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**The Access of Crimean Tatars to Public Services on Regional and Local Level in
the Context of Elections of 2002 in Ukraine.**

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Introduction

In the 15th and 18th centuries the Crimean Tatars had their own state – Crimean Khanate. The Crimea was annexed by the Russian empire in 1793. As a result of the colonial policy of Russia the native population decreased from 98 % to 20 % in 1939 (death of people during the wars in the Crimea, deprivation of their lands by Russian empire, forced emigration oversea, repression in the time of Soviet collectivization of agriculture). The Soviet power was established in the Crimea in 1921, with the creation of the Crimean Autonomous Soviet Socialist Republic, part of Soviet Russia. Although this autonomy had limited powers but it had ethnical and territorial character. In 1921 the conception of "**korenizatsiya**" (roots), i. e. to solve the ethnic issue by way of creation ethnic and public, ethnic and territorial entities of different levels dominated in the USSR. The opportunities of native languages and cultures development, the increase of representation of ethnic cadres in bodies of power were provided for in these entities. Such policy was carried out in the Crimea too. Crimean Tatar language was recognized as an official language together with Russian language. Crimean Tatar national symbols were present at the state symbolism of the Republic. The ethnic principle was based on the administrative division of autonomy. 15 rayons of the Crimea were created in 1921. 145 Crimean Tatar rural districts and 5 Crimean Tatar rayons were created to 1930. 102 Russian, 29 German, 7 Bulgarian, 5 Greek, 1 Armenian, 1 Estonian and 54 mixed rural districts functioned parallel in the Crimea.

In 1944 the Crimean Tatars were accused of having collaborated with Nazi Germany and then forcibly deported to Central Asia and Siberia. 2 years of illnesses, starvation, slavery labour had taken more than 46 % of deported Crimean Tatars . The new settlers moving to the peninsula were mostly ethnic Russians. As soon as the Crimean Tatars were deported, the necessity for autonomy had fallen away and the Crimea turned into an ordinary oblast' (region) in 1946.

In 1954, Crimean oblast was officially transferred from Russia to the Ukrainian Soviet Republic. The mass return of the Crimean Tatar people to its homeland became possible from the late 1980s, in the period of liberalization of the Soviet political regime.

The collapse of the USSR and establishment of independent states had a huge impact on the process of return and settlement of the Crimean Tatars. It was of principal importance that independent Ukraine unambiguously stood in support for the return of the deported Crimean Tatars and other peoples to their historic homeland. Such an open position of Ukraine not only ruled out the possibility of any conflicts between Aboriginal peoples and state but also made those people loyal to the idea of the independent Ukrainian state.

At the same time in the Recommendations of the participants of the parliamentary hearings on "The legislative regulation and realization of a State policy for the provision of rights for Crimean Tatar People and national minorities who were deported and have voluntarily returned to Ukraine" which approved by Decree of the Verkhovna Rada of Ukraine on 20 April, 2000, pointed to that:

"In the society as a whole and in its social and political units, a profound understanding of that issue has not yet been reached. The importance of its settlement for further strengthening of interethnic harmony in Ukraine, for overcoming the tragic legacy of totalitarian policy, for the solidarity of different nationalities, and for restoration and development of a civil society in Ukraine is not yet recognized. The lack of a comprehensive State policy for the restoration of the rights of formerly deported Crimean Tatar People and national minorities, neglecting legal interests and rights of former deportees, lead to the distrust of governmental bodies and to the increased social and economical and political tension in certain regions and in the country as a whole.

Parliamentary hearings evidenced that the Crimean Tatars issue is one of the most acute problems that requires an immediate solution."

The Autonomous Republic of the Crimea was created to current status as the integral part of Ukraine in 1991. It was created as the answer to demands of the Crimean Tatar People who was returning to the historical Motherland from deportation places. But, in fact, the autonomy was created as territorial entity for Russian speakers. The interests of the Crimean Tatars were ignored at the same time. The problem faced by the 270, 000-strong Crimean Tatar community are complex and multi-faceted, including social and economic, cultural and political and legal issues. Economically, the Crimean Tatars are in destitute situation even in relations to Crimea's economy. Upward of an estimated 60% Crimean Tatars are unemployed (at least double the rate for Crimea as a whole), and around 50% lack proper housing. Out of 291 Crimean Tatar settlements, around 25% do not have electricity, 70% are without water, 90% without tarmac roads, 96% are without gas, and none have sewers. Since the USSR fall apart, Ukraine has been the only CIS country to bear the costs of Crimean Tatar People resettlement, although the 1992 CIS agreement "On Questions of the Restoration of Rights of Deported Individuals, National Minorities and People", signed on 9 October 1992 in Bishkek, Kyrgyz Republic, provided for the participant countries to share the cost of Crimean Tatar People return to Crimea.

But apart from social and economical problems where the solution requires financial costs, there are a number of political and legal problems associated with the Crimean Tatars return to Ukraine where the solution is not a matter of money, but of law and politics. Among political and legal problems most often stressed by the Crimean Tatars leaders are: a need for a legal mechanism to guarantee Crimean Tatar representation in Crimean and Ukrainian bodies of power; official recognition of the Crimean Tatar People Mejlis (body elected by the Crimean Tatar People Kurultay (national congress)) as representative body of the Crimean Tatar People; official recognition of the Crimean Tatar People as an indigenous people of the Crimea and Ukraine rather than a national minority; Ukrainian citizenship rights to all returnees resettling in their Homeland; recognition of the Crimean Tatar language as one of official languages in the Crimea.

1. The Problem of Representation of the Crimean Tatars at the Power Bodies of the Autonomous Republic of the Crimea

The most acute problem of the ARC is the integration of the Crimean Tatar people into the country's public and political life.

Now there is not a single legislative act concerning the rights of the Crimean Tatar people. All of current normative base consist from several Decrees of the President of Ukraine, the resolutions of the Ukraine's Government and a single resolution of the Ukraine's Parliament, which basically have socio-economical character.

The new Constitution of the Autonomous Republic of the Crimea was adopted by the Verkhovna Rada of Ukraine (national legislature) in December 1998. This Constitution of the Crimea actually barred the Crimean Tatars from public and political life. This Constitution has been strongly criticized by the Leaders of the Crimean Tatar people . They are dissatisfied with the Constitution because:

1)It does not recognize the Crimean Tatars, Karaites and Krymchaks as the indigenous peoples of the Crimea;

2)It does not legitimize the Kurultay (National Assembly) and the Mejlis – the elected representative bodies of the Crimean Tatar people;

3)It does not ensure the effective representation of the Crimean Tatar people as integral member of the power structure in the Crimea (quotas of guaranteed representation of the Crimean Tatars were cancelled during the elections to the Crimean Parliament in 1998).

Under-representation of the Crimean Tatars at Crimean organs of power is the political problem most emphasized by the Crimean Tatar leaders. Constituting 12% of Crimea's population, after March 1998 elections the Crimean Tatars did not have a single representative in the Crimea's parliament (the only Crimean Tatar in the 96-member parliament was elected on the Communist Party ticket and is not considered by the Crimean Tatars as their representative). From 1994 to 1998, the Crimean Tatars had a quota of 14 seats in Crimea's 98-member legislature. It was a temporary provision for one electoral period only, and was abolished before March 1998 parliamentary elections to the Crimean parliament which were to take place under the majority system of "one person, one vote." This effectively precluded the Crimean Tatars, who are scattered throughout the Crimea and do not form a majority in any electoral district, to elect their representatives to the Crimea's parliament. The Crimean Tatars severe under-representation in the Crimean organs of power is illustrated by the fact that they constituted only 1% of employees in the Crimea's government bodies, with only 0.1% in police and security forces in Crimea. In village and town councils in the Crimea, the Crimean Tatars on average accounted for 9% of all deputies elected, and only in the lowest level – in village councils – the Crimean Tatar representation was approximately proportionate to their share in the population (11.8%).

Abolition of the quota displaced a problem of interests' concordance and regulation of issues from sessional hall to streets where were held meeting. For example, a number of unauthorized meetings were held in 1999-2000; district state administrations, courts, traffic, railroads, etc. were blocked more than once. In the result of clashes several militiamen were taken to hospital. A statement of the Crimean Tatars leaders stressed: "We are prompted to the forms and methods of the passed years, to actions of public disobedience and tough opposition to the authorities". The base cause of conflicts is the problem of representation in bodies of state power.

Abolition of the quota provision without its replacement with any other mechanism that would have allowed the Crimean Tatars to elect their representative to the Crimean parliament, has been criticized by the international observers, but to little avail. The OSCE Office for Democratic Institutions and Human Rights recommended that "the electoral system for the Parliament of Crimea should give better possibilities for the Tatars to be represented. This can be done by introducing proportional elements to the election system." The OSCE High Commissioner on national minorities has emphasized for many years the importance of a continuation of the quota system or other mechanism to guarantee Crimean Tatar representation, such as "an electoral system ... which would give them [Crimean Tatars] a near certainty of having a representation broadly commensurate to their percentage of the total population of the Crimea." Domestic opposition to the quote arrangement and other institutional mechanism to enable the Crimean Tatar guaranteed representation in the Crimean parliament is strong, in particular on the part of Crimean leadership and leftist groups in the Ukrainian Parliament, and non-Leftist political forces are also cautious of such proposals.

The Crimean Tatar community had to change its tactics of holding the election campaign of 2002 as long as electoral legislation of Ukraine was held practically invariable. The Crimean Tatars had to use the possibilities of Ukrainian current legislation and could receive certain positive results.

2. The Legal and Political Aspects of Elections of 2002 of Ukraine in the Crimea

2.1. The Political Structure of Autonomous Republic of the Crimea, Ukraine.

In accordance with the Constitution of Ukraine the administrative and territorial division's system of Ukraine consist of the Autonomous Republic of the Crimea, oblasts (regions), rayons, cities, districts of cities, towns and villages.

In accordance with the Constitution of Ukraine the Autonomous Republic of the Crimea is the integral constituent part of Ukraine.

The Autonomous Republic of the Crimea has its own Constitution which was passed by the Supreme Council of the ARC (the Verkhovna Rada of the ARC) and approved by the Parliament of Ukraine.

Normative and legal acts of the Vekhovna Rada of the ARC and the resolutions of the Council of Ministries of the ARC cannot conflict with the Constitution of Ukraine and Laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministries of Ukraine.

The Verkhovna Rada of the Crimea is the representative elected body of the Autonomous Republic of the Crimea.

The Verkhovna Rada of the Crimea pass decisions and decrees with their own power framework which must be execute in the ARC.

The Prime-minister of the ARC is designated and fired by the Verkhovna Rada of the Crimea by the approval of the President of Ukraine.

The power, forming procedure and activities of the Verkhovna Rada of the Crimea and the Council of Ministries of the ARC are determined by the Constitution of Ukraine and Laws of Ukraine, normative and legal acts of the Verkhovna Rada of the ARC.

Judicature in the Crimea is administered by the courts which belong to the Ukrainian common system of justice.

Fixing of the date of the election of the Verkhovna Rada of the ARC deputies, approval of membership of the ARC election committee come within the terms of reference of the Autonomous Republic of the Crimea.

The system of local power bodies consists of elected representative bodies and state administrations, heads of which are appointed by the President of Ukraine. In accordance with the current legislation, the deputies of Verkhovna Rada of the ARC and deputies of villages, towns, rayons councils are elected by the citizens of Ukraine, who permanently live in the ARC, in an majority system. The Verkhovna Rada of the ARC consists of one hundred deputies. In Ukraine the elections are universal, direct and equal elections by a secret ballot.

2.2. Relevant policy discussions and debates around the issue.

The Crimean Tatar political demands for greater group rights have met with virtually a deaf ear in the Crimea. Officially, these demands are commonly rebutted with the rhetoric of “equal rights for all residents of multiethnic the Crimea,” but a negative attitude of Crimea’s dominant elites to the Crimean Tatar political demands stem from sharp political and ideological differences between the two groups, and is further intensified by centuries-old Slavic/Muslim stereotypes and mutual mistrust between the Crimean Tatars and the Crimea’s Russian and Russified Ukrainian majority. Anti-Tatar prejudice is still widespread among both the population and elites, and some members of the Crimean parliament openly voice their opinion that “Tatars are good for nothing other than trading at the market.” A Communist MP in the Ukrainian parliament recently questioned whether the 1944 en mass deportation of the Crimean Tatars – “the collaborators with the invaders” is something to be condemned. Hostile rhetoric and refusal to satisfy their political demands prompts the Crimean Tatars to spare no harsh language towards their political opponents either. The Crimean Tatar leaders have called Crimea’s Russians “colonists,” and Crimea’s leadership “a branch of Moscow Politburo Attempting to “restore a criminal Communist regime on the peninsula and completely wipe the Crimean Tatar people from the face of the Earth.” Illustration of acute antagonisms are witnessed by polemics between Mr. M. Djemilev, MP of

Ukraine, Chairman of Mejlis of Crimean Tatar people and the Chair of the Verkhovna Rada of ARC Mr. L. Hrach during session of the Committee on Migration, Refugees and Demography of PACE .

In statement of Mr. Mustafa Djemilev at session of the Committee on Migration, Refugees and Demography of PACE (April 5, 2000) was noted:

"Such acute problems as those concerning the representation of the Crimean Tatars in bodies of power and the legalization of our traditional representative body – the Mejlis (or National congress) of the Crimean Tatar People – could eventually be resolved through adoption of acts of legislation. Restoring the right of the indigenous population to participate in the decision-making process where it concerns its own affairs complies fully with those international norms and standards designed to protect human rights."

And Mr. Leonid Hrach said in his statement, it was a kind of reply to, "...the Crimean Tatars...cannot compete equally with other nationality groups for jobs." Then he added: "Currently the condition of limited resources creates the danger of confrontation and increasing ethno-political tension, first of all, between the non-legitimate Mejlis of the Crimean Tatar People and its structures and the local autonomous representative and executive authorities and bodies. The leadership of the Mejlis, uses the high potential for opposition of the Crimean Tatar population, and the factor of the insufficient involvement of the repatriates in the active process of state construction to act outside the legal field of Ukraine. Last month it again strengthened the destructive methods of struggle by one-sided demands and the threat of realizing and conducting civil disobedience actions."

The Recommendation 1455 (2000) of the PACE "Repatriation and Integration of the Tatars of Crimea" in which is said:" invite the Government of Ukraine and the regional authorities of the Autonomous Republic of Crimea to study the experience of other member states of the Council of Europe concerning the representation of minorities and indigenous peoples, with a view to securing the effective representation of the Crimean Tatars in national, Crimean and local public affairs; and for this purpose to take into account the Council of Europe's 1995 Framework Convention for the Protection of National Minorities, and the June 1999 Lund Recommendations on the Effective Participation of National Minorities in Public Life elaborated at the request of the OSCE's High Commissioner for National Minorities" came as result of discussion at session of the Committee on Migration, Refugees and Demography of PACE.

It can observe that just the lack of an effective dialogue between Ukraine's leadership, the Crimean authorities and Crimean Tatars in first years of their return to the Crimea has led to the creation of new barriers in the solution of the Crimean tatar problem. Such a dialog should take place on all levels: on the top, with the participation of the President of Ukraine, the Verkhovna Rada and the Council of Ministers of ARC; on the local level, involving local councils, state administrations and self-government bodies. To my opinion, at first, the Crimean Tatar representation at local elected power bodies provides this dialog on local level.

2.3. Factors which have an influence on the elections' process of 2002

The elections of deputies of the Verkhovna Rada and local bodies of self-government of the ARC were held on the same day as elections of people's deputies of Ukraine - 31st March 2002.

In accordance with current legislation, the deputies of the Verkhovna Rada of the ARC are elected by citizens of Ukraine, who permanently live in the ARC, in an elective system in which the winner is one who receives a plurality of the vote. One hundred deputies are elected.

Speaking on peculiarities of Crimean elections in 2002, one should note the circumstance that the intensity of the struggle to obtain the mandate of deputy to the Verkhovna Rada of the ARC was not at all less than for the mandate of people's deputy of Ukraine.

Such uncompromising struggle was predetermined by the refusal of a majority of the political elite of the Crimea, independently on their party membership, to adopt the authoritarian style of the leadership of the Verkhovna Rada of the ARC in 1998-2002. By nature being an extremely ambitious and imperious politician, Leonid Hrach directed all his efforts toward strengthening of his personal power.

The single style of government which was established very soon after he came to power in the Crimea, was so typical for Hrach since the period in when he was a first secretary of the Crimean Oblast' Committee of the Communist Party of Soviet Union. At the same time, Hrach reanimated in Crimean political life the half-forgotten methods of playing off peoples one against another by their national and religious traits.

Hiding his own inability to solve the socioeconomic problems of the republic, the leader of the Crimean communists and chairman of the Verkhovna Rada of the ARC united in the one person, tried to hide behind endless big talks and mock-scientific thoughts on the special geopolitical role of the Crimea in the process of the coming union of Ukraine with Russia and Byelorussia. One adds for the educated Russian reader, that Hrach began to establish ties of the Crimea with Russian regions with his creation of personal friendship with the gubernator of Krasnodarskyi region, Nikolay Kondratenko, a famous fighter for "ethnic and racial cleaning" of this southern region of Russia.

The results of all sociological opinion polls, which were held in the Crimea on the eve of elections, were extremely distressing for local communists and their leader. Trying to avoid an inevitable defeat, L. Hrach announced that his adherents in elections will be portrayed as members of the Communist Party of Ukraine (CPU), and for non-party persons, as "authoritative" candidates. Thus, the so-called "Crimean bloc of Hrach" was formed ad hoc, nevertheless, its individual composition was approved at a conference of the Crimean organization of the CPU.

The main opponents of “Crimean bloc of L. Hrach” turned out to be the candidates for deputies of the Verkhovna Rada of the ARC, united under the name “The slate of Sergey Kunitsin”.

It is wonder to note that L. Hrach and S. Kunitsin realizing a strength of the Crimean Tatar electorate (more 12%), included in the lists of candidates they supported Crimean Tatar representatives. Thus, L. Hrach announced openly that the number of Crimean Tatar representatives in his list (five persons) was proportionate to the ethnical composition of Crimean society.

It is difficult to understand what arithmetic methods L.Hrach used to define this correlation, but he selected only Crimean Tatar individuals who were opponents of the Mejlis of the Crimean Tatar people. One adds for objectivity that a few days after the publication of the list of the “Crimean bloc of L.Hrach”, Edip Hafarov publically announced that he had left it.

The inclusion in the list “The slate of S. Kunitsin” of only one Crimean Tatar candidate was made in accordance with an agreement in principle with the Mejlis on support by the slate of S.Kunitsin for the candidates, who were nominated by the Kurultay of the Crimean Tatar people, in those districts, where they had chances to be elected. In their turn, the Mejlis of the Crimean Tatar people expressed a readiness to call the Crimean Tatars to support the candidates of “slate of S. Kunitsin”, including other candidates in those districts in which, if the votes were left uncoordinated, the supporters of “Crimean bloc of L.Hrach” could be elected.

It is understood that an announcement that an individual was on one or another list had only a form of moral support. However, for the modern voter it is very important which political force supports one or another candidate. The voter often defines his position according to the famous saying: “Tell me, who is your friend.”

The task of coordination of nomination of candidates of the Crimean Tatars was traditionally taken by the Kurultay of the Crimean Tatar people. At its next session, which was opened on November 9, 2001, the delegates of the Crimean Tatar National Congress approved a personal composition of candidates for election of deputies of the Verkhovna Rada of the ARC in more than 50 districts, including in 6 single member constituencies, for election of people's deputies of Ukraine.

Despite that, a majority of candidates, who were proposed for discussion, had already been at regional mejlises, and the decision on each candidate was adopted by separate voting of delegates of the Kurultay.

Running ahead, I note that there were only three candidates, who were not supported by the Kurultay, and were not submitted to its decision, and who were registered as candidates for election of deputies of the Verkhovna Rada of the ARC. Aside from them, another group of representatives of the Crimean Tatar, who had not decided to propose their candidature for preliminary consideration by the Kurultay, also decided to take part in elections.

Thus, the picture on nomination and registration of the Crimean Tatars for election of deputies of the Verkhovna Rada of the ARC on the eve of 31st March was as following:

Table 1.

Total number of districts for election of deputies of the VR of the ARC	100
There are no Crimean Tatar representatives	in 38 districts
Was nominated one candidature of the Crimean Tatars	in 44 districts
The Crimean Tatars nominated two candidatures	in 15 districts
The Crimean Tatars nominated two or more candidatures	in 3 districts

As we can see, competition between the Crimean Tatars was not avoided, however, the decision of the Kurultay made it possible to minimize the “separation” of votes between the Crimean Tatar candidates in the most promising districts.

Of course, each citizen, independently on his nationality, has the right independently to nominate himself as a candidate or not. However, anyone who decides to nominate himself comes on the dilemma, will the community support him. There were a lot of persons, who desired split the unified Crimean Tatar electorate in the previous elections. On the other hand, the Crimean Tatars realized themselves that their chances to get some candidates elected to the VR ARC, could be accomplished only in case they could avoid a self-competition during the elections, in particular, in those districts, where the proportion of Crimean Tatars’ votes allowed for hope for victory.

As a result of the elections 7 representatives of the Crimean Tatars and one candidate of CPU, Crimean Tatar by ethnic origin, L. Bezaziyev, were elected as deputies of the Verkhovna Rada of the ARC.

For objectivity, let’s note that in electoral district #62, in which Velilyayev Resul was elected as deputy, according to the decision of the Kurultay Bayram Rustem was supported as a candidate. This is the only case, in which voters in a concrete district didn't follow the recommendations of the Kurultay. This shows the necessity for delegates to the Kurultay to take into account a whole totality of motivations, which define the positions of voters during elections. Simpler saying, in this district, the popularity of Velilyayev Resul among the Crimean Tatars, was significantly higher than that of Bayram Rustem.

On 15th April 2002, in composition of new elected Verkhovna Rada of the ARC, 46 persons are non-party, 15 persons are members of CPU, members of National-Democratic party - 8, and social-democrats (united) - 3, representatives of Russian party - 3.

The national composition of Verkhovna Rada is characterized as follows:

Table 2.

Russians	42
Ukrainians	35
Crimean Tatars	8
Jews	4
Gagausians	2
Abkhazians	1
Armenians	1
Greeks	1
Czechs	1
Totally were elected	95

3. The results of elections of 31st March 2002 in local bodies of self-government.

The results of elections of 31st March 2002 in local bodies of self-government, from the point of view the representation of the Crimean Tatars in them, are better than in the Verkhovna Rada of the ARC.

On 15th April 2002, 6614 persons were elected as deputies of local councils in the ARC, including 922 of the Crimean Tatars (13,9%), including cities of republican significance - 63 (4,9%), in rural regions - 839 (16%) of a number of elected deputies.

At the same time, unfortunately, there is no representative of the Crimean Tatars:

in composition of Alushtinskyi, Dzhankoyskyi and Kerchenksyi councils;

in composition of Central regional council of Simferopol;

in composition of Partenitskiy (Alushta), Zaozernenskiy, Novoozernenskiy, Mirnovskiy (Yevpatoria), Gresovskiy (Simferopol), Novosvetskiy (Sudak), Koktebel'skiy and Ordzhonikidzevskiy (Feodosia), Gasprinskiy, Gurzufskiy, Simeizskiy, Foroskiy (Yalta) settlement councils:

There are none elected in the composition of 31 rural councils out of 243 (12,6%).

The greatest number of the Crimean Tatars entered in composition of next rural councils:

Zheleznodorozhneskiy of Bakhchisarayskiy region - 8 of 18 (44,4%);

Zemlyanichnenskiy of Belogorskiy region - 9 of 15 (60%);

Mirnovskiy of Dzhankoy'skiy region - 11 of 25 (44%);

Zolotopolenskiy of Kirovskiy region - 13 of 25 (52%);

Saribashkskiy of Pervomayskiy region - 12 of 13 (92,3%).

Of settlement councils there is most representation of the Crimean Tatars in Oktyaborskiy settlement council of Krasnogvardeyskiy region - 7 of 25 (28%).

In composition of city councils, the most number of the Crimean Tatars was elected in Sudak'skiy city council - 9 persons, that constitute 22,5 % of total number of council.

In composition of Sakskiy city council the Crimean Tatars constitute 9,7 % (4 persons), Simferopolskiy city council - 6% (3 persons).

The representation of the Crimean Tatars in regional councils is as follows:

in Belogorskiy - 22;

in Dzhankoy'skiy and Krasnogvardeyskiy - 11;

in Kirovskiy - 9;

in Bakchisarayskiy, Pervomayskiy, Leniskiy - 8;

in Sakskiy and Soviet - 7;

in Chernomorskiy - 6;

in Simferopolskiy - 5.

In percent relation in composition of regional councils the Crimean Tatars constitute:

in Belogorskyi - 38,5%

in Kirovskyi - 23,0%

in Sovetskyi - 19,4%

in Krasnogvardeyskyi - 18,3%

in Pervomayskyi - 15,7%

in Chernomorskyi - 15,6%

in Leninskyi, Saksykyi, Simferopolskyi - about 10%.

13 Crimean Tatars were elected as heads of rural councils, including in Belogorskyi region - 6, in Kirovskyi - 2, in Dzhanksoyskyi, Leninskyi, Pervomayskyi, Krasnogvardeyskyi, Chernomarskyi - 1.

As a result of the elections, the most representation of the Crimean Tatars was formed in bodies of local self-government in Belogorskyi region (over 38%).

In Sudak, Kirovskyi, Sovetskyi and Krasnogvardeyskyi regions they constitute from 18 up to 23%.

From 13 up to 15% of deputies the Crimean Tatars constitute in Pervomayskyi, Chernomorskyi, Bakhchisarayskyi and Dzhankoyskyi regions, from 7 up to 10 % - in Leninskyi, Saksykyi and Simferopolskyi regions.

A few Crimean Tatars were elected in local councils in Krasnoperekopskyi, Nizhnegorskyi and Razdolnenskyi regions.

For the first time in Sevastopol' public life, 10 Crimean Tatars were elected as deputies to districts, villages and town councils of Sevastopol.

As a result of big preliminary conciliatory talks some Crimean Tatar deputies took several posts. Mr. I. Umerov took up post of Deputy Chairman of the Verkhovna Rada of the Crimea, Mr. E. Gafarov took up post of Deputy Head of Permanent Commission of Interethnic Relations and Issues of Formerly Deported Citizens and post of Vice-prime-minister of Humanitarian Issues of the Government of the Crimea, Mr. A. Kangiev took up post of Secretary of Permanent Commission of Agricultural and Landed Issues, Ecology and Nature Resources Conservation. In Sevastopol' which named "city of russian fame", when anti-Tatar stereotypes are strongly, for the first time Crimean Tatar, Mr. D. Aksakov took up post of Deputy Head of State District administration.

4. The Representation of the Crimean Tatars after the Elections of 2002: Conclusions and Recommendations

4.1. The components of the Crimean Tatars' success in the elections of 2002

A significant success of representatives of the Crimean Tatars during elections of bodies of local self-government and representative body of autonomy in March 2002 became possible due to the following factors:

- A significant increase in the number of Crimean Tatars voters in comparison with 1998. Such increase - more than 60,000 persons - became possible due to adoption of the new Law of Ukraine "On citizenship of Ukraine", including a successful implementation of bilateral agreement between Ukraine and Uzbekistan on citizenship for formerly deported persons and their descendants.
- A growth of understanding among population, including the Crimean Tatars, of the importance of personal participation in forming of electoral bodies of government.
- The Mejlis of the Crimean Tatar people and its local structures paid a particular attention to such understanding during recent years.
- A successful organization by Mejlis of the Crimean Tatar people of the campaign for nomination of candidates, during which they successfully came to an agreement about single candidates in most of the electoral districts, in particular, in bodies of local self-government.
- More active involvement of the population in local and regional mejlises in their regions on discussion of problems, which are of equal importance for all voters, land, social, political and economical stability, religious tolerance, equal attitude to linguistic and cultural diversities of all ethnical groups of the Crimea.

Namely, these approaches always were proposed by Crimean Tatar National Movement, but during recent elections they were made available in a form that brought maximum notice for understanding of the Crimean society.

Thus, we are far from claims that due to such tactics a significant part of non-Tatar electorate voted for Crimean Tatar candidates, but, we can hope that it was successful in significantly avoiding the creation of non-existent issues, by the hand of political opponents, between the interests of the Crimean Tatars and interests of other part of population of the ARC.

Of course, an important factor was the opposition of the “Crimean faction of Hrach” to a majority of participants in the pre-election campaign.

The “war” of Crimean communists with their political opponents, turned sometimes into loud political scandals, the use of a big number of discrediting documents, in particular, by Hrach and his supporters, significantly diverted the forces of many supporters of “non-admittance” of the Crimean Tatars in to bodies of representative and local authority.

At the same time, one should note that Leonid Hrach himself and his supporters, during the elections of 2002 used as never before a maximum propaganda campaign on the subject of Crimean Tatar threat, and the idea of adherence to Russia and the Moscow patriarchate.

However, Hrach having in addition to the Crimean Tatar National Movement other political opponents, with which he entered into hard confrontation, reduced the level of perception by Crimean society of the previously trumpeted “terrifying stories”.

At the same time, let’s note that the “terrifying stories” failed, because the Crimean society stopped believing in any fables relating to the Crimean Tatars or Ukraine as a whole, and because, they were pushed by politicians, who discredited themselves during the election campaign.

The results of the last elections were unexpected by part of the political elite of the Crimea, in particular, in relation to representation of the Crimean Tatars. The opponents of a legal mechanism of guaranteed representation of the Crimean Tatars in the Verkhovna Rada and bodies of local self-government of the ARC did not waste time appearing with statements that representation of the Crimean Tatars is possible without such mechanism. In particular, the political forces who tried so actively to promulgate myths about a Crimean Tatar and Islamic threat loudly sounded similar statements, relating to part of the Crimean society.

One thing is obvious to us - the results of last elections really confirmed what had been said previously, in conditions with a clear choice the Crimean Tatar electorate, being an incomparably quantitative minority, will not be trampled by the arithmetical majority of votes of the quantitatively superior non-Crimean Tatar electorate, that Crimean Tatars receive the real opportunities not only to take part in elections, but also to a certain extent, to really influence their results.

4.2. The expert evaluations of the Crimean Tatar issues at the Crimean elections aspect

The experts noted that the Crimean Tatar elite acted efficiently enough during the Crimean elective campaign of 2002. The Crimean Tatars had to use the possibilities of the current elective legislation for the achievement of their political goals.

Attention to regional problems is another factor of the election success. According to the opinion of experts, the Crimean Tatars, thanks to the proposed of overcoming the common local problems - essentially the Crimean Tatars as well as Slavic population, have won during recent elections. The Crimean Tatar segment is very potent and influential on the local political level. There is an objective interdependency of the Crimean Tatars and other ethnic groups on the peninsula when Crimean Tatar elite and non-Crimean Tatar elite are feeling the necessity in the co-operation for the satisfaction of their own needs. On experts opinion, there is the opportunity of conflict potential accumulation. It depends not only on the Crimean Tatar people's attitude but also on the attitude of ethnic majority and bodies of power which were formed. So far as today the bodies of power, which were formed by the ethnic majority, have strongly ethnic face.

At the same time, the Crimean Tatars' representation at the Verkhovna Rada and local power bodies of the Crimea opens the opportunities for the solution of political and legal, social and economical, humanitarian problems of life support of this indigenous people which is a national minority now. Today there is such a situation in the Crimea living standarts' indices of the Crimean Tatars: provision with habitation, sickness and unemployment rates, presence of ethnical educational and cultural institutions, development of humanitarian sphere are half or third in the Crimea and Ukraine. that is why the respective representation of the Crimean Tatars in elective and executive power bodies is very necessary under this situation.

As a matter of fact, 8 Crimean Tatars-Deputies are enough for a great deal of Crimean Tatar peole. But, it is not this problem we are speaking about. The Crimean Tatar people needs the representation (namely representation) not the eligibility. In fact, the Crimean Tatars were even elected by the representatives of Russian majority voters of the Crimea. As the Crimean Tatars do not form a majority as voters in any single election district and Russian speakers-voters outnumber in all of the election districts.

It is the fact that ethnic issues, or representation in power bodies, or ethnic cultural, ethnic educational problems, could not have been solved by the system of decision making process of common majority. There is a need to create separated system of decision making process of ethnic majority of one or another ethnic community for these issues solution. In other words, it is necessary to use the principe of positive discrimination.

Traditional majority system does not meet this requirements. One of the experts noted, that in principle, the Crimean society thinks about Crimean Tatars' representation more gently then 5-6 years ago. And basically, the Crimean Tatars, in the person of Mejlis of Crimean Tatar people, often advanced realistic projects which were fairly essentialed but they were always given a hostile reception from the beginning. This projects only met some support after a while. Perhaps, this phenomenon is explained by more realistic approach of Mejlis to political situation, by search of such variant which takes into account the different political attitudes of society.

4.3. The prospects of adoption of the new electoral system on the election to the Verkhovna Rada of the Crimea

The problem of representation in the power bodies is staying most actual for the Crimean Tatars. The problems of quotas and other instruments, which guarantee the representation, will be burning issues until the living standards' indices measure with Ukrainian average statistical level. New elective law must take into account it and contain the guarantees of solution of the Crimean Tatar people's representation problems. As it practice in another countries when certain ethnic groups have the warranted representation.

The experts were noted there are two opposite views to the solution of Crimean Tatar problem. The first way provides for overcoming of deportation consequences, that is, accordance of certain temporary preferences until the Crimean Tatars compare with all Ukrainian population by living standards' indices. The second way is recognition that the Crimean Tatars are specific category of minority namely indigenous peoples, the nations without own statehood. Hence the representatives of indigenous people should get the warranted right to participation in the decision making process. The second approach is practiced in the modern world, in particular in the Central and Eastern Europe, and this tendency is gaining strength. As a rule, the warranted representation of such ethnic communities guide to the considerable decrease of conflict potential.

The majority system contains the threat of ethnic confrontation. The State is to find such elective mechanism which will eliminate ethnic aspects of competition between candidates to deputies to the maximum. Of course, it is necessary the competition on political, economical, ideological bases. And vice versa the proportional system gives the opportunity of Crimean public life's structuring and easy tension and legislative conflicts.

However, the rendering of quotas by ethnic origin contains several potential problems. Particularly, it is possible that separation of candidates by ethnic origin influence to increase the conflict potential into autonomy. The idea of quotas for warranted Crimean Tatar representation at the Verkhovna Rada and another local power bodies encounter the difficulties for realisation by means of separation of ethnic and territorial election districts. As the Crimean Tatars do not live so much compactly that to allot ethnic and territorial districts for guaranteeing of necessary quantity of votes.

By the expert evaluation, it is coming out from average statistical data, today the level of education among the Crimean Tatars is higher than among the population of the Crimea on average. The Crimean Tatars is exceling other population of peninsula not only by the level of secondary, higher and special education but and by the professional qualification's level. This is evident, that today the representatives of this people have a serious potential to career development.

The OSCE High Commissioner on national minority R. Eceus expressed his opinion concerning that the warranted representation of the Crimean Tatar People in the power bodies of the Autonomous Republic of the Crimea is the main factor of the following strategical stabilization on the peninsula. He proposed to study the experience of foreign countries to search variants of the legal and political challenge's solution.

To experts' opinion, the proportional system is optimum for Ukraine. But the implementation of proportional system in the Crimea requires additional analysis and specifically to create effective mechanisms of realisation of guaranteed Crimean Tatar people's representation in the Verkhovna Rada of the Crimea and local elected bodies of power.

Recommendations:

All of elected Crimean Tatar Deputies of different levels and as a results of the elections appointed public servants-Crimean Tatars to local executive bodies, first of all, bound up with their work therein with opportunity to influence on decision-making process at local level. For example, first for last 15 years a plan of activities has been elaborated which is aimed at facilitating resettlement and social and cultural development of Crimean Tatar settlements of Simferopol' rayon during the period 2002 with responsible assignment of Mr. Sh. Abdulaev as Deputy Head of Simferopol' State Rayon Administration.

During the last elections a “distraction” of forces of the main opponents of representation of the Crimean Tatars in bodies of government into a struggle with each other, allowed the Crimean Tatars “to squeak by” into bodies of local self-government. Such apportionment of political forces was formed in the Crimea on the eve and after elections on March 31, 2002. But should representation of the Crimean Tatars in bodies of government of the ARC completely depend on the state of political affairs on the peninsula? This question will be answered in the new Law of Ukraine “On elections of deputies of the Verkhovna Rada of the Autonomous Republic of the Crimea”, in which one should consider provision of such an electoral system, which will be acceptable for all parties.

The last occurrences in Alushta town and Morskoye village where are no representative of the Crimean Tatars in local councils testify the problem of representation of the Crimean Tatars at local power bodies is still actual. The Crimean Tatars-townsmen of Alushta were driven to despair by indifference of town authority to their social and economical problems. And they had to block off traffic, blockade the work of local councils in October 2002 so that to attract attention to them. The unwillingness of Morskoye village council to take account of interests of the Crimean Tatars during decision-making process on the land issues led to clashes between the Crimean Tatars and Slavic population in January 2003. There were seriously wounded men on both parts. This conflict had grave consequences for the Crimea as a whole. Until now this village is guarded with aim of maintenance of order by the militia forces.

Corresponding administration is such administration when certain group of people through corresponding mechanisms can influence to decision-making process and than they should bear responsibility for decisions which would decided in them presence.

The following measures need to be taken for the solution of problems of the Crimean Tatar people:

- Constant dialogue between the authorities, on the one hand, and representative bodies of the Crimean Tatars, on the other, should be promoted. Such dialogue should take place on all levels: with the participation of the

leadership of the Verkhovna Rada and the Council of Ministers of the ARC; on the local level, involving local councils and self-government bodies.

The dialogue should involve authoritative representatives of the political, business and scientific elite - this will allow establishing the appropriate format of the dialogue, working out effective technologies of search for and fixation of compromise decisions in relevant laws of Ukraine, acts of Ukraine's President, normative and legal acts of the Verkhovna Rada of the ARC, decisions of executive bodies of Ukraine and the autonomy.

- The status of the Mejlis of Crimean Tatar people needs elaboration. The representative bodies of the Crimean Tatars will to have a possibility of participation in decision-making process on the spheres which concerning solution of the Crimean Tatars people urgent problems that require decisions on the national, regional and local levels.
- The Verkhovna Rada of Ukraine should pass the new Law of Ukraine "On Elections of Deputies of the Verkhovna Rada of the Autonomous Republic of the Crimea", providing for election of the autonomy's representative body either on a proportional basis or by way of rendering of elective quotas. The use of proportional election system of deputies of the the Verkhovna Rada of the Autonomous Republic of the Crimea as well as local councils permits to solve not only the Crimean Tatars' representation at power bodies but provide representation of more wide spectrum of public and political organizations on the co-operative administration of the Crimean society.
- The system of quotas permits to solve the Crimean Tatars' representation at power bodies too. Such mechanism was used during election campaign of 1994 to the Verkhovna Rada of the ARC. The experience of work of of the Verkhovna Rada of the ARC of 1994-1998 demonstrated clearly that factor of Crimean Tatars-deputies' presence at autonomy's representative body decreased greatly the probability of occurrence of overt conflicts on the Crimean society. The sessional hall turned into place of discussion and search of solutions.
- The authorities' activity for the solution of urgent problems connected with integration of Crimean Tatar people to Ukrainian society, to Ukrainian public and political life, the return and settlement in the Homeland will be utmost transparent for the public.

Upon the whole, in our opinion, all of activities to the solution of the Crimean Tatar people representation might based on the framework of the Lund Recommendation on the Effective Participation of National Minorities in Public Life.

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- Ayder Ibragimov, Director of Centre of Documentation and Information of the Crimean Tatars, Kyiv.

Author took part in election campaign of 2002 as one of candidate's person empowered to act for.

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