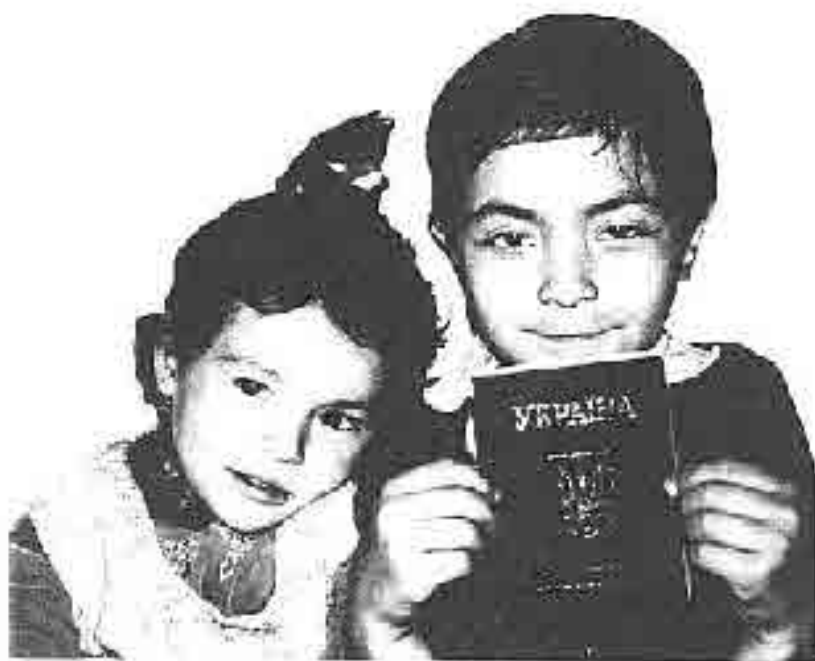




Overview of UNHCR's Citizenship Campaign in Crimea



Simferopol
December 2000



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Historical background

From 18 to 20 May 1944, more than 200, 000 Crimean Tatars were deported from Crimea, accused of having cooperated with the occupying Nazi forces. They were deported to various regions of the Soviet Union ranging from the northern parts of the Urals to the republics of Central Asia. About seventy percent were sent to settlement camps in the Uzbek Soviet Socialist Republic (Uzbekistan). Other minorities were also deported from Crimea in 1944, such as some 9, 000 Armenians, 12, 000 Bulgarians, 15, 000 Greeks, and a smaller number of Kurds, Roma and Turks. It is widely known that thousands perished in the overcrowded trains from Crimea to the places of deportation. These people were deprived of the ethnic-social and cultural environment that had been created during centuries and placed in conditions of rapid degradation in the areas of compulsory settlement.

In a geopolitical context it is of special interest to note that Crimea was stripped of its autonomous status within the USSR when, on 19 February 1954, at the initiative of then Premier Nikita Khrushchev, the Presidium of the Supreme Soviet of the USSR issued a decree transferring Crimea from Russia to Ukraine, in honour of the 300th anniversary of the Treaty of Pereyaslav of 1654 which created the "union" between Russia and Ukraine. The decree, which also referred to economic, geographic and cultural links to Ukraine, was later affirmed by law.

The way back for deported persons to Crimea was slightly opened on 5 September 1967, when the Soviet power in a Decree of the Presidium of the Supreme Soviet of the USSR issued a statement confirming the groundlessness of the previous accusations and allowed Crimean Tatars to live anywhere on the territory of the USSR including the Crimean Region.



Crimean Tatars started to move to Crimea, but encountered resistance from the local authorities there. Being refused registration, they could not receive a job and occupy a plot of land and notaries refused to notarise sale and purchase agreements for private houses if buyers were Crimean Tatars. According to a Resolution of the Council of Ministers of the USSR of 24 December 1987, the registration and settling of Crimean Tatars was allowed not throughout the whole territory of the Crimean peninsula, but only in eight steppe land districts. On 14 November 1989, the Supreme Soviet of the USSR adopted a Declaration "On Recognition as Illegal and Criminal the Repressive Actions against the Peoples Subjected to Forced Deportation and Provision of Their Rights". The year 1989 thus became a turning point in the history of Crimean Tatars and other peoples returning to Crimea. From that year the flow of returnees became massive. On 9 October 1992, Ukraine signed the "Agreement on the Problems Connected with Restoration to the Rights of the Deported Persons, National Minorities and Peoples" and the Ukrainian Parliament ratified the agreement in 1993. Article 1 reads that "The Parties provide the deported persons, voluntarily returning to the places of residence on the time of their deportation, with economic and social rights and conditions for settling, employment, education, national, cultural and spiritual development, equal to the citizens permanently living there".

Recent developments

The declarations of independence by many of the republics of the USSR during 1991, followed by the formal dissolution of the USSR in December 1991, created complex political and legal issues of state succession. Foremost among these, as in any state succession, were the central issues of the territorial boundaries and the nationality of the inhabitants



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of the newly sovereign states. Ukraine succeeded to the former internal administrative borders of the Ukrainian SSR, which included the territory of the Crimean peninsula. By its Declaration on State Sovereignty, Ukraine determined its initial body of citizens, adopting the principle of permanent residence as the measure of genuine effective links to the new state of Ukraine. According to Article 9 of the Declaration, those per-



sons who were citizens of the former USSR and who at the moment of the Declaration of Independence (24 August 1991) were permanently residing on Ukrainian territory, including Crimea, became *ex lege* citizens of Ukraine.

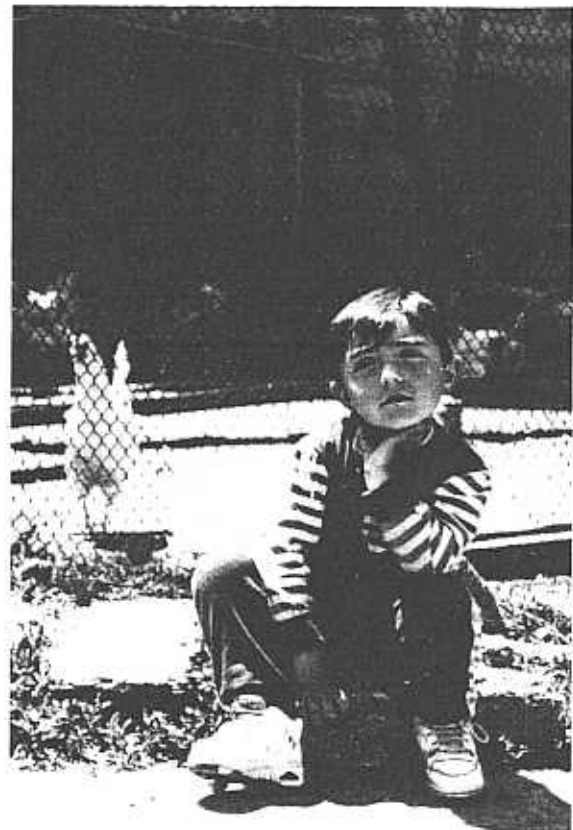
In Ukraine, citizenship issues are regulated by the Constitution, the Law of Ukraine on Citizenship (13 November 1991), the Law on the Introduction of Amendments to the Law on Citizenship (20 May 1997)



and a number of other legislative acts. These acts fall within the exclusive competence of the Parliament (*Verkhovna Rada*) of Ukraine. Amongst the first laws adopted by the independent Ukraine was the one granting citizenship to all persons who were residing on the territory of Ukraine at the moment the 1991 Law of Ukraine on Citizenship was adopted, regardless of their origin, social status, race, nationality, gender, education, native language, political opinion, religion and occupation on condition that they were not citizens of other states and did not object to affiliating to Ukrainian citizenship.

The return of the Formerly Deported Persons (FDPs)

By 1990/1991 formerly deported persons had already begun returning in large numbers to Ukraine, and in particular to Crimea. Those returning FDPs who were former Soviet citizens and had registered their permanent residence in Ukraine as of 24 August 1991 were, as mentioned above, determined to be Ukrainian citizens *ex lege*. Those who had registered legal residence between 24 August 1991 and the date when the Ukrainian citizenship legislation entered into force on 13 November 1991 — and who did not yet possess the citizenship of another state — were also defined *ex lege* as Ukrainian citizens. Approximately 150,000 returning FDPs obtained Ukrainian citizenship through these automatic provisions.



Let your child become
a citizen of Ukraine
UNHCR citizenship poster



A total of some 108, 000 FDPs, who all needed to be affiliated to Ukrainian citizenship, have returned to Ukraine after 13 November 1991. Those returning FDPs who had cancelled permanent residence (*propiska*) in their respective countries of previous residence before the citizenship legislation of those countries came into effect became *de jure* stateless. Those FDPs who still had registered *propiska* in their states of previous residence at the time the citizenship laws of those respective states came into effect, became *de jure* citizens of those states. For example, the citizenship law of Uzbekistan, where most Crimean Tatars were deported to and have returned from, came into effect on 28 July 1992. Accordingly, those FDPs returning from Uzbekistan were *de jure* stateless if they had cancelled their legal residence in Uzbekistan before 28 July 1992, but they were *de jure* Uzbek citizens if on 28 July 1992 they still had legal residence on the territory of Uzbekistan.

Out of the 108,000 FDPs who returned after 13 November 1991, 25, 190 were found to be *de jure* stateless. At the end of May 1999, all these stateless persons had been granted Ukrainian citizenship.

62, 246 were Uzbek citizens, which meant that they would have to renounce their Uzbek citizenship before affiliating to the Ukrainian one. 53, 647 took advantage of the agreement between Ukraine and Uzbekistan on the simplified procedure on renunciation/affiliation and handed in their applications for renunciation of Uzbek citizenship before this agreement expired on 31.12.1999 (please refer below for further details on the agreement). This means that the remaining 8, 599 of this group, if they should wish to renounce their Uzbek nationality and become Ukrainian citizens, would have to do so in accordance with the regular procedure.



Some 21, 000 were citizens of CIS countries, with which no agreements for simplified renunciation procedures exist. 11, 000 of these are Russian citizens, while the others mainly have citizenship of Georgia, Tajikistan, Kyrgyzstan and Kazakhstan.

Between 100, 000 to 250, 000 FDPs including their descendants, depending on the source of the estimate, are still living outside Ukraine.

UNHCR's involvement

In 1995 UNHCR was requested by Mr. Eugene Marchiuk, who was the Prime Minister of Ukraine at that time, to consider rendering assistance to formerly deported persons (FDPs), and then primarily to Crimean Tatars.

Two assessment missions in 1996 confirmed the enormous social and economic hardship, as well as the complexity of the legal and political questions surrounding the citizenship issues that many of the formerly deported persons were facing. An integrated strategy was developed with the objective to find durable solutions for formerly deported peoples through provision of legal counseling, material assistance and support to institutions dealing with refugees and formerly deported peoples in Crimea. To bring the programme to a meaningful level and to expedite timely implementation, with a view to prevent potential statelessness, UNHCR established its presence in the Crimean peninsula in June 1996.

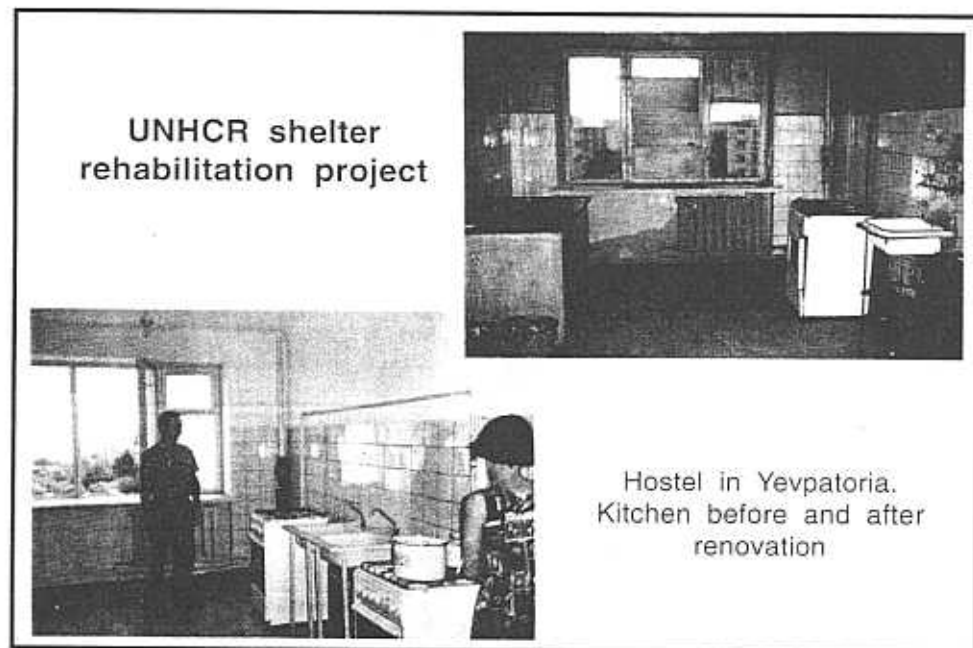
The massive return of FDPs to Crimea posed a major challenge to the Ukrainian Government, especially in terms of re-integration. In line with its mandate to reduce statelessness received from the United Nations General Assembly, UNHCR agreed to the request for assistance and first of all concentrated on the group of FDPs who were *de jure* stateless,



because the absence of Ukrainian citizenship meant exclusion from participation in the privatisation process and in the voting and election procedures, non-admittance to the civil service, travel limitations, and difficulties with regard to children's access to higher education.

There were three inter-related levels of action being taken:

Firstly, in the spirit of the Bishkek Agreement, promote and facilitate the early conclusion of bilateral and multilateral agreements aimed at preventing statelessness.



Secondly, petition for a greater inter-agency approach to assist the government in raising international awareness and funds for the integration of returnees, thereby contributing to the peaceful atmosphere and conflict prevention in Crimea.

Thirdly, legal and technical advice to the legislative and executive branches of the government in Crimea and Kyiv as well as legal counseling and dissemination of information to FDPs.



UNHCR's initial approach was to, in close co-operation with the Ukrainian State Committee for Nationalities and Migration, engage in rehabilitation of communal buildings for the most vulnerable of the FDPs. UNHCR also provided capacity building in terms of technical support (i.e. computer equipment) and training to the relevant authorities. The swift response and quick visible outcome of these activities served as a helpful confidence building measure and paved the way for future intervention. Those FDPs who returned to Ukraine after 13 November 1991 when the Ukrainian Law on Citizenship entered into force, were not automatically granted Ukrainian citizenship. They were originally referred to individual naturalization procedures, which inter alia required 5 years of residence in Ukraine, sufficient income and knowledge of Ukrainian language. These requirements could not be met by the vast majority of the returned FDPs and a solution would necessarily require amendments to the citizenship legislation. Following a series of round tables and interventions by a variety of international actors, in particular by the OSCE High Commissioner for National Minorities and UNHCR, the Ukrainian Parliament passed the Law of Ukraine "On the Introduction of Amendments and Additions to the Law of Ukraine On Citizenship of Ukraine" which entered into force on 20 May 1997. The revised *art. 2 para 3* was in line with UNHCR's recommendations, according to which citizens of Ukraine shall be "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 as of 13 November 1991, do not hold citizenship of other states, and before 31 December 1999 submitted an application on determining their affiliation to Ukrainian citizenship in accordance with the procedure established under the present Law." According to this provision, access to Ukrainian citizenship was granted through a simplified affiliation procedure (i.e. by inclusion into the original body of citizens without undergoing naturalisation procedures and without the need to

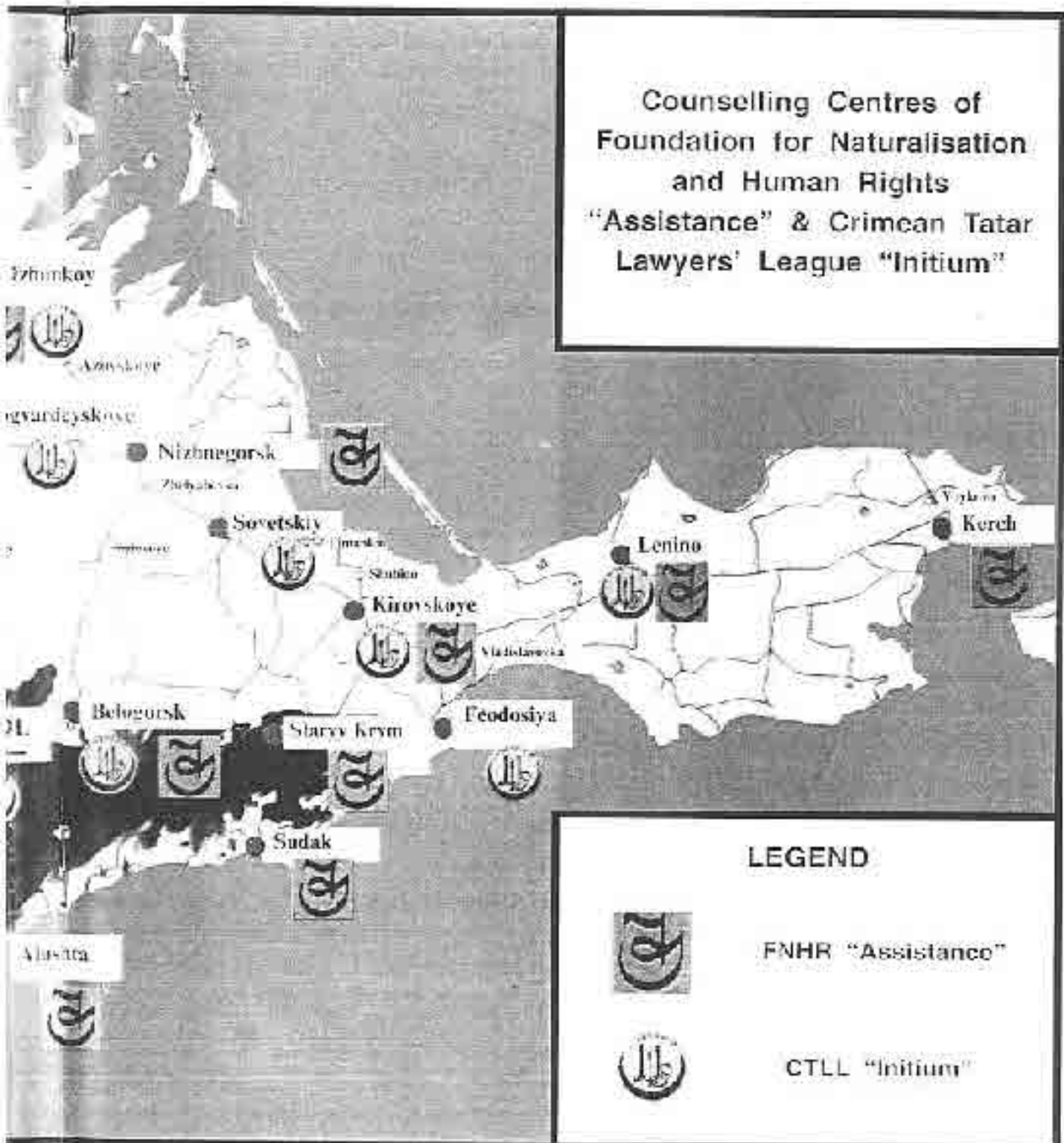


UNHCR's Program



... in Crimea

Counselling Centres of
Foundation for Naturalisation
and Human Rights
"Assistance" & Crimean Tatar
Lawyers' League "Initium"



LEGEND



FNHR "Assistance"



CTLL "Initium"



meet the above mentioned requirements) to FDPs and their first and second-grade descendants who during Soviet times were forcibly deported from Ukraine, provided they did not hold citizenship of another state. This amendment allowed the immediate affiliation to Ukrainian citizenship of all those FDPs who were found to be *de jure* stateless.

To assist the Ukrainian government in implementing the improved legislation, the "Plan of action — phase I" was designed. In a legal environment where individuals were used to refer to *propiska* rather than citizenship, the challenge was not confined to disseminate information on newly available procedures, but, more principally, to raise awareness on the importance of citizenship among FDPs who were largely preoccupied by social hardships.

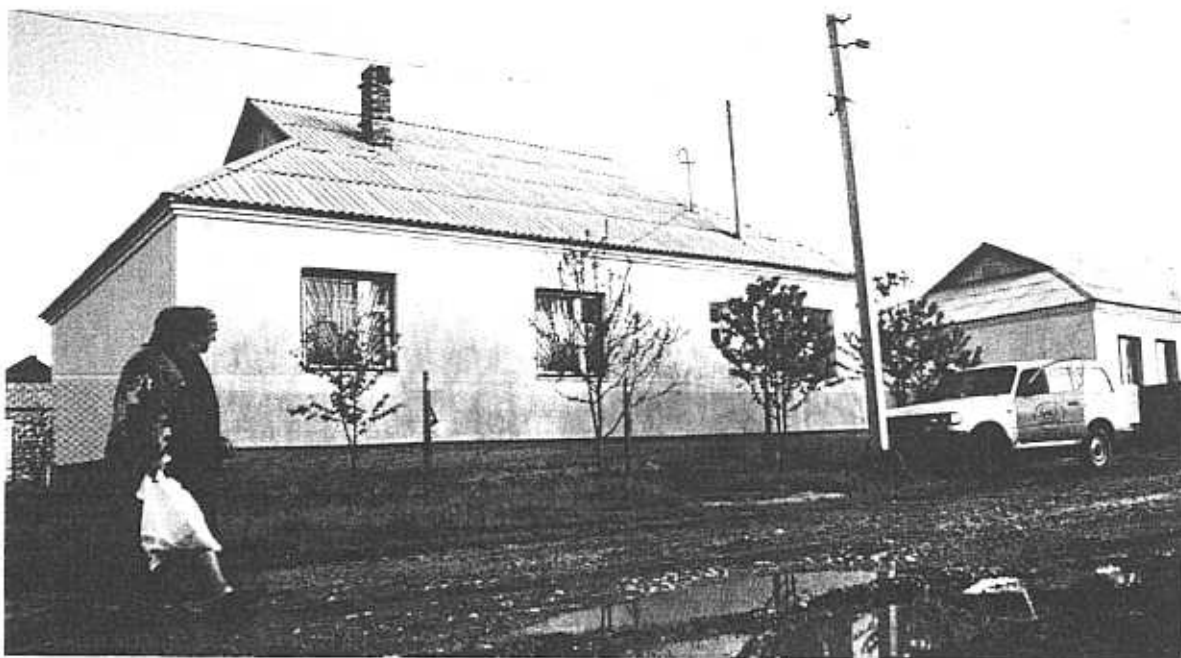
An additional challenge was to secure support for the new procedures from the leaders of the Crimean Tatars, who originally favoured a group naturalisation as an act to restore justice, and in fact UNHCR reached an agreement with leaders of the Crimean Tatar Medjlis to support the Citizenship campaign. On 5 October 1998, the UN High Commissioner for Refugees, Sadako Ogata, awarded Mustafa Dzhemilev, the Chairman of the Crimean Tatar Medjlis, with the 1998 Nansen medal at the Palais des Nations in Geneva. The Nansen medal is awarded for exceptional contributions to the cause of refugees, and Mustafa Dzhemilev was chosen "for his commitment to the right of return for the Crimean Tatar people". Among several projects funded by this award, a cultural centre was built in Belogorsk.

Training was organised for staff of the Passport and Naturalisation Service and necessary office and data processing equipment was provided. A comprehensive public awareness campaign covered not only radio and printed media, but also video and TV clips. The "Assistance" Foundation for Naturalisation and Human Rights, a local NGO, was set



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up in Crimea with the objective to deliver legal counselling services on affiliation to citizenship and the naturalisation procedure in general. In 1998 UNHCR signed an agreement with the League of Crimean Tatar Lawyers "Initium", another local NGO. These two NGOs share field offices covering all of Crimea and also operate mobile teams, enabling them to reach the remote areas of the peninsula (please see the enclosed map). The NGOs are of great assistance in terms of optimising the outreach capacity and in terms of monitoring developments and the practical implementation of the citizenship campaign. The work done by both NGOs in the course of the citizenship campaign was highly praised by the go-



Cultural centre in Belogorsk

vernment and the role of NGOs in the development of a civil society in Crimea was recognised. Both NGOs are tightly supervised by UNHCR in order to ensure optimal activity levels and effectiveness and have proven to be valuable tools when implementing a large-scale campaign like the one in Crimea. This approach ensures connection to the local communities, maximum outreach and a tight monitoring network.



Although the new legislation brought about major improvements, it did not solve all the aspects of FDPs' citizenship. Release from Uzbek citizenship remained the most problematic and crucial element, as the Ukrainian legislator — for understandable reasons and in line with the legal framework provided for in its Constitution — could not deviate from the principle of single citizenship. Release required not only payment of a USD 100 fee, but also a visit to the Uzbek Embassy in Kyiv. Procedures were lengthy — often taking up to more than one year. All these factors led to a rather small number of FDPs making use of renunciation procedures.

Uzbekistan, however, not interested in further departure of Crimean Tatars and afraid of "brain drain" was rather hesitant to change its national legislation and bilateral negotiations seemed therefore to be the only solution. Negotiations started to progress following personal letters to the Uzbek government from Mrs. Ogata, the OSCE High Commissioner for Nationalities Mr. Van der Stoep and UNHCR initiated and financed a mission of high ranking staff of the Ukrainian Presidential Administration to Uzbekistan.

Through negotiations at working level and direct discussions between the Ukrainian and Uzbek presidents, an understanding was reached and officially announced on 28 August 1998. Through an exchange of notes, Uzbekistan agreed to introduce a simplified procedure on release from citizenship of the Republic of Uzbekistan and also waived the fees for FDPs. The local registration services of the Ministry of Interior of Ukraine became responsible for collecting forms and for forwarding them to the Uzbek authorities; thereby FDPs' travel to Kyiv and related expenses were avoided. The Ukrainian President expressed his fullest commitment to a quick and efficient implementation of the agreement and to solve this long-standing issue with citizenship for returning FDPs once and for all. The Ukrainian-Uzbek agreement opened the door to Ukrainian citi-



zenship for the vast majority of returned FDPs. Difficulties regarding release from previous citizenship remain however, with regard to the 21,000 FDPs who returned from Russia or other CIS countries.

With respect to the facilitation of the agreement between Ukraine and Uzbekistan on a simplified renunciation procedure, UNHCR continuously advocated for a procedure, which would safeguard against individuals ending up stateless upon renunciation of their Uzbek citizenship. Hence, according to the current procedure, an administrative conclusion stating the individual's eligibility for Ukrainian citizenship is drafted before the renunciation application is forwarded to the Uzbek authorities. Also, upon UNHCR's suggestion, the Ukrainian authorities decided to let the date of affiliation coincide with the date of release from Uzbek citizenship.

The issue of stateless/foreign children in Crimean foster care institutions was also addressed during the citizenship campaign. UNHCR, jointly with the Crimean Ministry of Education, conducted a study on the legal and social status of stateless/foreign children in all the 21 Crimean foster care institutions. All cases of stateless/potential stateless minors were carefully monitored and followed up by UNHCR's implementing partners.

Both the introduction of the simplified affiliation procedure and the introduction of the Uzbek renunciation procedure has been supplemented by Crimea wide PI-campaigns including TV, radio, posters, pamphlets, etc. When drawing up the strategy for the campaigns, the various legal and sociological research commissioned by UNHCR also served as guidelines.

Current facts and figures

When UNHCR became involved in the citizenship issue, the number of stateless persons amounted to 25, 190. As a direct result of the Citizenship Campaign the number of stateless persons was reduced to



zero. Also, during UNHCR's involvement in Crimea, the number of persons who have affiliated to Ukrainian citizenship increased drastically from 38 affiliated persons by the end of 1995 — six months before UNHCR established its programme in Crimea — to 80, 840 affiliated persons by 1 November 2000. Concerning the introduction of the simplified renunciation procedure for FDPs with Uzbek citizenship, the development shows similar significant results. Since the middle of October 1998, when the procedure was introduced and until 31 December 1999 when the simplified procedure came to an end, 53, 647 persons handed in their renunciation applications. This accounts for approximately 86% of the total number of FDPs with Uzbek citizenship and may thus be characterised as a rather good result.



The head of the Crimean OVIR hands out Ukrainian passports to FDPs

The procedure, which was followed for the Uzbek FDPs until 31.12.1999, was that affiliation as well as renunciation applications could be filed with each of the approximately 40 regional Crimean branches of the Ministry of Interior (OVIR). Applications were reviewed at the local level first before being forwarded to the Republican OVIR, where they were again checked, before the Uzbek renunciation forms finally were forwarded through the diplomatic channels to Uzbekistan.

On 15 April 2000, the Law of Ukraine "On the Introduction of



Amendments to the Law of Ukraine On Citizenship of Ukraine", which prolonged the term for acquisition of Ukrainian citizenship until 31 December 2004, came into effect. In this context the Department for Passports, Registration and Migration Work resumed receiving documents required for acquisition of Ukrainian citizenship. This procedure is, however, only valid if a person does not hold citizenship of other states and submitted the application for Ukrainian citizenship in accordance with the procedure established by the present law.

The processing capacity of the local OVIR offices is continuously monitored by UNHCR in order to ensure back up and support when necessary for the remaining caseload.

Future activities

Although the amendments to the Ukrainian citizenship legislation and the bilateral agreement reached by Ukraine and Uzbekistan secured simplified renunciation and affiliation procedures for the majority of the FDPs as shown above, several issues still have to be addressed.

- UNHCR is facilitating efforts of Ukraine in reaching bilateral agreements with the governments of Kyrgyzstan, Tadjikistan, Russia, Georgia and Kazakhstan as regards simplified citizenship procedures. "Agreement between Ukraine and Kazakhstan on simplified procedure of acquisition and renunciation of citizenship by citizens of Ukraine who permanently reside in Kazakhstan and by citizens of Kazakhstan who permanently reside in Ukraine", signed between Ukraine and Kazakhstan on 19 May 2000, which still needs to be ratified by the Kazakh side, will benefit about 3,500 persons now residing in Ukraine, mainly ethnic Tatars and Germans. There are also some positive developments in the negotiation process with Kyrgyzstan and Turkmenistan.



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- Keeping in mind the expired 31 December 1999 deadline for the Uzbek/Ukrainian agreement, UNHCR's initial approach focused on assisting as many Uzbek FDPs as possible within that timeframe, dealing at first with the non-complicated cases. Thus the next step is to cope with the expected problem/grey zone cases as well as those who, for some reason or the other, did not comply with the above-mentioned time limit. However, on 12 October 2000, during a visit of a Ukrainian delegation led by President Kuchma to Uzbekistan, it was decided to prolong the bilateral Ukrainian-Uzbek agreement on simplified citizenship procedures for formerly deported peoples until 31 December 2001, thereby offering new possibilities for those who still would need to renounce their Uzbek nationality before acquiring Ukrainian citizenship.
- The targeted support designed to further enhance the capacity of central and local authorities as well as NGOs will continue.
- Careful monitoring of the implementation of the citizenship campaign will continue, and newly arising problems will be addressed.



50-apartment building in Djankoy rehabilitated by UNHCR



- In order to better facilitate the integration process of the returned FDPs, UNHCR will strengthen its housing/shelter rehabilitation project as well as its income generation activities.
- The PI campaign will be reviewed with the last target group of FDPs in mind and updated as required.

Outlook

In 1999 we focused on the largest group of FDPs; 62, 246 people who came from Uzbekistan. 53, 647 took advantage of the simplified procedure for renunciation of their Uzbek nationality before this agreement expired on 31 December 1999, while 8, 599 did not. The agreement has now been extended until 31 December 2001 and thus offers new possibilities for the remaining 8, 599 of this group to become Ukrainian citizens.

Still there remains another 21, 000 FDPs who came from other CIS states, whose problems we will deal with this and next year. We are looking forward to Ukraine signing bilateral agreements similar to the Ukrainian-Uzbek agreement with Russia, Georgia, Tadjikistan and Kyrgyzstan. UNHCR is doing everything possible to facilitate that agreements on simplified procedures are reached, in particular by covering the expenses associated with sending experts who are preparing these documents to the aforementioned countries. The negotiations are in progress, and we hope that agreements will be reached soon. As mentioned above, an agreement has already been reached with Kazakhstan.

The prevention and reduction of statelessness contribute to the promotion of human rights and fundamental freedoms, to the security of peoples, and to stability in international relations. Citizenship is therefore an important precondition for successful integration. We realize that the economic and



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social reality is very harsh for the Crimean Tatars and other groups of returnees. Unemployment is very high, in some places well over 50 percent. Thus UNHCR will continue to work to help create better conditions for the reintegration of these people through increased assistance as regards housing and income generation projects. It should be recognized that the Government of Ukraine — with the support of UNHCR — has made an enormous effort to facilitate the process of the affiliation of the formerly deported peoples to Ukrainian citizenship. After a 50-year-long exile, gaining Ukrainian citizenship is an essential step on the road to reintegration. The process of re-integration of deported peoples has of course economic, social, and political aspects. Full economic re-integration will clearly take a long time, and is to a large extent dependent on the general economic situation in Ukraine.