

THE IMPACT OF LEGISLATIVE CHANGES IN THE EDUCATIONAL FIELD ON ROMANIANS IN UKRAINE

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Abstract: *The Romanian and the Ukrainian culture, in fact the one from the Chernivtsi region, have intersected several times throughout history, knowing different stages of intensity, depending on the political evolutions. As the sociocultural reality does not always correspond to the legal reality, the study of Romanian communities abroad is a duty of Romanian researchers, especially since the Romanian community in Ukraine was not, historically, a marginal, insignificant, but was a cultural center and scientifically significant during the period of Greater Romania. Some of the important problems faced by Romanians abroad are: access to education in their mother tongue, the official use of the Romanian language in administration and justice, financing the activities of Romanian minority associations, Romanian-language media, preservation of religious identity, representation at the level of the administration, the lack of parliamentary representation, the restitution of the properties that belonged to the Romanian community. In this context, it is interesting to know the legal framework with incidence in the field, as well as the role of the institutions that the Romanian state has placed, over time, in the service of Romanians abroad. In this article, we will bring to the fore the phenomenon of migration and the eternal attempt of Romanians everywhere to preserve their ethnic, cultural, linguistic and religious identity. From this perspective, the legislative framework that responds to the needs of Romanians everywhere has a major impact on them and any change in it greatly affects them.*

Keywords: Romanian culture; Ukrainian culture; the Romans from Chernivtsi; ethnic groups; the right to education.

1. Introduction

In the following, we aim to draw an overview, as close as possible to reality, to bring to the fore the organizational, structural and even legal turmoil that have marked and are marking those who, for various reasons, whether they wanted to or not, they live outside the country's borders. We will highlight both the expectations that those in this corner of the world have, but also the effects that the legislative changes that have taken place over time have had on them.

The migration of Romanians in the world is both a historical process, whose roots can be detected in the second half of the nineteenth century and which continued throughout the twentieth century, and one of the largest social phenomena that has left its mark on the evolution of Romanian society in the last two and a half decades. Romanians, wherever they are, are an integral part of the country's social body (Otovescu, 2017).

As parts of the Romanian society and exponents of the national culture, the communities of Romanians everywhere represent true bridges between Romania and the states where they are established. Both the Romanian communities that were torn from the national territory, and those that were formed and evolved on the territory of other countries have kept their linguistic and historical identity, their own spiritual values and relatively compact, without dissipating or dissolving in the national social

framework of the host countries. The strong attachment to inhabited and cultivated lands was a decisive factor in the self-preservation and perpetuation of traditional Romanian communities.

2. The sociological perspective of approaching ethnic groups

Although the concept of race was launched in the scientific space of biology, its applicability in the perimeter of human societies turns it into a concept of social bill. The biological characteristics that differentiate between different human races are significant in terms of our relationship to others, only insofar as we value them socially.

A concept used in close connection with race is ethnicity. Ethnicity refers to groups of people who have a common origin, share the same cultural background and possess the same language (Otovescu, 2009: 338). The Romanian minority in Ukraine is an example of an ethnic group. Therefore, unlike racial groups, defined according to a criterion of a biological nature, ethnic groups are defined by linguistic and spiritual criteria, by characteristics of a cultural nature.

Several racial or ethnic groups can live in a territory, one being the majority, and most being the minority, numerically. According to Louis Wirth (1941), the minority group is a group of people who, in a unitary way, suffer unequal treatment and who see themselves as a distinct group and object of collective discrimination. In this perspective, the attribute of "minority" is defined by the nature of intergroup relations, dominant-dominated relationship and not by population volume. Unequal treatment involves any form of exclusion of members of the minority group from participation in social life. In South Africa during apartheid policy is relevant in this regard.

The dominator-dominated relationship does not fully explain the complexity of inter-ethnic and inter-racial relations. They differ according to the nature and character of the relations of domination. Historically, the main patterns of ethnic and racial relationships that have been imposed have been: Genocide, the harshest pattern of ethnic and racial relationships, which involves the systematic, programmed killing of an entire population by another population; Expulsion, which refers to the expulsion of minority populations from their own territory by a dominant population; Slavery, a historical social institution and which is rarely found today, being specific especially to antiquity and the Middle Ages. In modernity, the most famous slave model is the American one, based exclusively on racial criteria; Segregation, which refers to the isolation of one population from another, both institutionally and territorially; segregation can be voluntary (in the case of populations that choose to isolate themselves from the majority population), as well as involuntary (when the minority population is forced to live in isolation from the dominant population). Also, segregation can be de jure (established by law) or de facto (existing outside legal norms that enshrine it); Assimilation, a process by which a minority population is gradually assimilated on the basis of linguistic and cultural borrowings by the majority population.

The historical / traditional communities of Romanians around the country's borders were formed as an effect of the historical configuration of the geopolitical contour of the Romanian state. They remained outside Romania, but kept their ethnic, cultural, linguistic and religious identity with dignity. Along with the other communities of Romanians everywhere, they are a landmark for the Romanian nation.

Some owe their external position to the specific process of ethnogenesis, carried out in a geographical and administrative area that never belonged to our country, and others belonged historically, culturally and administratively to Romania, but, following brutal rectifications of the Romanian state borders remained apart from them.

Both the Romanian communities that were torn from the national territory, and those that were formed and evolved on the territory of other countries, kept their linguistic and historical identity, their own spiritual values and relatively compact, without dissipating or dissolving. within the national social framework of the host countries. The strong attachment to inhabited and cultivated lands was a decisive factor in the self-preservation and perpetuation of traditional Romanian communities.

Among the latter are Romanians in Ukraine, a community about which there are no recent data on the values and needs of its members.

3. Legislative changes in Romania with an impact on Romanians abroad

Looking objectively at the succession of legislative changes experienced by institutions with responsibilities in the field of Romanians abroad, we will understand that frequent changes lead to uncertainty and uncertainty, as well as the impossibility of long-term plans for the benefit of this category. Thus, the Council for the Problems of Romanians Everywhere was established in 1995 within the working apparatus of the Prime Minister and represented the first structure to support Romanian communities outside the country's borders. In 1998, the Undersecretariat of State for Romanians Everywhere was created, and in 1999, it was transformed into the Department for Relations with Romanians Abroad. In January 2001, the Department was renamed – Departamentul Românilor de Pretutindeni (DRP) - and became part of the Ministry of Public Information. In 2003, the DRP was transferred to the General Secretariat of the Government, and in March 2004, to the Chancellery of the Prime Minister. Since March 2005, the Ministry of Foreign Affairs has taken over the activity and funds of DRP and has developed and applied the Romanian state policy in the field of relations with Romanian communities abroad through the Department for Relations with Romanians Everywhere (DRRP). Starting with December 29, 2009, according to OUG no. 115/2009 on the establishment of reorganization measures within the central public administration, the Department for Romanians Everywhere was established as a structure with legal personality within the Government apparatus, in coordination with the first the minister. In 2012, it became part of the Ministry of Foreign Affairs again, without legal personality, until 2017, when the Ministry for Romanians Everywhere was first established.

However, after less than three years, it was abolished and divided into two departments without legal personality: the Department for Romanians Everywhere and the Department for Relations with the Republic of Moldova.

4. Difficulties in the educational process of Romanians in Ukraine

The Romanian community would represent the third largest ethnic group in Ukraine, after Ukrainians and Russians, if it were not artificially divided into Romanians (151,000 people) and "Moldovans" (258,600 people), according to data from the Ministry of Foreign Affairs.

The Romanian community in Ukraine is a domestic community, being constituted either by territorial transfers made as a result of the agreements on

international borders concluded at the end of the Second World War between Romania and the USSR (Ukraine is the successor in sovereign rights of the former USSR), or by the refuge of some Romanian communities (originating from the Principality of Moldova) in uninhabited spaces (see the Romanian communities in the Dniester-Bug area), later incorporated in the Russian Empire (then in the USSR and finally in Ukraine). The most important Romanian population communities in Ukraine are concentrated in the districts of Noua Suliță (Novoselytskyi), Herța (Hertsavskyi), Hliboca (Hlybotskyi), Storojineț (Storozhynetskyi), Izmail (Izmailsky), Reni (Reniiskyi), Sărata (Saratskyi) Rahivskyi), Teece (Tiachivskyi).

Some of the important problems faced by the Romanian minority in Ukraine are: access to mother tongue education, the official use of the Romanian language in administration and justice, financing the activities of Romanian minority associations, Romanian language media, preservation of religious identity, representation at the level of the administration, the lack of parliamentary representation, the restitution of the properties that belonged to the Romanian community. The Romanian community in Ukraine is one of the most important communities, from a historical, cultural and demographic point of view, and education in the Romanian language plays an essential role in preserving its linguistic identity.

Ukraine recognizes the existence on its territory, both internally and externally, of both Romanians and Moldovans, speakers of Romanian and Moldovan, respectively. The administrative regions that incorporate Romanian historical / folk regions are Transcapatia (Zakarpaska oblast), Chernivtsi (Chenivitska oblast) and Odessa (Odeska oblast). Only in the Chernivtsi region, the total number of educational institutions with teaching in Romanian is 63 (compared to 69 in 2010), in which 11,063 students study. In the total of pre-university education institutions, there are 2 Romanian high schools and 2 gymnasiums.

There are also mixed schools, with teaching in Romanian and Ukrainian in the regions of Hliboca, Noua Suliță, Storojineț, while in the city of Chernivtsi there are no such schools. At the university level, the teachers for the Romanian language schools in the Chernivtsi region are trained at the "Yurii Fedcovi" National University - Department of Romanian and Classical Philology, Chernivtsi Pedagogical College.

At the last census, 724 self-declared Romanian ethnics and over 123,000 Moldovan self-declared were registered in the Odessa region. Local authorities continue to call the Romanian language spoken by ethnic Moldovans "the Moldovan language". Those who study in Romanian are considered to be learning in the "Moldovan language." We do not know the exact number of students learning the so-called "Moldovan language", because we cannot discuss with officials about a non-existent language. Hence the position of the authorities according to which in the region there are no schools with teaching in Romanian. In reality, students who learn Romanian in the Odessa Region receive textbooks identical to those after which they learn in the Chernivtsi Region, which is mentioned on the first page: "textbook in Romanian" is replaced by: "textbook in Moldovan".

The Ukrainian authorities distinguish between Romanians and Moldovans, refusing to consider the problems of self-identified Ukrainian citizens as Moldovans a legitimate topic on the agenda of discussions with the Romanian side. According to current testimonies of the inhabitants of Chernivtsi (Otovescu, Cioacă & Păsătoiu, 2019), in their daily lives they have to face challenges and pressures such as the

abolition of Romanian schools or the Ukrainian language, a compulsory language in schools. They fear that Romanian schools could become Ukrainian schools because Romanian language classes are becoming fewer and fewer. The Romanians from Chernivtsi would like, according to the mentioned analysis, the development of alternative institutional structures that would allow them to use the Romanian language in the interaction with the local, sanitary and religious authorities.

An overwhelming percentage (45%) of the Romanian community consider that the rights of Romanians in Ukraine are violated: recent restrictions in the new education law in Ukraine, Romanian as a desirable language in public space, restriction of administrative rights and the possibility of preserving traditions .

The problems faced by Romanians in Chernivtsi, as shown by the study, can be classified into three categories: structural problems related to the Ukrainian state (restricting the right to education in the mother tongue through the new law on education, discouraging the use of Romanian in public space, media limitation policies in Romanian), structural problems related to the Romanian state (low capacity of national institutions with competence in the field of Romanians everywhere, lack of large-scale programs for Romanians in Chernivtsi, problems related to poor self-organization of the Romanian community in Chernivtsi (lack of solidarity, trust, reduced capacity for association, lack of strong leaders in the community)

An extremely important moment on the chronology of events with profound implications regarding the attempts of Romanians in Ukraine to preserve their identity by preserving the Romanian language, was that of 05.09.2017, when the Verkhovna Rada of Ukraine adopted, in final reading, the Education Law (Law 3419-D), which entered into force in 2018. Romanian language education was already affected by the reduction of the number of educational units, corroborated with the administrative reform and the lack of clarity of the concept of localities compactly inhabited by minorities ”- determined by the process of decentralization and administrative reform of Ukraine. The law had a direct impact on Romanian mother tongue education in Ukraine, which may lead to the gradual loss of the linguistic identity of the Romanian community in this country.

The adoption of this law has generated a situation of instability within the community of Romanian ethnic origin in Ukraine, which considers that the very linguistic and historical identity of this community is endangered.

5. International legislative framework

The Romanian community in Ukraine has sent numerous appeals to the Romanian authorities, noting that the new Education Law ‘blatantly violates the right to learn in the mother tongue’. The provisions on secondary and secondary education in the law on education, by reference to the disappearance of the right to education for the respective cycles (grades V-XII), contradict the provisions of Article 13 of the Treaty on good neighborly relations and cooperation between Romania and Ukraine signed in 1997 of the Council of Europe Framework Convention for the Protection of the Rights of National Minorities (FCNM) and the European Charter for Regional or Minority Languages, insofar as the authorities would not comply with requests from these, if there is sufficient demand from them.

This is relevant from the perspective of the rights enshrined in the European Convention for the Protection of National Minorities (Council of Europe system

enjoyed by members of national minorities living in traditional areas - use of mother tongue in administration and justice and bilingual registration). at least 20% of the population), providing education in the mother tongue.

The Romanian-Ukrainian Joint Intergovernmental Commission for Cooperation in National Minorities, set up under Article 13 of the Treaty on good neighborly relations and cooperation between Romania and Ukraine, is a framework for cooperation in fulfilling the commitments made by the two states. concerns the maintenance and development of the ethnic, linguistic, religious and cultural identity of the Romanian minority in Ukraine and of the Ukrainian minority in Romania, which periodically evaluates the manner of fulfilling the relevant provisions of the treaty. The Commission meets in annual sessions. The Ministry of Foreign Affairs of Romania makes every effort for the politico-diplomatic relations between Romania and Ukraine to evolve, including for the benefit of the Romanian community.

6. Romania's response to the amendment of Ukrainian legislation in the field of education

The state issues its messages to citizens through normative acts. They must practically reflect the needs expressed by the recipients and appear as life-saving solutions to the problems that have arisen, with the ultimate goal of aligning the legislation with the existing social reality. Here comes the need for laws to reflect the public will and to be developed in accordance with the needs of their recipients, who are ultimately the people, society as a whole. That is why they must be consulted before they can be adopted, they must be clear and concise enough to be understood and respected by the people.

Therefore, the starting point of our scientific approach is that the law must always reflect the will and aspirations of society, to be developed in order to serve the general interests, without creating disadvantages for some or privileges for others. The need to issue legal norms comes from the need to satisfy the particular interests of individuals, as well as the general interest. Laws must address both the dissatisfaction of individuals and the global conflicts within society.

On the one hand, the legislation must spring from the needs, traditions and aspirations of the people, on which sociology can lean, and, on the other hand, the effect of imposing the rules of law must generate the solution of some problems of society. Only in this way can legal rules become effective, easily applicable and easy to understand by those to whom they are addressed. In the context created by changing the legislative framework in the field of education that had a major impact on the Romanian community in Ukraine, the Romanian state intervened by creating a legal framework to allow its intervention, within the law, in order to limit the devastating effects - produced the reform of Ukrainian education.

Thus, in fulfilling its role in supporting Romanians everywhere to preserve their cultural, linguistic and religious identity, the Ministry for Romanians Everywhere initiated in 2017 the necessary legislative changes to create the legal framework necessary to provide scholarships to young people of Romanian ethnic origin. permanent residence in Ukraine to study in Romanian in schools in Ukraine, as well as the allocation of a number of scholarship months for the participation in Romania of teachers in Romanian schools in Ukraine, in vocational training courses in order to improve the study of the Romanian language and of other disciplines in Romanian.

In the following years, the Romanian state granted these scholarships to students from Ukraine, thus supporting the facilitation of access to forms of study, programs and educational and communication projects in Romanian and diminishing the impact of legislative changes on Romanian students in Ukraine.

7. Conclusions

The effects of continuous, not always positive, changes on society, the turmoil caused by the confrontation between the desire to adapt to the new and legislative harmonization and the inability to spring from a historical past that has blocked many years of progress, lead us to believe that today we are still far from having a clear picture of the impact of legislative actions on all actors involved.

Frequent changes in laws can lead to uncertainty, lack of understanding, inability to comply with them and failure to make long-term plans. The decision-makers involved must make a detailed analysis of each area of activity, taking into account the need for long-term or short-term decisions, as appropriate. At the same time, we intend for the material to be used for the elaboration and application, by the institutions with competences in the field, of draft normative acts dedicated to consolidating the Romanian state relations with Romanians abroad and participating in the elaboration and negotiation of treaties and other international documents. have an impact in the field.

Thus, the legal framework intended to support ethnic Romanians everywhere must be in accordance with international norms, with the legislation of the state of residence and solve their problems, by supporting beneficial projects, carried out in order to preserve the ethnic, linguistic, cultural and religious identity of Romanians. from everywhere.

To this end, it must be adapted to social realities, following the study on the influence it has on both public authorities and society. However, for this process to work, it is necessary the stability of the institutions with responsibilities in the field and last but not least of those who develop legislative proposals, so that public policies and the Strategy for Romanians abroad correspond to the need to create accessible educational tools, competitive, to meet the specific needs of children and young people in each region where Romanians live in Ukraine.

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