No. 210-97BP (16 April 1997). Vidomosti Verkhovnoi Rady Ukrainy, 1997, No. 23, p. 169.

⁴² Verkhovna Rada Ukrainy, 1993. "Zakon pro vensennia zmin i dopovnen do Zakonu Ukrainy 'Pro hromadianstvo'." Document No. 2949-XII (28 January 1993). Vidomosti Verkhovnoi Rady Ukrainy, 1993, No. 14, p. 121.

<p>This rule does not apply to persons who arrived in Ukraine for permanent residence and expressed a desire to become Ukrainian citizens provided that they were born or prove that at least one of their parents, grandfather, or grandmother was born on its territory and are not citizens of other states;⁴²</p> <p>(3) knowledge of Ukrainian language within the extent sufficient for communication;</p> <p>(4) availability of legal sources of income;</p> <p>(5) recognition of and compliance with the Constitution of Ukraine.</p>	<p>This rule does not apply to persons who expressed a desire to become Ukrainian citizens provided that they were born or prove that at least one of their parents, grandfather, or grandmother was born on its territory and are not citizens of other states.</p> <p>(3) knowledge of Ukrainian language within the extent sufficient for communication;</p> <p>(4) availability of legal sources of income</p> <p>...</p> <p>Upon expiration of the term set forth in Article 2 (2) of this law, victims of repression, including those deported from the territory of Ukraine, can receive citizenship by procedure established under Article 16, excluding requirements set forth in paragraphs 2 and 3.</p>	<p>(3) continuous residence on legal grounds on the territory of Ukraine over the last five years.</p> <p>This rule does not apply to persons who expressed a desire to become Ukrainian citizens provided that they were born or prove that at least one of their parents, grandfather, or grandmother was born on its territory.</p> <p>(4) knowledge of Ukrainian language within the extent sufficient for communication;</p> <p>(5) availability of legal sources of income</p> <p>...</p> <p>Upon expiration of the term set forth in Article 2 (3) of this law, people covered by this provision can receive Ukrainian citizenship by procedure established under Article 16, excluding requirements set forth in paragraphs 3 and 4.</p>
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⁴³ Numbering of articles changed since draft Article 10 on honorary citizenship was dropped.

Bibliography

- Abkhairova, Fera. "Legko-li stat grazhdaninom Ukrainy?" *Grazhdanin*, no. 1(4) (1997): 8-11.
- Allworth, Edward, ed. *Tatars of the Crimea: Their Struggle for Survival. Original Studies from North America, Unofficial and Official Documents from Czarist and Soviet Sources, Central Asia book series*. Durham, N.C.: Duke University Press, 1988.
- , ed. *The Tatars of the Crimea: Return to the Homeland. Studies and Documents*. Durham, N.C.: Duke University Press, 1998.
- Andrienko, Viktor, ed. *Domovlennist mizh Ukrainoiu ta Respublikoiu Uzbekistan schchodo spivrobotnytstva u vyrishenni pytan hromadianstva deportovannykh osib ta yikhnikh nashchadkiv*. Kyiv: UNHCR, 1999.
- Avdet*, (13 January 1997, 24 November 1998).
- Bates, Robert. *Open-Economy Politics: The Political Economy of the World Coffee Trade*. Princeton, N.J.: Princeton University Press, 1997.
- Bazhan, Oleh, and Yurii Danyliuk. *Krymski tatory, 1944-1994 rr.: statti, dokumenty, svidchennia ochevydtsiv*. Edited by Natsionalna akademiia nauk Ukrainy and Instytut istorii Ukrainy. Kyiv: Ridnyi kraj, 1995.
- Conquest, Robert. *The Nation Killers: the Soviet Deportation of Nationalities*. London: Macmillan, 1970.
- Council of Europe Parliamentary Assembly, Committee on Migration, Refugees and Demography. *Repatriation and Integration of the Tatars of Crimea*. No. 8655. (18 February 2000). Rapporteur Lord Ponsonby, United Kingdom, Socialist Group. Available from <http://stars.coe.fr/doc00/EDOC8655.htm>.
- Drohobycky, Maria, ed. *Crimea: Dynamics, Challenges and Prospects*. Lanham, MD: Rowman & Littlefield: American Association for the Advancement of Science, 1995.
- Gabrielian, Oleg, S. A. Iefimov, V. G. Zarubin, A. E. Kislyi, A. V. Malgin, A. P. Nikiforov, V. M. Pavlov, and V. P. Petrov. *Krymskie repatrianty: deportatsia, vozvrashchenie i obustroistvo*. Simferopol: Izdatelskii dom "Amena," 1998.
- Gabrielian, Oleg, and Vadim Petrov. *Krym--deportirovannye grazhdane--vozvrashchenie, obustroistvo, sotsialnaia adaptatsiia*. Simferopol: Izdatelskii dom "Amena," 1997.

- Guboglo, Mikhail, and Svetlana Chervonnaia. *Krymskotatarskoe natsionalnoe dvizhenie*. 4. V. 1. Istoriia, problemy, perspektivy. V. 2. Dokumenty, materialy, khronika. V. 3. 1991-1993 gody. V. 4. Chervonnaia. S. M. Vozvrashchenie krymskotatarskogo naroda: problemy etnokulturnogo vozrozhdeniia: 1994-1997 vols. Moskva: Rossiiskaia akademiia nauk, Tsentri po izucheniiu mezhnatsionalnykh otnoshenii. Institut etnologii i antropologii im. N.N. Miklukho-Maklaia, 1992.
- Iliasov, Remzi. "Analiz sotsialno-ekonomichnoho stanovyscha krymskotatarskoho narodu v Krymu." In *Sotsialno-Ekonomichni aspekty intehtratsii krymskykh tatar. Materialy 'kruhloho stoly.' 17 bereznia 1999 roku*, 46-55. Kyiv: Ukrainsky Nezalezhny Tsentri Politychnykh Doslidzhen, 1999.
- IOM. *Sbornik zakonodatelnykh aktov gosudarstv SNG i Baltii po voprosam migratsii, grazhdanstva i sviazannym s nimi aspektami*: International Organization for Migration, 1995.
- Katzenstein, Peter. "International Relations and Domestic Political Structures: Foreign Economic Policies of Advanced Industrial States." *International Organizations* 30, no. 1 (1976): 1-45.
- Khandogii, Volodymyr. "Dvostoronni uhody, scho spriamovani na vyrishennia pytan' hromadianstva." *Bizhentsi ta mihratsia: Ukrainskyi chasopys prava i polityky* 1, no. 2 (1997): 16-19.
- Krymskaia Gazeta* (26 November 1997).
- Krymskoie Vremia* (25, 30 April 1998).
- Martin, Lisa, and Beth Simmons. "Theoretical and Empirical Studies of International Institutions." *International Organizations* 52, no. 4 (1998): 729-58.
- Mejlis Krymskotatarskogo naroda. *Kratkaia khronika deiatelnosti Mejlisa krymskotatarskogo naroda. Iiul 1991 - iiun 1996*. Simferopol, 1996.
- Milner, Helen. *Interests, Institutions, and Information: Domestic Politics and International Relations*. Princeton, N.J.: Princeton University Press, 1997.
- . "Rationalizing Politics: The Emerging Synthesis of International, American, and Comparative Politics." *International Organizations* 52, no. 2 (1998): 759-87.
- Ministry of Interior of Ukraine. *Instruktsia pro poriadok pryiniattia, rozhliadu ta prokhodzhennia v organakh vnutrishnykh sprav Ukrainy klopotan, zaiav, inshykh dokumentiv z pytan hromadianstva Ukrainy*. Ministry of Interior document No. 211, registered at the Ministry of Justice on 8 May 1998 under the number 292/2732. (30 March 1998). Photocopy.

- Moravcsik, Andrew. "A New Statecraft. Supranational Entrepreneurs and International Cooperation." *International Organizations* 53, no. 2 (1999): 267-306.
- Open Society Institute. *Crimean Tatars: Repatriation and Conflict Prevention*. New York: The Open Society Institute, 1996.
- OSCE. "The OSCE Mission to Ukraine." (10 August 1998). Available from <http://www.osce.org/e/docs/survey/ukraine.htm>.
- OSCE High Commissioner on National Minorities. "Letter to Hennady Udovenko, Minister of Foreign Affairs of Ukraine, and the letter of reply." Prague OSCE Documentation Center reference and number REF.HC/10/95. (12 October 1995). Available from <http://www.osce.org/inst/hcnm/recomm/ukraine/1995/27hc105.html>.
- . "Letter to Hennady Udovenko, Minister of Foreign Affairs of Ukraine, and the letter of reply." Prague OSCE Documentation Center reference and number REF.HC/4/97. (14 February 1997). Available from <http://www.osce.org/inst/hcnm/recomm/ukraine/1997/44hc47.html>.
- Pohl, Otto. *The Stalinist Penal System: a Statistical History of Soviet Repression and Terror, 1930-1953*. Jefferson, N.C.: McFarland, 1997.
- Prezydent Ukrainy. *Ukaz Prezydenta Ukrainy pro poriadok rozhliadu pytan, zviazanykh z hromadianstvom Ukrainy*. No. 196. (31 March 1992). Photocopy.
- Pribytkova, Iryna. *Examination of the Citizenship Issue on the Return and Reintegration of the Formerly Deported Peoples in Crimea*. Kyiv: UNHCR, 1998.
- Shevel, Oxana. "Crimean Tatars and the Ukrainian State: the Challenge of Politics, the Use of Law, and the Meaning of Rhetoric." Paper presented at the Fifth Annual World Convention of the American Association for the Study of Nationalities, New York, NY, 13-15 April 2000.
- . "Crimean Tatars in Ukraine: The Politics of Inclusion and Exclusion." *Analysis of Current Events* 12, no. 1-2 (2000): 9-11.
- Shulha, Mykola, ed. *Problemy mihratsii ta povernennia deportovanykh v Ukrainu: materialy mizhnarodnoho sympoziuma 14-15 bereznia 1997 roku*. Kyiv: Freedom House, 1997.
- Stewart, Susan. "The Tatar Dimension." *RFE/RL Research Report* 3, no. 19 (1994): 22-26.
- UNHCR Ukraine. "Plan of Action to Prevent and Reduce Statelessness Among Persons Belonging to Formerly Deported Peoples Who Have Returned to Ukraine." (1998). Photocopy.

- . “Raboचाia informatsia po voprosam, sviazannym s predotvrashcheniem poiavlenia i sokrashcheniem chisla lits bez grazhdanstva v Ukraine, v chasnosti lits, prinadlezhashchikh k raneie deportirovannym litsam, vernuvshimsia v Ukrainy.” Photocopy.
- . “Statistical Overview.” (1 November 1999). Photocopy.
- . “UNHCR in Ukraine.” (1999). Photocopy.
- Verkhovna Rada Ukrainy. *Zakon Ukrainy ‘Pro hromadianstvo Ukrainy’*. No. 1636-XII. (8 October 1991). *Vidomosti Verkhovnoi Rady Ukrainy*, No. 50, p. 701.
- . Chetverta sessia Verkhovnoi Rady Ukrainy XIIgo sklykannia. “Zakon Ukrainy pro hromadianstvo Ukrainy - druhe chytannia.” 8 October 1991. Bulletin # 18, pp. 3-64. Kyiv: Verkhovna Rada Ukrainy, 1991.
- . Chetverta sessia Verkhovnoi Rady Ukrainy XIIgo sklykannia. “Zakon Ukrainy pro hromadianstvo Ukrainy - pershe chytannia.” 12 September 1991. Bulletin # 7, pp. 30-97. Kyiv: Verkhovna Rada Ukrainy, 1991.
- . *Zakon pro vensennia zmin i dopovnen do Zakonu Ukrainy ‘Pro hromadianstvo’*. No. 2949-XII. (28 January 1993). *Vidomosti Verkhovnoi Rady Ukrainy*, No. 14, p. 121.
- . *Zakon Ukrainy ‘Pro hromadianstvo Ukrainy’*. No. 210-97BP. (16 April 1997). *Vidomosti Verkhovnoi Rady Ukrainy*, No. 23, p. 169.
- Wilson, Andrew. “Politics In And Around Crimea: a Difficult Homecoming.” In *The Tatars of the Crimea: Return to the Homeland. Studies and Documents*, edited by Edward Allworth, 281-322. Durham, N.C.: Duke University Press, 1998.