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Nation Building and Refugee Protection in the Post-Soviet Region

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The fall of communism opened the newly independent states of the former Soviet Union to global migration and refugee flows. By the end of the 1990s, the former Soviet states hosted 3.4 million refugees and other displaced persons—38 percent of Europe's and 15 percent of the world's total.[1] The challenge of refugee protection was daunting for the post-Soviet countries. The USSR was a refugee-producing, not a refugee-receiving, state, and the Soviet successor states had no legislative legacy or domestic expertise to deal with the refugee problem.[2] As the post-Soviet states began to create refugee policies and institutions, they all received similar cues from the international community. Since 1992, the Office of the United Nations High Commissioner for Refugees (UNHCR), a UN refugee agency mandated to supervise the application of the international refugee law and to promote a nondiscriminatory refugee policy, has been working on the ground in the post-Soviet region to affect emerging refugee regimes. Despite similar international pressures, however, a decade after they first encountered similar refugee problems, post-Soviet states exhibit varying re-

ceptivity to refugees. This chapter explores the causes of this variation through a comparison of Russia and Ukraine.

Russia and Ukraine are major refugee-receiving states in the post-Soviet region. By the end of the 1990s, they were hosting more displaced persons than any Western European country except Germany.[3] The two states are similar economically and in their democratic development, and, since 1991, they have faced refugee problems of a similar nature and magnitude. These similarities might lead one to expect similar refugee policies, but in fact these states have adopted rather different policies. Among interesting empirical puzzles is a receptive policy toward former Soviet citizens, in particular toward co-ethnics, in Russia but not in Ukraine, and a more generous policy toward refugees from the developing world in Ukraine than in Russia.

These puzzles raise more general questions. Why do some post-Soviet states accept refugees more readily than others? Why do some states privilege certain refugee groups (in particular co-ethnics of the titular nationality) while others do not? This chapter argues that to answer these questions, we have to understand how the politics of nation building and the strategies of international institutions act as the main sources of post-Soviet refugee policies and systematically lead to different policy outcomes.

The governing elites in new states such as the former Soviet republics have to answer the all-important question: Who belongs to the nation (and thus constitutes "us") and who does not (and thus constitutes the "other")? Contestation over this question is the politics of nation building. As Arel emphasized in the introductory chapter, the construction of categories of identity is a political, not a teleological, process and is it often highly contested. This chapter first compares the contestation over the definition of the nation in Russia and Ukraine, and it then focuses on the consequences of this contestation for policies toward different groups of refugees. As we will see, the politics of nation building in Russia and Ukraine did not simply amount to defining co-ethnics of the titular group as "us" and the rest as "other." Reflecting historical, cultural, and political legacies, different "images" of the nation were on the political menu, each resonating with different segments of the society and different elite groups. The nature and intensity of contestation over the national question mandated a more or less receptive policy toward different refugee groups. The politics of nation building thus determined which refugee groups were (or were not) to be assisted by the state. This reality presented a challenge to international refugee-assisting institutions that lobbied for a receptive and a nondiscriminatory refugee policy.

International refugee-assisting organizations such as the UNHCR initially approached the post-Soviet region exclusively through the prism of international refugee law, assisting only those refugees who fit the international legal definition of a refugee. The evidence from Russia and Ukraine is a testament to the potential of international actors to promote policies reflecting international human rights standards, but only when these actors are aware that in different domestic contexts the meaning of the same category (e.g., "refugee") can be different, and when they are prepared to adjust their strategies to take into account constraints and opportunities created by the domestic politics of refugee policy.

Similar Problem, Varying Response: The Refugee Problem and Refugee Policy in Russia and Ukraine

The 1951 Geneva Convention on the Status of Refugees and its 1967 Protocol define a refugee as someone who has crossed an international border; who is not a citizen of the state where he or she is seeking refuge; and who fled due to a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion."[4] A refugee, under international law (I will use the term "traditional refugee" throughout the chapter), is thus an international migrant who has fled political, religious, ethnic, racial, or social persecution; who has crossed an international border; and who is not a citizen of the host state. In Western states, virtually all refugees are traditional refugees: foreigners who have crossed an international border and are not citizens of the state where they are seeking asylum. The refugee problem in the West is thus amenable to, and can be analyzed within, the framework of international refugee law. In the post-Soviet context of state collapse and state formation, however, the refugee problem has turned out to be much more complex.

Although there is a sizable number of "traditional" refugees in both Russia and Ukraine, they are only a small part of the refugee problem in these states. Traditional refugees in Russia and Ukraine are asylum seekers from developing countries, most of them Afghans. Thus, in Russia from 1992 to 1998, the UNHCR reception center registered some 35,500 asylum seekers from 52 non–Commonwealth of Independent States (CIS) countries, 70 percent of them Afghans.[5] Between 1996 and the middle of 2000, asylum seekers from more than forty countries applied for refugee status in Ukraine,[6] with Afghans being the majority of applicants for refugee status

each year.[7] Though most of the developing-world asylum seekers found themselves in Russia and Ukraine because they were not able to reach destinations further west, most Afghans have been in the USSR since the Soviet era, and as a result, a plurality of Afghans wants to remain in Russia and Ukraine rather than to move further west.[8]

Although traditional refugees are numerous, the refugee problem in the post-Soviet region in general, and in Russia and Ukraine in particular, is defined by the predominance of nontraditional refugees. Nontraditional refugees do not fit the refugee definition found in international law either because they did not cross an international border and/or because they are entitled to citizenship of the state where they seek refuge. However, they have usually fled for reasons similar to those of refugees—fearing ethnic, political, or religious persecution. In Russia and Ukraine, for example, as of 1999, 94 and 98 percent of the displaced persons, respectively, were nontraditional refugees.[9]

In the post-Soviet region, nontraditional refugees are a product of the "ethnic unmixing" that began on the territory of the former Soviet Union in the late 1980s.[10] When the Soviet Union fell apart, as many as 70 million people lived outside their "ethnic homelands."[11] The rise of nationalism in the Soviet republics, the ethnic conflicts of the late 1980s, and the disintegration of the Soviet Union in 1991 sent waves of former Soviet citizens, suddenly national minorities in the republics where they lived, to their "ethnic homelands."[12] Although "ethnic unmixing" has affected all nationalities of the former USSR, the outflow of Slavs (Russians, Ukrainians, and Belarusians) from the non-Slavic republics has been particularly significant. Russia and Ukraine, the two largest Slavic republics of the former USSR, have become the main destination countries for these migrants. As table 7.1 shows, among the former Soviet citizens who moved to Russia in the 1990s, approximately 60 percent were ethnic Russians; among migrants to Ukraine over the same period, 43 percent were ethnic Ukrainians.

The predominance of nontraditional refugees, many of them co-ethnics, raised a question that would be totally out of place in the Western context: Are refugees foreigners or members of the nation? In Russia and Ukraine, this is a highly ambiguous and a highly political question. Most nontraditional refugees in both states are either co-ethnics of the titular group and/or eligible for citizenship under the terms of the initial citizenship laws.[13]

Inclusive citizenship laws adopted in Russia and Ukraine in the early 1990s made most nontraditional refugees, including co-ethnics of the titular group, ineligible for an international legal definition of refugee.[14] This was an unforeseen and an unintended consequence. When initial citizenship

Table 7.1. Post-Soviet Migration to Russia and Ukraine, 1992–2002

	Russia Migrants				Ukraine Migrants			
Year	Population (thousands)	Total (thousands)	Percent of Population	"Ethnic Kin" as Percent of Migrants	Population (thousands)	Total (thousands)	Percent of Population	"Ethnic Kin" as Percent of Migrants
1992	148,704	925.7	0.6	66	52,100	504.6	1.0	46
1993	148,673	922.9	0.6	65	52,200	323.0	0.6	45
1994	148,366	1,146.4	0.8	63	52,100	178.0	0.3	42
1995	148,306	841.5	0.6	61	51,700	159.9	0.3	42
1996	147,976	631.2	0.4	58	51,300	123.8	0.2	43
1997	147,502	582.8	0.4	59	50,900	102.6	0.2	43
1998	147,105	494.8	0.3	59	50,500	66.8	0.1	42
1999	146,693	366.6	0.2	55	50,100	61.6	0.1	41
2000	145,925	350.3	0.2	54	48,900	49.7	0.1	43
2001	144,368	193.5	0.1	57	48,500	41.0	0.1	44
2002	145,182	184.6	0.1	53	48,000	36.3	0.1	42

Sources: For population data for Russia: 1992–2000, Goskomstat Rossii, *Rossiiskii statisticheskii iezhegodnik. Statisticheskii sbornik* (Moscow: Goskomstat Rossii, 2000), 53; for 2001, Goskomstat Rossii, *Chislennost i migratsiia naseleniia Rossiiskoi Federatsii v 2001 godu* (Moscow: Goskomstat Rossii, 2002), 8; for 2002, Goskomstat Rossii, *Chislennost i migratsiia naseleniia Rossiiskoi Federatsii v 2002 godu* (Moscow: Goskomstat Rossii, 2003), 9. For population data for Ukraine, for 1992–99, Derzhavnyi komitet statystyky Ukrainy, *Statystychnyi shchorichnyk Ukrainy za 1998 rik* (Kyiv: Tekhnika, 1999), 327; for 2000–2, "Richna statystychna informatsia: Naselennia," http://www.ukrstat.gov.ua/richna/richna.html. For migration data for Russia for 1992–99, Goskomstat Rossii, *Rossiiskii statisticheskii iezhegodnik: Statisticheskii sbornik* (Moscow: Goskomstat Rossii, 1999), 101; for 2000, Goskomstat Rossii, *Chislennost i mihratsiia naseleniia Rossiiskoi Federatsii v 2000 godu* (Moscow: Goskomstat Rossii, 2001), 32; for 2001–2, Goskomstat Rossii, *Chislennost i migratsiia naseleniia Rossiiskoi Federatsii v 2002 godu*, 15. For migration data for Ukraine: for 1991, Olena Malynovska, "Repatriation to Ukraine," *Migration Issues* 4, no. 11 (1999): 17–29; for 1992–97, Derzhavnyi Komitet u spravakh natsionalnostei i mihratsii, "Mihratsiina sytuatsiia v Ukraini," *Bizhentsi ta mihratsiia: Ukrainskyi chasopys prava i polityky* 2, nos. 3–4 (1998): 207–21; for 1998, Mykhailo Romaniuk, *Mihratsii naselennia Ukrainy za umov perekhidnoi ekonomiky:metodologiia i praktyka rehuliuvannia* (L'viv: Vydavnytstvo Svit, 1999), 76; for 1999, Derzhavnyi komitet statystyky Ukrainy, "Rozpodil mihrantiv za natsionalnistiu ta krainamy v'izdu/vyizdu u 1999 rotsi (Forma M-8)," 1999; for 2000, Derzhavnyi komitet statystyky Ukrainy, "Rozpodil mihrantiv za natsionalnistiu ta krainamy v'izdu/vyizdu u 2000 rotsi (Forma M-8)," 2000; for 2001, Derzhavnyi komitet statystyky Ukrainy, "Rozpodil mihrantiv za natsionalnistiu ta krainamy v'izdu/vyizdu u 2001 rotsi (Forma M-8)," 2001; for 2002, Derzhavnyi komitet statystyky Ukrainy, "Rozpodil mihrantiv za natsionalnistiu ta krainamy v'izdu/vyizdu u 2002 rotsi (Forma M-8)," 2002. For ethnic kin data for Russia, for 1992–97, International Organization for Migration, Resettlement of "Refugees" and "Forced Migrants" in the Russian Federation (Geneva: International Organization for Migration, 1998), 23; for 1998–99, Goskomstat Rossii, *Rossiiskii statisticheskii iezhegodnik: Statisticheskii sbornik*, 354; for 2000, Goskomstat Rossii, *Chislennost i migratsiia naseleniia Rossiiskoi Federatsii v 2000 godu*, 81; for 2002, Goskomstat Rossii, *Chislennost i migratsiia naseleniia Rossiiskoi Federatsii v 2001 godu*, 90; for 2001, Goskomstat Rossii, *Chislennost i migratsiia naseleniia Rossiiskoi Federatsii v 2001 godu*, 76. Nikolai Shulga, *Velikoe pereselenie: Repatrianty, bezhensty, trudovyie migranty* (Kyiv: Institut Sotsiologii NAN Ukrainy, 2002), 80; for 2000–2, from sources for migration data cited above.

laws were adopted in Russia and Ukraine in the late Soviet period, law-makers had little to no awareness of the international refugee legislation and the linkage between citizenship status and eligibility for refugee status contained in the international refugee law. A mismatch between the sociopolitical domestic and international legal understanding of who is a refugee (and thus deserves assistance from the state) was thus created. Whereas international law ruled that co-ethnics and other former Soviet migrants for the most part were not refugees but foreigners from developing-world countries were, domestically in Russia and Ukraine the perception was exactly the opposite: Needy former Soviet co-citizens, not foreigners from the developing world, were considered *bezhentsy* (refugees), and worthy of state assistance.[15]

The above reality makes our empirical puzzle all the more intriguing. Given the similar nature of the refugee problem in Russia and Ukraine (the predominance of migrants from the former Soviet republics, most of them nontraditional refugees and co-ethnics of the titular group), the comparable magnitude of the refugee problem (relative to the national populations; see table 7.1), and a similar domestic perception of who is and is not a refugee, one could expect to see similar refugee admission policies. It would not have been surprising, for example, if both states proved to be more receptive to the former Soviet refugees than to those from the developing world, and/or if both privileged co-ethnics of the titular ethnic group over refugees belonging to the ethnic "other."

Indeed, this is what happened in Russia. In Russia, the overwhelming majority of those recognized under the laws "On Refugees" and "On Forced Migrants" are former Soviet citizens. By the end of 2000, only 450 developing-world refugees received refugee status (2.1 percent of the total registered refugees).[16] Former Soviet citizens in Russia also benefited from the law "On Forced Migrants" adopted in addition to the law "On Refugees." The forced migrant law provided for a more generous regime (in terms of both status acquisition and the social and economic benefits associated with it) for those in a refugee-like situation who were eligible for Russian citizenship. The majority of those recognized under the law were ethnic Russians.[17] In Ukraine, conversely, there was neither legislation nor practice benefiting either ethnic Ukrainians or former Soviet citizens in general. Instead, 69 percent of the refugees recognized in the period 1997–2000 in Ukraine were from developing-world countries (mainly Afghanistan).[18]

Why did Russian and Ukrainian refugee policies turned out to be so different? To understand why similar post-Soviet countries responded differently to a similar refugee problem, we have to understand how the politics

of refugee policy in new states is intertwined with and shaped by the politics of nation building; how the politics of nation building creates different constraints and opportunities for the international actors lobbying for a receptive and nondiscriminatory domestic refugee policy; and how these actors' response to the constraints imposed by the politics of nation building enables or impedes the materialization of a nondiscriminatory domestic refugee regime.

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The Politics of Nation Building and Refugee Policy in the Post-Soviet Context

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The relationship between the refugee problem and the problem of nation building sets the post-Soviet states apart from Western states. Unlike Western states, which faced the modern refugee problem in the aftermath of World War II as established nation-states, the post-Soviet states faced the refugee problem *at the same time* they faced the challenge of state and nation building. In post–World War II Western Europe, established nation-states faced flows of foreign refugees. In post–Cold War Eastern Europe, new states faced a flow of refugees, many of them co-ethnics of the titular group, as they were still trying to define the boundaries of their nations. This simultaneity created an intimate link between the politics of refugee policy and the politics of nation building.

The politics of nation building in the post-Soviet region is not simply about treating co-ethnics of the titular group as "us" and the rest as "other." In many, if not most, of the newly independent states, the very question who is "us" is itself a matter of much debate. Scholars of identity, whose work Arel surveys in the introductory chapter, draw our attention to the fact that contestation over a category of identity is a multidimensional process, and that different dimensions of this contestation need to be taken into account if one hopes to use identity as a variable affecting social and political actions. The Russian and Ukrainian cases reveal the importance of the *degree* of domestic consensus on the question who is "us."

Certain legal acts, most notably citizenship legislation, define what can be called the "official" nation of a given state. We can thus determine the content of the category "nation" from the law.[19] However, without looking at the debates that preceded the adoption of the legislation, we cannot know the degree of agreement among main political actors over the official defi-

nition. The degree of agreement (or of contestation) matters greatly for the content of refugee policies, as we are about to see.

The Politics of Refugee Policy in Russia

The Russian case demonstrates that when there was a high degree of domestic consensus over the definition of "us," those who were defined as belonging to the nation received preferential treatment in refugee policy. The Russian case also shows that international actors may be able to liberalize state policy toward foreign refugees, but only if they are aware of how the politics of nation building determines domestic politics of refugee policy and assist refugees who are perceived as belonging to the nation, even if they do not fit the international legal definition of refugee.

The National Question and Refugee Policy

In Russia, all the main political forces (Communists, nationalists, and liberals) shared the idea that the "true" Russian nation transcends the borders of the Russian Federation and embraces Russians and "Russian speakers" in the former Soviet republics.[20] Reflecting this prevalent domestic sentiment, the 1991 citizenship law defined the "official" Russian nation to include all former Soviet citizens by extending the right to Russian citizenship to them.[21] The politics of nation building thus defined Russia's "us" as ethnic Russians and the Russian speakers from the former Soviet republics, and this definition reflected a domestic consensus.

In the refugee policy area, the consensus that Russians and Russian-speaking migrants from the former Soviet republics are "us" rather than "other" translated into a unique legal precedent of Russia adopting in February 1993 two laws to regulate the refugee situation: the law "On Refugees" and the law "On Forced Migrants." The forced migrant law applied to those who were eligible for Russian citizenship (i.e., to the former Soviet citizens recognized as belonging to the "us") and was more generous than the refugee law.[22] The preferential approach to the former Soviet refugees was also evident in practical applications of the law "On Refugees." Formally, anyone who was not a citizen of Russia could apply for refugee status under this law. A citizen of Uzbekistan and a citizen of Somalia, for example, were to be treated equally under the law. In practice, however, in the first

half of the 1990s, applications from developing-world asylum seekers were simply not accepted, while arrivals from the former Soviet republics received refugee or forced migrant status virtually automatically.[23]

As a result, by the end of 1993, there were 447,900 recognized refugees and forced migrants in Russia, all of whom were former Soviet citizens; none was from the developing world.[24] At the end of 1994, 702,500 refugees and forced migrants were officially registered, but only 33 (0.007 percent) of them were from the developing world. The 33 developing-world refugees recognized in 1994 were less than 0.1 percent of the 85,800 refugees recognized in Russia that year.[25] By the end of 2002, there were still only 400 recognized developing-world refugees—3 percent of the 13,800 registered refugees.[26]

This refugee policy outcome was predetermined by a strong domestic sense that the former Soviet citizens are part of the "us," and thus ought to be privileged in state policies. Arrivals from the former Soviet republics were readily recognized as refugees and forced migrants, while the developing-world refugees remained in legal limbo. The irony was that the developing-world refugees were "real" refugees (fitting the international legal definition of refugee), whereas most of the post-Soviet migrants were not. This irony, however, had its logic as a product of the consensual politics of nation building that defined the priorities of the government policy toward different groups of refugees.

The politics of nation building can explain why the Russian-speaking migrants from the former Soviet republics were assisted more readily than refugees from developing-world countries, but it cannot explain the evolution of Russia's policy toward developing-world refugees. As table 7.2 shows, the share of developing-world refugees among recognized refugees increased progressively starting in 1998. Starting in 1999, the majority of refugees recognized were from developing-world countries rather than the former Soviet republics.

To be sure, the post-1998 liberalization in Russia's policy toward developing-world refugees was not dramatic. In absolute terms, very few applicants are recognized, and since 2000, these numbers have been declining. Nevertheless, it is a significant change, given that before 1994 no developing-world refugees were recognized at all. The politics of nation building did not change much from the first to the second half of the 1990s. Something else thus has to explain this change in refugee policy. This other factor, the second key source of post-Soviet refugee policies, is the strategy of the UNHCR.

Table 7.2. Refugees Recognized in Russia under the Law "On Refugees,"
1994–2002

Year	Recognized Given Year (Persons)	Former Soviet Union		Developing World	
		Persons	Percent of Total	Persons	Percent of Total
1994	85,800	85,700	100.0	30	0.0
1995	46,400	46,350	99.9	50	0.1
1996	19,800	19,720	99.6	80	0.4
1997	5,800	5,690	98.1	110	1.9
1998	500	360	72.0	140	28.0
1999	400	170	42.5	230	57.5
2000	300	140	46.7	160	53.3
2001	130	10	7.7	120	92.3
2002	51	5	9.8	46	90.2

Sources: 1994–96 data for developing-world refugees supplied by the UNHCR Moscow; for 1997, Federal Migration Service of the Russian Federation, "Chislennost bezhentsev po stranam iskhoda po sostoianiu na 01.01.98 g.," 1998; for 1998, Office of the UN High Commissioner for Refugees, "Number of Refugees by Countries of Origin Recognized by FMS of the Russian Federation (Till the End of 1998)," 1998; for 1999–2000, Goskomstat Rossii, *Chislennost i migratsia naselenia Rossiiskoi Federatsii v 2000 godu* (Moscow: Goskomstat Rossii, 2001), 116; for 2001–2, Goskomstat Rossii, *Chislennost i migratsia naselenia Rossiiskoi Federatsii v 2002 godu* (Moscow: Goskomstat Rossii, 2003), 138.

The Role of the UNHCR

Refugee policy formation in the post-Soviet region differs from refugee policy formation in post–World War II Western Europe in the greater role played by international actors, specifically by the UNHCR. The UNHCR is an international humanitarian organization mandated by the UN to promote the ratification of the 1951 Geneva Convention on the Status of Refugees and its 1967 Protocol (the international legal instruments that set standards for refugee treatment) and to supervise their application.[27] Although the UNHCR is a central component of the international refugee regime, refugee regimes in Western states evolved without the UNHCR. After its establishment in 1951 and until the end of the Cold War, the UNHCR worked mainly in developing countries, not in Western states.[28] In the post-Soviet region, however, refugee regimes emerged under the scrutiny of the UNHCR.

The UNHCR has had a permanent local presence in Russia since 1992. By virtue of its institutional "modus operandi" (operating through a permanent local office), it was well positioned to influence domestic refugee

policies, arguably better than international actors that operate by sending periodic delegations. The novelty of the refugee issue and the lack of domestic expertise further strengthened the UNHCR's position in the post-Soviet states as the resident expert on the subject. In short, the situation in which the UNHCR found itself in the post-Soviet region may be characterized as the "exceptional circumstances" to which Andrew Moravcsik refers, when a "window of opportunity" exists for international organizations' officials to influence national policies.[29] In Russia, however, the UNHCR was initially unsuccessful in its efforts to encourage the government to establish a receptive and a nondiscriminatory refugee regime—to make the Russian authorities extend legal protection to the developing-world refugees. This was because the UNHCR's strategy was not sensitized to the domestic politics of refugee policy in Russia.

The UNHCR in Russia initially acted squarely within the universe of meaning defined by international refugee law. It thus concerned itself exclusively with those who fit the international legal definition of refugees, that is, with the developing-world asylum seekers, and did not assist the "nontraditional" former Soviet refugees because they were not refugees under international law. The conflict of priorities of the UNHCR and the Russian authorities was apparent. The UNHCR focused on the situation of traditional developing-world refugees who fit the international legal definition of a refugee, and it criticized Russia for not assisting them.[30] As far as the UNHCR was concerned, Russia was failing to live up to the international obligations it undertook when it ratified the 1951 Convention and its 1967 Protocol. As far as the Russian authorities were concerned, Russia's refugee problem was first and foremost about the former Soviet nontraditional refugees. They were "true" refugees deserving of UNHCR assistance.

The Russian authorities thus resented the UNHCR's criticism, and for their part attacked the international organization for failing to assist the former Soviet refugees. When Russia became the first post-Soviet state to ratify the 1951 Geneva Convention and its 1967 Protocol in November 1992, it hoped that this would bring international assistance to Russia to deal with the influx of former Soviet citizens.[31] As it became clear that the international assistance was not forthcoming because the former Soviet migrants were not refugees in the sense of international law, the Russian authorities expressed their anger in no uncertain terms. As Viacheslav Bakhmin, the head of the Foreign Ministry's Directorate of International Humanitarian and Cultural Cooperation and, in 1992, one of the main supporters of the

ratification of the Geneva Convention by Russia, put it: "We signed [the Convention] so that international community would actively help with refugees—but international help has been very weak. Our position is that the Russian refugees in Russia are refugees in the international sense, and we want the same kind of help that other states get. . . . It is a strategic mistake on the part of international organizations to deal only with non-CIS refugees."[32]

The politics of nation building determined the meaning of the term "refugee" and the priorities of the Russian government. As long as the UNHCR took its cues only from international law, the UNHCR and the Russian authorities were talking past each other. Only in the mid-1990s, when the UNHCR began to change its strategies, did the deadlock that defined the UNHCR–Russia relations in the first half of the 1990s begin to break, and Russia's policies toward developing-world refugees begin to change.

An examination of the evolution of the UNHCR's strategy allows us to speak of a learning process. By the middle of the 1990s, the UNHCR came to realize that the complex nature of forced migration in the wake of the collapse of a multinational state necessitates a nontraditional response on its part. Sadako Ogata, the UN high commissioner for refugees from September 1991 until December 2000, acknowledged that the UNHCR had learned. She describes the UNHCR's activities in the former Soviet Union as "learning on the job" and affirms that when the UNHCR got involved in the former Soviet Union it was "operating in an entirely unfamiliar environment" and had to adjust its strategies and objectives "as it went along."[33] This learning process took time. Only in 1994 would UNHCR headquarters in Geneva employ its first full-time expert on the post-Soviet region.[34] By the middle of the 1990s, in the UNHCR's words, its "evolving strategic thinking" led it to "recognize . . . that an effective and relevant framework for action could not, in this non-traditional environment [i.e., that of the former Soviet Union], be based solely on an asylum-centered strategy."[35]

The changes in the UNHCR's strategy took time to evolve but became evident by the mid-1990s. In late 1994, the UNHCR started its first project to benefit former Soviet refugees in Russia. A total of $4 million was earmarked to assist some 14,000 refugees from Georgia in Russia's Krasnodar region.[36] The onset of hostilities in Chechnya in early 1995 for the first time created a large category of involuntary migrants in Russia who fit an international legal category ("internally displaced persons," or IDPs) and whom the UNHCR could thus assist within the framework of its mandate.[37]

The UNHCR's evolving strategic thinking and deepening involvement with nontraditional migrants in Russia and in other former Soviet states was put on a formal footing by the CIS Conference held at UNHCR headquarters in May 1996.[38] Activists have criticized the CIS Conference for "squandering an important opportunity and producing a document [Program of Action] that was overly general and non-binding,"[39] as well as for failing to adopt a broadened regional refugee definition.[40] At the same time, the conference had an important affect on the UNHCR's operations in the region and formally extended the UNHCR mandate in the CIS region to cover a larger category of involuntary migrants.[41]

Changes in the UNHCR strategy brought changes in Russian refugee policy. As the UNHCR began assisting nontraditional Russian-speaking refugees in Russia, the group of primary concern for the Russian government, the government became more inclined to reciprocate and to recognize developing-world refugees. As table 7.2 shows, the share of developing-world refugees among recognized refugees in Russia increased progressively, starting in 1998. Even though today's Russian policy toward developing-world refugees cannot be described as liberal,[42] there is no longer the deep gap between state policy toward the developing world and toward the CIS refugees that existed in the first half of the 1990s. The securitization of migration and the refugee policy debate that followed President Vladimir Putin's rise to power resulted in a more restrictive approach to all migrants and refugees, including those from the CIS.[43] This further narrowed the gap in the treatment of former Soviet and developing-world refugees.

In sum, a change in the UNHCR's strategy (its decision to begin assisting nontraditional refugees in Russia) produced a liberalization of Russia's policy toward developing-world refugees. At the same time, the politics of nation building—which firmly designated the former Soviet migrants, in particular Russians and "Russian speakers," as "us" and thus the priority group for the government—continues to set limits on how receptive Russia's policy toward other refugees can be. As we are about to see, in Ukraine the situation was different. A result of the conflictual politics of Ukrainian nation building—domestic disagreement on the question of who is "us"—was that no refugee group could be singled out for preferential treatment. This created domestic political space for a nondiscriminatory refugee policy. Such a policy materialized shortly after the UNHCR began operating in Ukraine, which it approached with a different strategy from the start.

The Politics of Refugee Policy in Ukraine

As discussed above, Ukrainian refugee policy differed from that of Russia in two puzzling ways. First, Ukraine did not privilege either ethnic Ukrainians or CIS migrants in its policy. Second, Ukraine's policy toward the developing world was more receptive that Russia's. The first of these two differences can be attributed to the different politics of nation building. The second is due to a different strategy on the part of the UNHCR.

The National Question and Refugee Policy

Unlike in Russia, in Ukraine there was no domestic consensus on the definition of the Ukrainian nation. The two main political forces—the left (Communists and their allies) and the right (nationalists and national-democrats)—held conflicting views on the national question and on the question of Ukrainian statehood. The Ukrainian Communists, just like the Russian Communists, subscribed to the Soviet version of historiography that portrayed the Russians, Ukrainians, and Belarusians as three branches of the same people and the Soviet Union as the "correct" state formation uniting fraternal nations into a single Soviet people. The right, for its part, held Ukrainian independence as the highest goal and understood the Ukrainian state as a multinational state but with an ethnic Ukrainian "core."[44]

Given their divergent views on the national question, the left and the right differed on what group or groups are to be privileged in state policy. The right wanted state legislation to single out ethnic Ukrainians for preferential treatment in state policies. The left, given its objective to have a union state with Russia, focused its energies on opposing measures that underscored the separateness of Ukraine as a state. The left thus opposed any measures that would single out ethnic Ukrainians as the group toward which the state has special responsibility, while trying to institutionalize policies (e.g., dual citizenship and two state languages) that had the potential to foster political unification with Russia.[45] In the end, neither the left nor the right had enough political power to achieve its objectives. The left's dual citizenship proposals were defeated, but so were the right's proposals to accord preferential treatment to ethnic Ukrainians. A compromise was a territorial definition of the "official" nation in the citizenship law: Those with family origins from the territory of Ukraine, regardless of their ethnic, linguistic, and other characteristics, were made eligible to acquire Ukrainian citizenship under a simplified procedure.[46]

The polarized politics of nation building that resulted in a compromise territorial definition of the "official" nation in citizenship law had several consequences for refugee policy. First, it precluded preferential treatment for ethnic Ukrainian refugees. The 1993 refugee law did not include any provisions aimed at ethnic Ukrainian returnees, although the right and the center-right members of Parliament advocated such measures during the debate.[47] Second, measures to benefit refugees who fell under the territorial definition of the "official" nation were also minimal. The entirety of Ukraine's preferential treatment of refugees who fell under this compromise definition of the nation were one provision of the 1993 refugee law and one parliamentary resolution. Article 3 of the refugee law exempted this group from the "safe third country" exclusion clause during application for refugee status.[48] The December 1993 parliamentary resolution grated some additional socioeconomic rights to refugees who were eligible for Ukrainian citizenship.[49] In practice, however, the resolution made those eligible for Ukrainian citizenship actually worse off than "foreign" refugees;[50] and by 2000, just 333 individuals were able to receive assistance under this resolution.[51]

If we recall that in Russia there was an entirely separate law "On Forced Migrants" that created a preferential refugee regime for those who were eligible for Russian citizenship, and that the practical application of the law "On Refugees" also privileged this group, the difference with Ukraine is striking. This difference was a product of the different politics of nation building. In Russia, a high degree of domestic consensus that ethnic Russians and Russian-speaking migrants from the former Soviet republics are "us" rather than "other" mandated a preferential policy toward refugees from the former Soviet republics. In Ukraine, where the territorial definition of the "official" nation was not the first choice of either the left or the right, there was little political will to promote policies favoring this group. The conflictual politics of nation building in Ukraine precluded ethnic Ukrainians (or any other post-Soviet refugee group) from being designated for preferential treatment in state policies; but at the same time, it created a political space for a nondiscriminatory refugee policy. Because no single group was designated for preferential treatment in state policies, all refugee groups could potentially be treated equally.

A policy that is politically feasible may not become a reality, however. Even though a nondiscriminatory refugee regime was politically feasible in Ukraine, there was little domestic interest in it. Public and elite perception of developing-world refugees was as negative in Ukraine as in Russia, and no political force advocated liberal policies toward this group. The Ukrain-

ian refugee law was adopted in 1993 but, until 1996 it remained unimplemented. Developing-world refugees thus had no way to legalize their stay in Ukraine, and, as in Russia, were in the same position as illegal migrants.[52] When the implementation of the 1993 law began in early 1996, however, the results were striking. First refugee cards were handed to Afghan refugees, and for the next several years developing-world refugees continued to be a majority among recognized refugees. As we can see from table 7.3, from 1996 to the end of 2000, 3,540 cases (4,720 persons) were granted refugees status in Ukraine. A total of 84 percent of them were from developing-world countries and 56 percent from Afghanistan.[53]

Table 7.3. Refugees Recognized in Ukraine, 1996–2001

Year	Recognized Given Year (Cases)	Former Soviet Union		Developing World		Main Countries of Origin
		Number of Cases	Percent of Total	Number of Cases	Percent of Total	
1996	1,161	n.a.	n.a.	1,161	More than 90	Afghanistan
1997	844	61	7	783	93	Afghanistan, Congo, Angola
1998	553	117	21	436	79	Afghanistan, Sudan, Azerbaijan
1999	476	65	14	411	86	Afghanistan, Russia (Chechnya), Azerbaijan
2000	506	298	59	178	35	Afghanistan, Russia (Chechnya), Armenia
2001	274	98	36	176	64	Afghanistan, Azerbaijan, Russia (Chechnya)

Note: n.a. = Not available. Data refer to cases, not persons (one case can be several persons, e.g., a family). Of the 1,161 cases recognized in 1996, 995 were from Afghanistan; Oleg Shamshur, "Migration Situation in Ukraine: International Cooperation Related Aspects," *Migration: European Journal on International Migration and Ethnic Relations,* nos. 29–31 (1998): 29–44 (the citation is on 32).

Sources: Official data of the State Committee of Ukraine for Nationalities and Migration. Cited after the following: for 1996 and 1998, Olena Malynovska, "Some Statistic Data on Refugees in Ukraine," *Migration Issues* 3, no. 10 (1999): 28–33; for 1997, Derzhavnyi Komitet u spravakh natsionalnostei i migratsii, "Zvit pro osib, iaki zvernulysia iz zaiavamy pro nadannia statusu bizhentsia v Ukraini stanom na 1.01.1998," 1998; for 1999, Derzhavnyi Komitet u spravakh natsionalnostei i migratsii, "Zvit pro osib, iaki zvernulysia iz zaiavamy pro nadannia statusu bizhentsia v Ukraini stanom na 1.01.2000, Forma 1 (Bizhentsi)," February 3, 2000; for 2000, Derzhavnyi Departament u spravakh natsionalnostei i migratsii, "Zvit pro osib iaki zvernulysia iz zaiavamy pro nadannia statusu bizhentia v Ukraini stanom na 1.01.2001," 2001. For 2001, Derzhavnyi Komitet u spravakh natsionalnostei i migratsii, "Zvit pro osib, iaki zvernulysia iz zaiavamy pro nadannia statusu bizhentsia v Ukraini stanom na 1.01.2002, Forma 1 (Bizhensti)," January 28, 2002.

If we take into account that thousands of developing-world refugees had been present in Ukraine since early 1990s, and that until 1996 their situation was no better than that of developing-world refugees in Russia, one cannot help but wonder why Ukraine's policy toward developing-world refugees improved so quickly starting in 1996. Ukraine began granting status to developing-world refugees within months after the UNHCR established a permanent local presence in the country in August 1995. This was not a coincidence. The emergence of a receptive refugee regime in Ukraine was a product of the UNHCR's strategy, which from the outset was different from the one it pursued in Russia.

The Role of the UNHCR

By the time the UNHCR got involved in Ukraine, it had learned from its experience in Russia that a strategy centered on the strict application of international refugee law was not very effective in the post-Soviet environment. As discussed above, by the middle of the 1990s the UNHCR was growing increasingly aware of the particularities of the refugee problem in the post-Soviet space, and it began to turn its attention to nontraditional refugees. Since December 1994, the UNHCR had also been preparing to host a conference on the forced migration problem in the former Soviet space (the 1996 CIS Conference). If the decision to hold a conference on the peculiarities of the post-Soviet refugee problem was evidence of the UNHCR having learned on the overall organization level, its activities in Ukraine evidenced such learning at the local level.

In Russia, as we saw above, the consensual politics of nation building made the government primarily concerned with Russian speakers from the former Soviet republics. The conflictual politics of nation building in Ukraine did not generally make Ukrainian, Ukrainian-speaking, or former Soviet migrants a priority group for the Ukrainian government. However, the nature of the forced migration problem in Ukraine placed one group of involuntary migrants in the government spotlight for political, economic, and social reasons. The group in question was the Crimean Tatars.

The Crimean Tatars were deported from Crimea on Stalin's orders in 1944, and since the late 1980s, they had begun to return back en masse. By the mid-1990s, some 250,000 had returned, and the sheer number of returnees made the challenge of their accommodation and integration daunting. Furthermore, Crimea's political sensitivities made the Crimean Tatars a political concern to the Ukrainian authorities. On the one hand, the

Crimean Tatars, who supported Ukraine's independence and opposed the transfer of Crimea to Russia, were an important counterbalance to the threat of Russian separatism on the peninsula. On the other hand, the Crimean Tatars themselves demanded national-territorial autonomy. This demand raised the political temperature on the peninsula, and the central authorities also eyed it with concern.[54]

The question whether to assist the Ukrainian authorities with the integration of the Crimean Tatars and other formerly deported peoples (FDPs)[55] presented a dilemma for the UNHCR. From the point of view of international refugee law, the legal status of FDPs in Ukraine was as ambiguous as the status of the post-Soviet migrants in Russia. In the late 1980s, the Crimean Tatars' return started as an *internal* migration within a single state (the USSR); after 1991, it continued as an *international* migration from other newly independent states to Ukraine. The vast majority of the FDPs were thus neither "refugees" nor "internally displaced persons" in the sense of international law, and therefore not under the UNHCR mandate. Instead of falling back on its mandate restrictions and shunning involvement with the FDPs in Crimea, the UNHCR in Ukraine made a strategic decision to find a way to aid the Ukrainian government with their resettlement.

Starting in April 1995, the UNHCR dispatched a series of fact-finding missions to Crimea to identify groups of FDPs that would fall under its mandate. In July 1995, the Ukrainian government formally requested the UNHCR to assist with the resettlement and integration of FDPs.[56] By early 1996, the UNHCR had identified two groups of FDPs that it could assist under it mandate: several thousand FDPs who had fled conflict areas in the former Soviet republics and who were in a refugee-like situation; and tens of thousands of legally stateless FDPs who had arrived in Ukraine after the 1991 citizenship law entered into force.[57] Once mandate justification for the UNHCR involvement was found, the UNHCR in Ukraine quickly proceeded with concrete assistance, such as financing housing construction for returnees.[58] These shelter rehabilitation projects provided tangible results rather quickly, and they established for the UNHCR a reputation as the international organization that actually "delivers."[59] This reputation was strengthened in the following years. In the period 1997–2000, the UNHCR conducted a massive "citizenship campaign"—its largest in the world—in which it invested $2 million, and which helped nearly 100,000 Crimean Tatars acquire Ukrainian citizenship.[60]

When refugee status determination began in Ukraine in early 1996, it immediately benefited developing-world refugees. The Ukrainian authorities'

willingness to grant refugee status to developing-world refugees was in no small measure a reciprocal act for the UNHCR's assistance with the resettlement of FPDs in Crimea. The UNHCR's assistance in Crimea had positive "spillover" effects for refugee protection in all of Ukraine. The UNHCR was also aware of this effect of its engagement with FDPs on refugee policies: "There are side benefits to UNHCR in Kyiv for any assistance policy in the Crimea," a July 1996 UNHCR report noted.[61] Ukrainian government officials likewise acknowledge that the UNHCR's "good will" with the problems of FDPs in Crimea was reciprocated by "good will" on the part of the Ukrainian government with regard to developing-world asylum seekers.[62]

In another departure from its approach in Russia, the UNHCR in Ukraine decided initially not to put too much emphasis on the ratification of the Geneva Convention by Ukraine but instead to concentrate on what it termed a "step-by-step approach."[63] This difference in strategy also can be attributed to the UNHCR's learning experience. Russia ratified the 1951 Geneva Convention and its 1967 Protocol as early as 1992, and it had a liberal refugee law on the books by early 1993, but these legislative developments did not translate into a receptive policy toward developing-world refugees. If there was a clear lesson from the Russian case for the UNHCR, it was that in an environment of the weak rule of law, the mere act of ratification of international instruments or adoption of liberal legislation does not necessarily translate into policies in line with formally declared legal principles and obligations. The UNHCR Kyiv office thus devised a "step-by-step" strategy. The head of the office was himself a national of a postcommunist state (Hungary) who was well aware of the limited power of the letter of the law in the postcommunist context in the absence of authorities' desire and capacity to implement it. The UNHCR Kyiv office got Geneva to back this novel approach.[64]

The essence of the "step-by-step" approach was to emphasize and reward authorities' gradual practical progress in refugee policy, rather than strive for legislative perfection.[65] The primary goal of the "step-by-step" strategy was to encourage the authorities to accept and process refugee applications in a nondiscriminatory manner, even when the national legislation remained suboptimal relative to international standards. In line with this strategy, the UNHCR provided targeted material and technical assistance to the relevant central and regional government agencies. Both the Ukrainian authorities and the UNHCR acknowledge that material and technical assistance provided by the UNHCR enabled and encouraged the authorities to address the

problems of refugees in Ukraine that might otherwise have remained ignored due to the lack of local capacity and resources required to implement the refugee law.[66] As one senior Ukrainian refugee policy official put it succinctly: "Without UNHCR, we [the Ukrainian migration service] would have perished."[67]

The second half of the 1990s saw quick progress in refugee protection in Ukraine. The implementation of the 1993 refugee law began in February 1996, when the first refugees were recognized by the Kyiv City Migration Service. By the end of 1996, the refugee status determination procedure was being implemented in fifteen of Ukraine's twenty-seven regions. By the end of 1999, the procedure was being implemented in all regions of Ukraine.[68] The UNHCR provided migration services with material, technical, and expert assistance, and it was also generous in its praise of Ukraine's refugee policies as "an example for the CIS region."[69] Ukraine finally ratified the 1951 Geneva Convention and its Protocol in January 2002, after adopting a revised refugee law in June of the previous year.

A paradox of the nondiscriminatory refugee policy in Ukraine was its adverse effects for former Soviet migrants, and especially ethnic Ukrainian (usually referred to as "repatriates") in Ukraine. This was because a nondiscriminatory refugee policy benefited whoever was a refugee under international law. In Ukraine, developing-world refugees were the ones who unambiguously met the refugee definition under international law (they crossed an international border and were not citizens of Ukraine). Ethnic Ukrainian repatriates and other former Soviet migrants generally did not meet the refugee definition because of their migration experience and/or citizenship status, and thus they could not benefit from a refugee policy that respected the international legal definition of a refugee. The situation whereby "foreign" refugees are apparently better off than Ukrainian repatriates is frequently lamented in Ukraine, including by government officials.[70] As one newspaper headline crudely summarized this sentiment, "If you want to be a refugee in Ukraine, you are better off if you are black."[71]

Despite the legislative and practical progress achieved in the 1990s, the Ukrainian refugee regime remains fragile, as events of the most recent years show. Frequent restructurings of the state administrative organs negatively affect the functioning of refugee law. In 2001, the main government body dealing with refugees was re-created and restaffed for the seventh time in eight years. This restructuring halted the refugee recognition process from mid-2001 until the end of 2002, and only two refugees were recognized dur-

ing this period.[72] Financial assistance from the UNHCR, which has been an important incentive for the cash-strapped Ukrainian authorities, declined after 2001, when the UNHCR citizenship campaign in Crimea came to an end and the UNHCR Kyiv office saw budget cuts.[73] In 2003, the European Commission began financing the UNHCR-implemented project "Strengthening the Asylum System in Ukraine."[74] It remains to be seen if the resulting increase in the UNHCR Kyiv office budget, and thus of its ability to provide material incentives to the Ukrainian authorities, will lead to an increase in refugee recognition rates in the coming years,[75] and if Ukraine will amend its refugee law in line with UNHCR recommendations.[76]

To sum up, the result of the different politics of nation building and different strategies of international actors in Russia and Ukraine was a relatively more receptive policy toward developing-world refugees in Ukraine in comparison with Russia, and a significantly more receptive refugee policy toward co-ethnics in Russia than in Ukraine. Though one should not overlook the fact that developing-world refugees experience many economic and legal hardships in Ukraine as well, the difference with Russia is still significant. In Ukraine, developing-world asylum seekers generally had a way of legalizing their stay and thus receiving at least minimal protection, whereas in Russia they generally did not. The difference in the treatment of the co-ethnics in the two countries has been even more striking.

Conclusion

The evolution of Russian and Ukrainian refugee policies illustrates how the politics of nation building and the strategies of the international actors shaped refugee policy outcomes in states where the challenges of nation building and of refugee protection are intertwined. The different ways in which Russia and Ukraine responded to the similar challenge of refugee protection had to do with the different politics of nation building and different strategies of the UNHCR. Russian and Ukrainian refugee policy story contains several larger implications that reach beyond the issue of refugee policy.

The first of these implications is for scholars of identity and of nation building. The story told in this chapter underscores what Arel emphasized in his introduction: To understand how identity matters, researchers must investigate the political process that gives meaning to categories of identity; rather than simply assuming that certain objective markers, such as

passport ethnicity, language, or territory, will have the same importance (and thus produce similar policies) in different domestic settings. Indeed, it is the politics over the labeling, recognition, and meaning of identity categories that makes a certain cleavage salient (or not) in a particular domestic context. In Russia and Ukraine, as we have seen in this chapter, what mattered for inclusion and exclusion in the nation (and thus for the preferential treatment and for discrimination in refugee policy) was not simply ethnicity (or any other objective characteristic). The relative strength of political forces that "imagined" the nation differently determined how the "us" and the "other" were defined in the law. Whether or not the "us" would then receive preferential treatment in refugee policy further depended on the degree of domestic consensus over the definition of the "us."

The second lesson of the Russian and Ukrainian refugee policy story is that a polarizing politics of nation building may have unintended "liberal" consequences. As the Ukrainian case illustrates, a "weak" national identity and the conflictual politics of nation building can open a political space for a liberal policy in another issue area that would not have existed otherwise. This finding is in line with that of the scholars of democratization who have shown how in states with weak civil societies and no history of democracy elite fragmentation enables a degree of political pluralism and serves as an obstacle to authoritarian consolidation.[77] The fact that the territorial definition turned out to be a compromise definition of the nation in Ukraine also suggests that the default equilibrium outcome of a polarized politics of nation building in terms of state policies may be a civic nation-building project—an intriguing possibility that deserves further research.

Finally, the Russian and the Ukrainian cases both testify to the potential of international actors in the postcommunist region to promote policies respectful of human rights. This implication has an important caveat, however—the evidence from Russia and Ukraine clearly shows that the success of international actors depends on how well they understand the domestic politics of the issue they are trying influence, and how able they are to adjust their strategies to fit domestic constraints.

Notes

1. These are UNHCR statistics for refugees and other categories of displaced persons "of concern" to the UNHCR, as reported in UNHCR, *The State of the World's Refugees: Fifty Years of Humanitarian Action* (Oxford: Oxford University Press, 2000), annex 2, 306–9.

2. The 1977 Soviet Constitution (article 38) provided for the granting of asylum to "foreigners persecuted for defending the interests of the working people and the cause of peace, or for participation in the revolutionary and national-liberation movement, or for progressive social and political, scientific, or other creative activity." However, decisions to grant such asylum were made on an individual basis by the Presidium of the Supreme Soviet of the USSR, and no refugee or asylum legislation existed.

3. UNHCR, *State of the World's Refugees,* annex 2, 306–9.

4. Article 1 (2) of the 1951 Convention reads: "[T]he term "refugee" shall apply to any person who, as a result of events occurring before 1 January 1951 and owning to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling, to return to it." According to the 1951 Convention, the term "refugee" applied only to those who fitted this refugee definition "as a result of events occurring in Europe before 1 January 1951." The 1967 Protocol Relating to the Status of Refugees removed the time limit and the geographical limitation set in the 1951 Convention. Thus, since 1967, under the international law the refugees are those who fit the definition of the 1951 Convention, regardless of when and where the events that made them refugees occurred. The text of the 1951 Convention and its 1967 Protocol are in Division of International Protection, UNHCR, *Collection of International Instruments and Other Legal Acts Concerning Refugees and Displaced Persons* (Geneva: UNHCR, 1995), 10–45.

5. UNHCR Russian Federation, "UNHCR Moscow Registration of Asylum Seekers (Till the End of December)," January 28, 1998. Other main countries of origin were Iraq (9 percent), Somalia (8 percent), Angola (3 percent), and Sri Lanka (3 percent). UNHCR registration statistics from 1992 to January 1999 in UNHCR Russian Federation, "1998–2000 Country Report and Operations Plan (CROP) Narrative," 5.

6. Grigory Sereda, "The State Department for Nationalities and Migration: A New Working Strategy," *Citizen,* no. 28 (October 2000): 7–9, 8.

7. Other main countries of origin of refugees from the developing world in Ukraine were Angola, Iraq, Somalia, Sudan, and Sri Lanka.

8. Thus, a 1997 UNHCR survey of 352 refugees in Ukraine, 84 percent of them Afghans, found that 54 percent wanted to remain in Ukraine (23 percent wanted to move to a Western country, and 23 percent to return home); see UNHCR Ukraine, National Institute of Ukrainian-Russian Relations, Institute of Sociology of the Ukrainian Academy of Sciences, *Refugees in Ukraine* (Kyiv: UNHCR, 1997), 56–79. In 1992, Afghan students in Russia created an organization with a purpose to help themselves "remain in Russia." (According to one of the organization's founders; author's interview, Moscow, August 11, 1998.) The desire of many Afghans to remain is understandable, given that most of them were associated with a Soviet-backed Najibullah regime and came to study or train in Soviet civilian and military institutions. They had time to adjust linguistically and culturally to the new environment.

9. Calculated from the UNHCR country statistics for 1999 as reported in UNHCR, *State of the World's Refugees,* annex 2.

10. The term "ethnic unmixing" is Rogers Brubaker's, and describes the return of ethnic minorities to their "ethnic homelands." Rogers Brubaker, *Nationalism Reframed:*

Nationhood and the National Question in the New Europe (New York: Cambridge University Press, 1996).

11. Figure cited after Arthur Helton, "Lost Opportunities at the CIS Migration Conference," *Transition* 2, no. 13 (June 28, 1996): 52–54; the quotation is on 53.

12. By the end of the 1990s, more than 9 million people had moved from one former Soviet republic to another in one of the largest mass migrations in recent European history. Arthur Helton and Natalia Voronina, *Forced Displacement and Human Security in the Former Soviet Union: Law and Policy* (Ardsley, N.Y.: Transnational Publishers, 2000), ix.

13. Under the February 1992 Russian citizenship law (article 18, paragraph 4), all former Soviet citizens were eligible to acquire Russian citizenship virtually automatically, simply by expressing the desire to become a Russian citizen. The November 1991 Ukrainian citizenship law (article 17, paragraph 2) made those who were born, or at least one of whose parents or grandparents was born, in the territory of Ukraine eligible for Ukrainian citizenship under a simplified procedure. For the texts of the laws, see International Organization for Migration, *Sbornik zakonodatelnykh aktov gosudarstv SNG i Baltii po voprosam migratsii, grazhdanstva i sviazannym s nimi aspektami* (Geneva: International Organization for Migration, 1995), 280–95, for the Russian law; and 388–98 for the Ukrainian law.

14. As noted above, under the international refugee law, eligibility for citizenship in a receiving state makes one ineligible to be defined as refugee.

15. On this mismatch between international legal and sociopolitical domestic understanding of who is a refugee in the post-Soviet context, see also Adriano Silvestri and Olga Tchernishova, "The Legal Framework Regulating Asylum in the Russian Federation," *International Journal of Refugee Law* 10, no. 1 (1998): 184–99.

16. See official statistics in Goskomstat Rossii, *Chislennost i migratsia naselenia Rossiiskoi Federatsii v 2000 godu* (Moscow: Goskomstat Rossii, 2001), 116.

17. In 1993, ethnic Russians were 58 percent of those granted forced migrant status. In 1998, ethnic Russians were 76 percent; International Organization for Migration, *Resettlement of "Refugees" and "Forced Migrants" in the Russian Federation* (Geneva: International Organization for Migration, 1998), 22. In 2001 and 2002, ethnic Russians were 66 percent; Goskomstat Rossii, *Chislennost i migratsiia naseleniia Rossiiskoi Federatsii v 2002 godu* (Moscow: Goskomstat Rossii, 2003), table 3.9.

18. This was calculated by the author from official statistics obtained from the State Committee of Ukraine for Nationalities and Migration.

19. To be sure, the definition of the nation in the law is indicative only of the "official" content of the category "nation." The majority of the public in a given state may or may not "imagine" the nation the way it is defined in the law.

20. For a detailed analysis of how main Russian political forces "imagine" the Russian nation in the post-Soviet period, consult Yitzhak Brudny, "Politika identichnosti i post-kommunisticheskii vybor Rossii," *Polis,* no. 1 (2001): 87–104; Vera Tolz, "Conflicting "Homeland Myths" and Nation-State Building in Postcommunist Russia," *Slavic Review* 57, no. 2 (1998): 267–94; Tolz, "Forging the Nation: National Identity and Nation Building in Post-Communist Russia," *Europe-Asia Studies* 50, no. 6 (1998): 993–1022; Tolz, *Russia* (Oxford: Oxford University Press, 2001), chapter 8; and Oxana Shevel, "National Identity and International Institutions: Refugee Policies in Post-Communist Europe." Ph.D. dissertation, Harvard University, 2002, chapter 3.

21. Although the 1991 citizenship law made no explicit mention of ethnic Russians

or Russian speakers, during discussion in the parliament, the chairman of the parliamentary commission on citizenship, Yurii Zaitsev, affirmed that the provision was aimed at this group: "Simplified procedure, i.e., registration procedure, applies to USSR citizens (of course, we have in mind the Russian-speaking population, although this is not stated anywhere in the law) who reside on the territories of the union republics." Verkhovnyi Sovet Rossiiskoi Federatsii, Chetvertaia sessia Verkhovnogo Soveta Rossiiskoi Federatsii, *O proekte zakona o grazhdanstve RSFSR: Povtornoie pervoie chtenie,* November 15, bulletin 12 sovmestnogo zasedania Soveta Respublik i Soveta Natsionalnostei (Moscow: Verkhovnyi Sovet Rossiiskoi Federatsii, 1991), 12.

22. Forced migrant status was easier to obtain than refugee status, because one did not have to prove individual persecution. Persecution against family members, for example, was grounds for granting forced migrant—but not refugee—status. Forced migrant status could also be granted to those who feared "violations of public order or other circumstances significantly violating human rights"; such fears would not have qualified one for a refugee status. Both laws were rather generous, in fact more generous than the 1951 Convention itself, in terms of the social and economic rights they granted. Forced migrant status carried with it greater socioeconomic benefits that were to be guaranteed by the state. In particular, under the forced migrants law, one was entitled to housing (including during the application procedure), to social payments and medical care, and to compensation for property left in the previous place of residence. The Russian state guaranteed a compensation for lost property to forced migrants if they could not obtain it from the state they left. Refugees were not guaranteed such compensation but only the Russian state's assistance in securing compensation from the state they left. Refugees were entitled to three months of free housing in a refugee accommodation center, while there was no such time limit on the right to free housing in the forced migrant law.

23. For arrivals from the former Soviet republics the procedure was one of registration, not of recognition: without individual status determination procedure (although the 1993 laws envisaged individual examination of the claims); with proof of individual persecution usually not required; and with the decision often made the same day. Thus, November 25, 1993, decree 2775 of the Federal Migration Service, "On Recognizing and Registering Forced Migrants on the Territory of the Russian Federation," ruled (article 2.2) that one has to present proof of persecution only "if necessary" (*pri neobkhodimosti*). The decree also recommended (article 2.5) that recognition decisions are to be made on the day of application "if possible," or within five days—time limits not conducive to a thorough examination of applications on the merit of each individual claim.

24. Goskomstat Rossii, *Rossiiskii statisticheskii iezhegodnik: Statisticheskii sbornik* (Moscow: Goskomstat Rossii, 2000), 101.

25. These are 1994 developing-world refugee recognition data provided to the author by UNHCR Moscow. Overall 1994 refugee recognition data are cited after Federal Migration Service of the Russian Federation, "Svedenia o bezhentsakh i vynuzhdennykh pereselentsakh 1992–1996," 1997.

26. Goskomstat Rossii, *Chislennost i migratsia naselenia Rossiiskoi Federatsii v 2002 godu* (Moscow: Goskomstat Rossii, 2003), 138.

27. See Statute of the Office of the UNHCR in Division of International Protection, UNHCR, *Collection of International Instruments and Other Legal Acts Concerning Refugees and Displaced Persons* (Geneva: UNHCR, 1995), v. I, part 1, 3–9.

28. Charles Keely notes that after the displaced persons of World War II were set-

tled, the UNHCR in Europe "had virtually no role. The European desk in the UNHCR was more and more attenuated . . . UNHCR . . . quickly became an agency operating in the third world." Keely, "The International Refugee Regimes: The End of the Cold War Matters," *International Migration Review* 35, no. 1 (2001): 303–14; the quotation is on 307.

29. Andrew Moravcsik argues for the primacy of national governments and domestic politics, rather than international organizations' officials, in all but "exceptional circumstance" that create a "window of opportunity" for supranational actors." Moravcsik, "A New Statecraft: Supranational Entrepreneurs and International Cooperation," *International Organizations* 53, no. 2 (1999): 267–306; the quotation is on 285. These circumstances, according to Moravcsik, are when issues are novel, constituencies unorganized, and governments mired in old policy models—a description well suited to postcommunist refugee policymaking.

30. For examples of UNHCR criticism of Russia, see UNHCR spokesperson, as quoted in Agence France-Press, "UNHCR Accuses Moscow for Failing to Handle Asylum Seekers," October 9, 1997; Adriano Silvestri, "Situatsia grazhdan iz dalnego zarubezhia, ishchushchikh ubezhishcha v Rossiiskoi Federatsii," 1997 (the author was protection officer in the UNHCR Moscow office); and Russia Section of Lawyers Committee for Human Rights, *Critique: Review of the U.S. Department of State Country Reports on Human Rights Practices for 1996* (New York: Lawyers Committee for Human Rights, 1997), written by a former UNHCR Moscow protection officer.

31. This expectation was expressed during the parliamentary debate on the ratification. Deputy Foreign Minister Sergei Lavrov assured the members of Parliament that there will be no financial costs to bear as a result of the ratification of these international documents; that Convention ratification will bring international assistance to Russia for coping with migration from the former Soviet republics; and that it would also ensure that developing-world refugees will be resettled to other counties. See Lavrov's comments in Verkhovnyi Sovet Rossiiskoi Federatsii, Piataia sessia Verkhovnogo Soveta Rossiiskoi Federatsii, *O prisoiedinenii Rossiiskoi Federatsii k Konventsii o statuse bezhentsev ot 1951 goda i k Protokolu, kasaiushchemusia statusa bezhentsa ot 1967 goda,* November 13, bulleten 18 sovmestnogo zasedania Soveta Respublik i Soveta Natsionalnostei (Moscow: Verkhivnyi Sovet Rossiiskoi Federatsii, 1992), chast 1, 7–9.

32. Bakhmin is quoted in Jan Cienski, "Chilly Reception for Refugees in Russia," *Refugees,* no. 4 (December 1994): 10–12; the quotation is on 10, 13.

33. Interview with the author, Cambridge, Mass., October 24, 2001. In a 1996 interview with the Russian daily *Izvestia,* Sadako Ogata likewise admitted that when the UNHCR established its presence in Russia in 1992, for UNHCR Russia was "an unknown territory" and that "for the most part the international community had no knowledge about the scale and the specificities of migration processes [in Russia and the former Soviet space]." Ogata as quoted in Vladimir Mikheev, "OON beret pod svoie krylo bezhentsev Rossii," *Izvestia,* October 16, 1996.

34. Bohdan Nahaylo (senior policy adviser for the newly independent states) was the first area expert employed at the UNHCR Geneva headquarters.

35. UNHCR, *State of the World's Refugees,* 200.

36. Cienski, "Chilly Reception"; also see UNHCR, *The Activities of the United Nations High Commissioner for Refugees in the Newly Independent States* (Geneva: UNHCR, 1994), 27. For more details on the beginning of the UNHCR involvement with

nontraditional refugee groups in Russia, see Shevel, "National Identity and International Institutions," chaps. 4 and 5.

37. The IDPs are victims of armed conflicts, persecution, or a breakdown in law and order who flee their homes but, unlike refugees, do *not* cross an international border. The UNHCR mandate does not refer to IDPs explicitly, but it allows the UNHCR to "engage in such activities . . . the General Assembly may determine." Policy directives for UNHCR involvement with IDPs specify consent of host state, approval of the UN secretary general, and availability of resources as criteria for UNHCR involvement with IDPs. See UNHCR, "Information Note: UNHCR's Role with Internally Displaced Persons," November 20, 1998. In Russia, the first Chechen war created the first large group that was unambiguously IDPs. North Ossetia was another region of Russia where there were IDPs (40,000–50,000 displaced as a result of North Ossetian–Ingush conflict in 1992, i.e., after Russia became an independent state). In October 1994, the Russian authorities formally requested the UNHCR to assist in North Ossetia, and within months, the first Chechen war broke out.

38. The formal title of the conference was "Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement in the Countries of the Commonwealth of Independent States and Neighboring States." It was attended by representatives of all fifteen former Soviet republics and seventy-two other counties, as well as twenty-nine international organizations. For an overview of events leading to the May 1996 CIS Conference, see Helton and Voronina, *Forced Displacement and Human Security,* 67–76.

39. U.S. Committee for Refugees, *1997 Country Reports: Russian Federation,* http://www.refugees.org/world/countryrpt/europe/1997/russian_federation.htm.

40. For activist criticism of the CIS Conference, see Arthur Helton, "Lost Opportunities at the CIS Migration Conference," *Transition* 2, no. 13 (June 28, 1996): 52–54; Helton, "Written statement of Arthur C. Helton, Esq., Director of the Forced Migration Projects of the Open Society Institute on Forced Migration in the Newly Independent States of the Former Soviet Union for the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States," May 31, 1996; and Helton and Voronina, *Forced Displacement and Human Security,* 67–80.

41. Besides internationally accepted categories such as "refugees" and "internally displaced persons," the CIS Conference Program of Action introduced five categories "applicable to situation in the CIS countries" to which the UNHCR mandate in the region was formally extended. These new categories were: involuntarily relocated persons (those who fled general unrest and resettled in their country of citizenship), persons in refugee-like situations (war refugees), formerly deported peoples (who were deported from their historic homeland in the Soviet period), repatriants (who have voluntarily moved to their country of citizenship for permanent residency), and ecological migrants. For full definitions of each category, see annex 2 of the CIS Conference Program of Action reprinted in Helton and Voronina, *Forced Displacement and Human Security,* 212–14.

42. In the late 1990s, the UNHCR continued to criticize many elements of Russia's policy, in particular low recognition rates, the denial of status to many developing-world asylum seekers that the UNHCR considers genuine refugees, and a backlog of cases resulting in long waits (in 2001, in Moscow the wait period before one could apply for

refugee status was as long as two years). For recent criticisms, see UNHCR, *State of the World's Refugees.*

43.   The reversal of an "open door" policy toward former Soviet migrants began in the middle of the 1990s. The new editions of the laws "On Forced Migrants" and "On Refugees," adopted in late 1995 and mid-1997, respectively, rolled back what had come to be regarded as overly generous social and economic rights granted to refugees and forced migrants (e.g., guaranteed free housing and compensation for property left abroad). In 1997, the Federal Migration Service also began to deregister previously recognized refugees (some 300,000 were deregistered in 1997–98 alone), and stopped the practice of virtually automatic granting of refugee and forced migrant status to the arrivals from the former Soviet republics. The view that the open-door policy toward migrants from the former Soviet Union undermines Russian security and places an undue economic burden on the Russian state continued to gain currency in official circles, and under President Putin the securitization of refugee policy debate progressed further. In 2000, the Federal Migration Service was liquidated, and in 2001 its functions were transferred to the Ministry of the Interior. A slue of migration legislation adopted in 2001–2 further tightened the rules for the former Soviet citizens who moved to Russia from other former Soviet republics. For more detailed discussion of these developments, see Shevel, "National Identity and International Institutions," chap. 5.

44.   For a more detailed discussion of the national identity conceptions embraced by the Ukrainian left and right, see Oleksii Haran and Oleksandr Maiboroda, eds., *Ukrainski livi: Mizh leninizmom i sotsial-demokratieiu* (Kyiv: KM Academia, 2000); Oleksiy Haran, "Can Ukrainian Communists and Socialists Evolve to Social Democracy?" *Demokratizatsiya* 9, no. 4 (2001): 570–87; Taras Kuzio, "Defining the Political Community in Ukraine: State, Nation, and the Transition to Modernity," in *State and Institution-Building in Ukraine,* ed. Taras Kuzio, Robert S. Kravchuk, and Paul D'Anieri (New York: St. Martin's Press, 1999), 213–44; Joan Barth Urban, "The Communist Parties of Russia and Ukraine on the Eve of the 1999 Elections: Similarities, Contrasts, and Interactions," *Demokratizatsiya* 7, no. 1 (1999): 111–34; Andrew Wilson, *The Ukrainians: Unexpected Nation* (New Haven, Conn.: Yale University Press, 2000); and Wilson, "Reinventing the Ukrainian Left: Assessing Adaptability and Change, 1991–2000," *Slavonic and East European Review* 80, no. 1 (2002): 21–59.

45.   For a discussion of how in post-Soviet Ukraine dual citizenship and state language are issues that bear on the question of state independence, see Oxana Shevel, "Nationality in Ukraine: Some Rules of Engagement," *East European Politics and Societies* 16, no. 2 (2002): 387–413. For evidence on how the dual citizenship question, the question whether ethnic Ukrainians abroad are to be made eligible for simplified citizenship acquisition, and the question whether knowledge of Ukrainian is to be a requirement for citizenship acquisition dominated the debate of the draft citizenship laws in 1991, 1997, and 2001, consult Shevel, "Nationality in Ukraine," and Shevel, "Citizenship and Nation-Building in Ukraine," paper presented at the Tenth Annual Convention of the Association for the Study of Nationalities, Columbia University, New York, April 14–16, 2005.

46.   For a detailed analysis of the politics of citizenship policy in Ukraine since 1991, see Shevel, "Citizenship."

47.   During the first reading of the refugee law on April 21, 1993, the absence of any provision aimed at returning ethnic Ukrainians was lamented by the national-democrats. As one member of Parliament (MP) put it, "There is not a hint in this law

about Ukrainians who live beyond the borders of Ukraine and who, in essence, do not feel support of their fatherland." MP Romaniuk, Verkhovna Rada Ukrainy, Sioma sessia Verkhovnoi Rady Ukrainy XIIgo sklykannia, *Zakon Ukrainy pro bizhentsiv—pershe chytannia,* April 21, 1993, Bulletins 28 and 29 (Kyiv: Verkhovna Rada Ukrainy, 1993), 14. Another MP from western Ukraine, Bondarchuk, called to include in the definition of refugees "our Ukrainian brothers" arriving to Ukraine from the former Soviet countries. Verkhovna Rada Ukrainy, Sioma sessia Verkhovnoi Rady Ukrainy XIIgo sklykannia, *Zakon Ukrainy pro bizhentsiv—pershe chytannia,* 5.

48. See article 3, paragraph 4, of the December 24, 1993, law "On Refugees" (no. 3818-XII); the text of the law is found in Ukrainska pravnycha fundatsia, Upravlinnia Verhovnoho Komisara OON u Spravakh Bizhenstiv, Ukrains'kyi Tsentr Prav Liudyny, *Pravovyi zakhyst bizhentsiv v Ukraini: zbirka documentiv* (Kyiv: Polihraf-SVK, 1998), 42–48.

49. The December 24, 1993, resolution of the Presidium of the Ukrainian Parliament, "On Implementing the Law on Refugees," granted citizens of Ukraine who arrived to Ukraine fleeing persecution, as defined in article 1 of the refugee law, rights equal to those of refugees. Those who applied for Ukrainian citizenship but who had not yet received citizenship were granted the same rights as applicants for refugee status (a more limited set of rights). Resolution 3819-XII, text in Ukrainska pravnycha fundatsia, *Pravovyi zakhyst bizhentsiv v Ukraini,* 49.

50. In practice, the resolution hurt refugees eligible for Ukrainian citizenship relative to those who were not because the citizenship acquisition procedure could last up to a year while decisions on refugee applications were generally made within one month. This meant that those eligible for citizenship had to wait up to a year before they could acquire full set of refugee socioeconomic rights, while "foreign" refugees acquired these rights after a few months—as soon as they received refugee status. These unintended consequences of the 1993 resolution are explained in Olena Malynovska, "Repatriation to Ukraine," *Migration Issues* 4, no. 11 (1999): 17–29.

51. Derzhavnyi Komitet u spravakh natsionalnostei i mihratsii, "Zvit pro statevo-vikovyi sklad osib z pravom na sproshchenyi poriadok nabuttia hromadianstva Ukrainy, iaki zhidno z postanovoiu Verkhovnoi Rady Ukrainy vid 24.23.1993 r. No. 3819-XII "Pro poriadok vvedennia v diiu Zakonu Ukrainy "Pro bizhentsiv" do pryinattia rishennia pro nadannia iim hromadianstva maiut prava, preredbacheni statteiu 9 tsioho zakonu, forma 3 (zvedena), stanom na 1 sichnia 2000," February 3, 2000; Derzhavnyi Komitet u spravakh natsionalnostei i mihratsii, "Zvit pro statevo-vikovyi sklad osib z pravom na sproshchenyi poriadok nabuttia hromadianstva Ukrainy, iaki zhidno z postanovoiu Verkhovnoi Rady Ukrainy vid 24.23.1993 r. No. 3819-XII "Pro poriadok vvedennia v diiu Zakonu Ukrainy "Pro bizhentsiv" do pryinattia rishennia pro ponovlennia iim hromadianstva maiut prava, preredbacheni statteiu 12 tsioho zakonu, forma 4 (zvedena), stanom na 1 sichnia 2000," February 3, 2000.

52. The number of developing-world refugees present in Ukraine in the first half of the 1990s is unknown because the authorities were not registering them and the UNHCR did not establish a permanent presence in the country until mid-1995. Ukrainian government experts put the estimate at some 5,000 asylum seekers from more than twenty developing-world countries, 4,500 of them in Kyiv. See Government of Ukraine, "Doklad Ukrainy na konferentsii po problemam bezhentsev, repatriantov, peremeschennykh lits i migrantov na territorii byvshego SSSR," 1995, 8, and Olena Malynovska, *Mihrat-*

siina sytuatsiia ta mihratsiina polityka v Ukraïni (Kyiv: Natsionalnyi Instytut Strate-hichnykh Doslidzhen, 1997), 24. In 1994, the UNHCR dispatched a "care and mainte-nance" mission to Kyiv, which registered 6,000 cases of developing-world refugees, 60 percent of them Afghans, 10 percent Angolans, 8 percent Iraqis, and 8 percent Ethiopi-ans; see UNHCR Moscow, "Country Operation Plan for Russia, Ukraine and Belarus," n.d., section of the report on Ukraine. For detailed analyses of the formation of the refugee regime in Ukraine in the 1990s, see Olena Malynovska, *Bizhentsi u sviti ta v Ukraini: Modeli vyrishennia problemy* (Kyiv: Heneza, 2003); Malynovska, *Mihranty, mihratsiia ta Ukrainska derzhava: Analiz upravlinnia zovnishnimy mihratsiiamy* (Kyiv: Vyd-vo NADU, 2004); Blair A. Ruble, O. A. Malynovs'ka, and O. Braichevs'ka, *"Ne-tradytsiini" immihranty u Kyievi* (Kyiv: Stylos, 2003); Shevel, "National Identity and International Institutions," chap. 6; and Nikolai Shulga, *Velikoie pereselenie: Repatri-anty, bezhensty, trudovyie migranty* (Kyiv: Institut Sotsiologii NAN Ukrainy, 2002).

53. This calculation is from the State Committee for Nationalities and Migration sta-tistics cited in table 7.3.

54. For an analysis of politics in and around Crimea in the 1990s, see Jane Dawson, "Ethnicity, Ideology and Geopolitics in Crimea," *Communist and Post-Communist Stud-ies* 30 (1997): 427–44; Gwendolyn Sasse, "Conflict-Prevention in a Transition State: The Crimean Issue in Post-Soviet Ukraine," *Nationalism and Ethnic Politics* 8, no. 2 (2002): 1–26; Oxana Shevel, "Crimean Tatars and the Ukrainian State: The Challenge of Politics, the Use of Law, and the Meaning of Rhetoric," *Krymski Studii* 1, no. 7 (2001): 109–29; Brian Glyn Williams, *The Crimean Tatars: The Diaspora Experience and the Forging of a Nation* (Boston: Brill, 2001); and Andrew Wilson, "Politics in and around Crimea: A Dif-ficult Homecoming," in *The Tatars of the Crimea: Return to the Homeland: Studies and Documents,* ed. Edward Allworth (Durham, N.C.: Duke University Press, 1998), 281–322.

55. In addition to the Crimean Tatars, a smaller number of other nationalities (Ar-menians, Bulgarians, Greeks, and Germans) were deported from Crimea in the 1940s. Some descendants of these deportees returned in the 1990s. Although politically and numerically Crimean Tatars were the main concern, the term "formerly deported people" was coined in Ukraine as a politically more neutral term.

56. For details on UNHCR involvement in Crimea, see UNHCR Ukraine, *Overview of UNHCR's Citizenship Campaign in Crimea* (Simferopol: UNHCR, 2000); UNHCR Ukraine, "How UNHCR Got Started in Crimea," *Beyond Borders* 5 (May 2005): 11, and Shevel, "National Identity and International Institutions," chap. 4.

57. For findings of these UNHCR missions, see UNHCR Ukraine, "Mission Report on Crimean Tatar Situation (7–11 April 1995)," May 18, 1995; UNHCR Ukraine, "UN-HCR Mission to Crimea: Preliminary Summary," February 1996; and UNHCR Ukraine, "UNHCR in Ukraine," 1999.

58. UNHCR Ukraine, "Summary Mission Report: Assistance to Formerly Deported Peoples, 3 June–31 July 1996, Crimea, Ukraine," August 5, 1996. Shelter rehabilitation projects were chosen as an activity that produces tangible results rather quickly. By 1998, the UNHCR has launched eight shelter rehabilitation projects; Oleg Shamshur, "Migration Situation in Ukraine: International Cooperation Related Aspects," *Migra-tion: European Journal on International Migration and Ethnic Relations* 29–31 (1998): 29–44. By 1999, it financed and oversaw renovations of thirty hostels, three schools, and two clinics in Crimea; UNHCR Ukraine, "UNHCR in Ukraine."

59. This assessment of the UNHCR was echoed by officials from various Ukrainian

government agencies (the Ukrainian Presidential Administration, State Committee for Nationalities and Migration, Ministry of the Interior, and the Parliament) interviewed by the author in May–June 1998. Many officials contrasted the UNHCR with other international agencies and the Western community in general, which in their opinion had offered little practical help.

60. For a description of specific activities UNHCR undertook within citizenship campaign, see UNHCR Ukraine, *Overview of UNHCR's Citizenship Campaign;* and Hans Schodder, "Assisting the Integration of Formerly Deported People in Crimea: Ten Years of UNHCR Experience," *Beyond Borders* 5 (May 2005): 12–17. For an analysis of the formerly deported people citizenship problem and the role of international institutions in solving it, see Oxana Shevel, "International Influence in Transition Societies: The Effect of UNHCR and Other IOs on Citizenship Policies in Ukraine," Working Paper 7, Rosemary Rogers Working Paper Series of Inter-University Committee on International Migration, August 2000.

61. UNHCR Ukraine, "Summary Mission Report." UNHCR officials confirm that they have "capitalized on the positive results of cooperation with the authorities on the citizenship issue to obtain cooperation on issues of refugee policy." Author's interviews, UNHCR Kyiv, April 15 and June 2, 1998.

62. Author's interviews, Ukrainian Presidential Administration and State Committee for Nationalities and Migration, May–June 1998.

63. The term was coined by the senior protection officer of the UNHCR Ukraine office. See Christoph Bierwirth, "Pravova diialnist Upravlinnia Verkhovnoho Komisara z pytan bizhenstiv OON v Ukraini: Dosiahnennia i trudnoshchi, shcho zalyshaiutsia," *Bizhentsi ta mihratsiia: Ukrainskyi chasopys prava i polityky* 2, nos. 3–4 (1998): 23–35.

64. Author's interviews, UNHCR Kyiv, April 1998; and author's interview with Sadako Ogata, the UN high commissioner for refugees, Cambridge, Mass., October 24, 2001.

65. The "step-by-step" strategy was described as follows by the senior protection officer of the UNHCR Ukraine office: "UNHCR has offered targeted assistance and advocated a step by step approach. . . . It has focused its efforts on the development of national legislation and administrative structures, rather than 'pushing for accession' to the Convention." Bierwirth, "Pravova diialnist Upravlinnia Verkhovnoho Komisara z pytan bizhenstiv OON v Ukraini," 24.

66. As a UNHCR senior protection officer noted, "The initial hesitation on the part of the State Committee of Ukraine for Nationalities and Migration resulting in the absence of status determination was overcome by specifically targeted material assistance (technical aid, training, advice) to local migration services such as the Kyiv City Migration Service. This positive initial experience proved to have a decisive impact on the nationwide policy of the State Committee for Nationalities and Migration." Bierwirth, "Pravova diialnist Upravlinnia Verkhovnoho Komisara z pytan bizhenstiv OON v Ukraini," 24.

67. Author's interview, State Committee of Ukraine for Nationalities and Migration, June 23, 1998.

68. Olena Malynovska, "Mihratsiina sytuatsia v Ukraini v 1998 rotsi," 1999; UNHCR Ukraine, "UNHCR in Ukraine."

69. Andrew Harper, UNHCR Kyiv program officer, presentation at a December 1998 seminar; UNHCR Ukraine and Creative Center Counterpart, eds., *Informatsiia pro mizhnarodni ta ukrainski instytutsii, shcho zaimaiutsia problemamy bizhentsiv: Ukrainska*

zakonodavcha basa stosovno bizhentsiv, 21–22 hrudnia 1998 roky (Kyiv: UNHCR and Counterpart, 1998), 11. UNHCR positively commented on Ukraine's refugee policy on numerous occasions. See, e.g., the 1997 speech by Sadako Ogata, UNHCR high commissioner in Kyiv, reprinted in *Bizhentsi ta mihratsiia: Ukrainskyi chasopys prava i polityky* 3, no. 1 (1997): 7–10. Also see Sadako Ogata's letter to President Kuchma; Sadako Ogata, UN high commissioner for refugees, "Letter to His Excellency Mr. Leonid Kuchma, President of Ukraine," September 28, 2000; and articles by Christoph Bierwirth, the UNHCR Kyiv senior protection officer: Bierwirth, "The Need for a Consolidated Ukrainian Migration and Refugee Policy," *Ukrainskyi chasopys prav liudyny* 1, no. 1 (1997): 13–18; and Bierwirth, "Pravova dialnist Upravlinnia Verkhovnoho Komisara z pytan' bizhenstiv OON v Ukraini."

70. E.g., Mykola Shulha, minister of Ukraine for nationalities and migration in 1994–95, noted as "symbolic" the fact that Ukraine's first refugee certificate was issued to an Afghan rather than a Ukrainian. Shulha notes with dismay that of Ukrainians who fled to Ukraine from conflict zones in the former Soviet states "only a few individuals received refugee status," while the rest are "left to fend for themselves." Shulha, "Immihratsiia v Ukrainy etnichnykh grup u 1991–1996 pp," *Bizhentsi ta mihratsiia: Ukrainskyi chasopys prava i polityky* 3, no. 1 (1999): 11–23; the quotation is on 15. In a 1998 paper, Oleh Shamshur, then deputy head of the State Committee for Nationalities and Migration, likewise lamented the absence of policies to assist ethnic Ukrainian returnees: "One has to acknowledge that, unfortunately, problems of the repatriates (with the exception of Crimean Tatars) remain on the periphery of government activities. Sometimes the repatriates are worse off than refugees and asylum seekers who can count on some aid from the UNHCR and other international organizations. It can hardly be considered a normal situation, especially given worrying demographic trends in Ukraine." Shamshur, "Rehuliuvannia mihratsiinykh protsessiv v Ukraini: Suchasni tendentsii," 1998 (unpublished manuscript).

71. *Pravda Ukrainy,* December 3, 1997. In Ukrainian: "Iakshcho vzhe buty bizhentsem v Ukraini, to krashche—v shkuri nehra."

72. UNHCR Ukraine, "Refugees and Asylum Seekers in Ukraine," January 1, 2002.

73. At the height of the citizenship campaign in 1998, the UNHCR Kyiv office annual budget was $4 million. Its budget for 2002–3 dropped by almost 50 percent, to $2.5 million for two years. UNHCR Ukraine, "Diialnist UVKB OON ta ioho vykonavchykh partneriv," 2004, http://www.unhcr.org.ua.

74. The European Commission earmarked 1.4 million euros for the project in 2003–4, and for 2005 the UNHCR Kyiv office budget was increased to $2.1 million (with $390,000 coming from the European Commission). With increased budgetary capacity, the UNHCR is financing construction of additional housing facilities for asylum seekers in different regions of Ukraine during 2004 and 2005. UNHCR Ukraine, "Diialnist UVKB OON."

75. In the first half of 2004, the refugee recognition rate stood at 14 percent—a significant increase in comparison with the 3 percent rate for the period from the fall of 2002, when refugee status determination procedure resumed in Ukraine, and until the end of 2003, but still much lower than 50 percent recognition rate for 1996–2001. UNHCR Ukraine, "Basic Facts about Refugees and Asylum Seekers in Ukraine," *Beyond Borders* 3 (September 2004): 4.

76. For UNHCR opinion on the 2001 Ukrainian refugee law and amendments it de-

sires to see, see Guy Ouellet, "Ukrainian Legislation and the Refugee Problem," *Beyond Borders* 2 (May 2004): 4–6.

77. For this argument, see Lucan Way, "Authoritarian State Building and the Sources of Political Liberalization in the Western former Soviet Union, 1994–2004," *World Politics* 57 (January 2005), 231–61.