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WSPÓŁPRACA UKRAINY Z UKRAIŃCAMI PRZEBYWAJĄCYMI ZA GRANICĄ W KANADZIE JAKO REALIZACJA KONSTITUCYJNYCH ZOBOWIĄZAŃ PAŃSTWA UKRAIŃSKIEGO

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Adnotacja. W artykule autor analizuje realizację konstytucyjnych obowiązków państwa ukraińskiego przez pryzmat współpracy Ukrainy z Ukraińcami za granicą. Zastosowano zestaw metod badania i analizy danych empirycznych: metodę historyczną; metody analizy i syntezy; metodę dialektyczną; metodę abstrakcyjną. Ustalono, że formowanie się Ukraińców za granicą w Kanadzie odbywało się w kilku falach migracji, z których każda miała swoją własną motywację. W rezultacie dziś nasza społeczność w Kanadzie należy do ukraińskich grup etnicznych za granicą z tendencją do zwiększania liczby jej przedstawicieli. Jednocześnie ponad stuletnia historia Ukraińców w Kanadzie zaowocowała wyjątkowymi relacjami kanadyjsko-ukraińskimi, w których współpraca Ukrainy z Ukraińcami za granicą w Kanadzie ma ogromne znaczenie. Obecnie współpraca Ukrainy z Ukraińcami za granicą w Kanadzie jest naznaczona szeregiem problemów, które uniemożliwiają właściwą realizację konstytucyjnego obowiązku państwa ukraińskiego do zaspokojenia narodowych, kulturowych i językowych potrzeb Ukraińców mieszkających za granicą. Rozwiązanie tych problemów wymaga kompleksowego podejścia ze strony państwa ukraińskiego.

Słowa kluczowe: Ukraińcy za granicą, ukraińska diaspora, stosunki ukraińsko-kanadyjskie, polityka zagraniczna Państwa Ukraińskiego, realizacja zobowiązań konstytucyjnych.

COOPERATION BETWEEN UKRAINE AND UKRAINIANS ABROAD IN CANADA AS A IMPLEMENTATION OF THE CONSTITUTIONAL OBLIGATIONS OF THE UKRAINIAN STATE

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Abstract. In the provisions of the scientific article, the author analyzes the implementation of the constitutional obligations of the Ukrainian state through the prism of Ukraine's cooperation with Ukrainians abroad. A complex of methods of research and analysis of empirical data was used: historical method; methods of analysis and synthesis; dialectical method; abstract method. It was established that the formation of Ukrainians abroad in Canada took place in several waves of migration, each of which had its own motivation. The result - today our community in Canada belongs to overseas Ukrainian ethnic groups with a tendency to increase the number of their representatives. At the same time, the more than a century-long history of Ukrainians in Canada has led to unique Canadian-Ukrainian relations, in which Ukraine's cooperation with Ukrainians abroad in Canada is of great importance. Today, Ukraine's cooperation with Ukrainians abroad in Canada is marked by a number of problems that prevent the proper implementation of the Ukrainian state's constitutional obligation to meet the national, cultural and linguistic needs of Ukrainians living outside the country. Solving these problems requires a comprehensive approach from the Ukrainian state.

Key words: Ukrainians abroad, Ukrainian diaspora, Ukrainian-Canadian relations, foreign policy of the Ukrainian state, implementation of constitutional obligations.

СПІВПРАЦЯ УКРАЇНИ З ЗАКОРДОННИМ УКРАЇНСТВОМ В КАНАДІ ЯК РЕАЛІЗАЦІЯ КОНСТИТУЦІЙНИХ ЗОБОВ'ЯЗАНЬ УКРАЇНСЬКОЇ ДЕРЖАВИ

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Анотація. У положеннях наукової статті автор проводить аналіз реалізації конституційних зобов'язань Української держави через призму співпраці України з закордонним українством. Було використано комплекс методів

дослідження та аналізу емпіричних даних: історичний метод; методи аналізу та синтезу; діалектичний метод; абстрактнологічний метод. Встановлено, що становлення закордонного українства в Канаді відбувалося у декілька хвиль міграції, кожна з яких мала свою мотивацію. Результат – сьогодні наша спільнота в Канаді належить до закордонних українських етнічних груп із тенденцією до збільшення числа своїх представників. Водночас понад столітня історія українців у Канаді призвела до унікальних канадсько-українських стосунків у яких важливе значення має співпраця України з закордонним українством у Канаді. Сьогодні співпраця України з закордонним українством у Канаді відзначається низкою проблем, що не дають змоги належним чином реалізувати конституційне зобов'язання Української держави стосовно задоволення національно-культурних і мовних потреб українців, які проживають за межами держави. Вирішення цих проблем потребує комплексного підходу з боку Української держави.

Ключові слова: закордонні українці, українська діаспора, українсько-канадські відносини, зовнішня політика Української держави, реалізація конституційних зобов'язань.

Introduction. The development of a systematic and targeted policy of Ukraine towards the Ukrainian diaspora was not a priority of our state until the mid-1990s (Popko, 2007: 209). Eventually, the importance of cooperation with Ukrainians abroad was realized (Atamanenko, 2013: 10). As a result, in January 1996, the State Program «Ukrainian Diaspora for the period up to 2000» was approved (Resolution of the Cabinet of Ministers of Ukraine, 1996). And in June 1996, the Basic Law of Ukraine, the Constitution of Ukraine, was adopted, which included Article 12 «Ukraine shall take care of meeting the national, cultural and linguistic needs of Ukrainians living outside the state» (Constitution of Ukraine, 1996). Since then, meeting the national, cultural and linguistic needs of Ukrainians living abroad and protecting their rights as national minorities in other countries has been an integral part of Ukraine's foreign policy. The active development of relations with Ukrainians abroad aimed at protecting their rights and interests, meeting their national, cultural, linguistic and information needs has become an important direction of the foreign policy of the Ukrainian state.

Thus, the **research purpose** is to analyze the implementation of the constitutional obligations of the Ukrainian state through the prism of Ukraine's cooperation with Ukrainians abroad.

The **research objectives** are to consider the history of the formation of the Ukrainian diaspora in Canada; describe the peculiarities of the cooperation of the state of Ukraine with Ukrainians abroad in Canada at the current stage; to analyze the problems and prospects of cooperation between the state of Ukraine and Ukrainians abroad in Canada.

Research methods. To achieve the purpose of the article, a set of methods of research and analysis of empirical data was used. In particular: a) historical method to study the history of the Ukrainian diaspora in Canada; b) methods of analysis and synthesis to study the peculiarities of cooperation between the State of Ukraine and Ukrainians abroad in Canada at the present stage; c) dialectical method to study the problems of cooperation between the State of Ukraine and the Ukrainian diaspora in Canada; d) abstract method to determine the prospects for cooperation between the State of Ukraine and Ukrainians abroad in Canada.

In the national legal doctrine, there are no developments on cooperation between Ukraine and Ukrainians abroad as a constitutional category. Moreover, there are few studies of the legal aspect of cooperation between Ukraine and Ukrainians abroad. Some aspects of cooperation between Ukraine and Ukrainians abroad have been studied by: A. Atamanenko (Atamanenko, 2013), A. Popok (Popok, 2007), N. Zakharchuk (Zakharchuk, 2021), and others. However, scholars have not considered the issue of Ukraine's cooperation with Ukrainians abroad through the prism of the implementation of the constitutional obligations of the Ukrainian state.

Results and discussion. The formation of the Ukrainian diaspora in Canada has a long history. The first wave of migration dates back to 1891. In particular, the founders of the Ukrainian diaspora in Canada are considered to be Ivan Pylypiv and Vasyl Yelyniak, peasants from the village of Nebyliv (now Rozhniativ district of Ivano-Frankivsk region), who arrived in Canada on September 6, 1891, on the British steamship Oregon. However, the literature considers the role of Professor Yosyp Oleskov to be more significant in initiating the formation of Ukrainian migration to Canada. After hearing about the very difficult situation of Ukrainian immigrants in Brazil (who were promised cheap and fertile land, but were dropped off in the jungle, forced to fight for their own existence), he began to look for alternatives and determined that the Canadian prairies were best suited for Ukrainian farmers. Yo. Oleskov published two pamphlets, «On Free Lands» and «On Emigration», which, along with public lectures and personal talks, encouraged many Ukrainians to move (Palamarchuk and Radetska, 2016: 131).

Since then, several waves of Ukrainian migration to Canada can be distinguished, each of which, according to scholars, had its own motivations. Thus, the first wave of emigration was motivated by small landholdings and the difficult socio-economic situation in western Ukraine; the second wave was motivated by political reasons, including the escape from Bolshevik repression of the participants of the national revolution in Ukraine in 1917-1921, the third is the resettlement to Canada of mainly participants of the Ukrainian resistance movement during the Second World War and their families, the fourth is economic (Nadtoka, 2021), the fifth is the search for a «better life» (Ukrainians in Canada: From the First Wave of Immigration to the Present. Ukrainian World Congress).

If we look at statistics on the absolute number of Ukrainians, most of them live in Ontario (almost 337,000), Alberta (over 332,000), British Columbia (over 197,000), Manitoba (over 167,000), and Saskatchewan (about 130,000). Today, many of those who come from Ukraine to Canada for permanent residence settle in other provinces, such as New Brunswick and Halifax, in small towns. In total, Ukrainians can be found in more than 200 cities (Lazebnyk, 2020: 627).

With each new generation, more and more Ukrainian Canadians are integrating into various spheres of life in their country. Today, they are employed in the legislative and executive branches at the federal and provincial

levels, in all sectors of the national economy, science, education, and culture. While at the beginning of emigration, Ukrainian immigrants worked almost exclusively in agriculture and in hard, low-paying jobs in industry and railroad construction, the current analysis of the professional composition of the Ukrainian ethnic group shows that employees, lawyers, teachers, workers, and engineers predominate (Lazebnyk, 2020: 630).

Curiously, Ukrainians in the West usually identify themselves generally as Ukrainian Canadians, while in the East they are often referred to as Canadian Ukrainians. The Ukrainian community there rightfully considers itself involved in the fact that their Canada was the first in the Western world to recognize Ukraine's state independence in December 1991 (Lazebnyk, 2020: 630).

More than a century of history of Ukrainians in Canada has led to unique Canadian-Ukrainian relations, resulting in the diaspora's broad participation in domestic and foreign policy through significant political representation and activity of Ukrainian Canadians in both provincial and federal parliaments (Kasper, 2020: 387). Our community in Canada is one of the Ukrainian ethnic groups abroad with a tendency to increase the number of its representatives (Lazebnyk, 2020: 627). This has led to the need to develop cooperation between Ukraine and Ukrainians abroad in Canada at various levels.

Thus, back in 2005, cooperation between the parliaments of Canada and Ukraine was launched. Back then, Borys Wrzesnewskyj, a member of the highest legislative body of the state, founded the Canada-Ukraine Parliamentary Friendship Group. In March 2020, it was headed by Liberal Party member Ivan Baker. This group currently includes more than a hundred deputies representing various parties (in the previous convocation of the Federal Parliament during 2015-2019, 84 legislators expressed a desire to join it; a total of 443 deputies sit in both chambers). According to Ivan Baker, the group's objectives are to create a platform for the exchange of ideas between Canadian and Ukrainian parliamentarians, as well as to develop political, economic, and cultural relations between Canada and Ukraine (Lazebnyk, 2020: 638). Relevant cooperation continues to this day. In particular, through Zoom forums of members of the Ukrainian and Canadian parliaments.

At the governmental level, we should first of all note the signing of the Agreement between the Government of Ukraine and the Government of Canada on Youth Mobility (Order of the Cabinet of Ministers of Ukraine, 2023, No. 49-p). This agreement opens up a number of new opportunities for Ukrainians abroad. In addition, the agreement will contribute to a better understanding of the culture and society of the partner country, as well as to deepening language skills. At the same time, the governments of both countries strongly support the initiatives of higher education institutions. An example is the educational relationship between the University of Saskatchewan and state universities in western Ukraine, which is being developed through cross-border cooperation agreements and two Memoranda of Understanding between the University of Saskatchewan and two Ukrainian universities: Chernivtsi National University and Ternopil Volodymyr Hnatiuk National Pedagogical University. Interestingly, such relations have certain differences depending on the educational institution. For example, the University of Regina and Ivano-Frankivsk National Technical University of Oil and Gas focused mainly on cooperation in the field of student mobility. At the same time, the University of Saskatchewan has a broader focus that is not limited to student exchange programs, but also covers many different scientific activities (Zakharchuk, 2021: 8, 10).

The Cooperation is also envisaged at the level of the Ministry of Foreign Affairs of Ukraine. Thus, according to the Law of Ukraine «On Ukrainians Abroad» (Law of Ukraine of March 4, 2004, No. 1582-IV), the Ministry of Foreign Affairs of Ukraine, within the limits of its powers, ensures cooperation with Ukrainians abroad and contributes to meeting their national, cultural, educational and linguistic needs, takes measures to assist in meeting the scientific, educational, linguistic, cultural and informational needs of Ukrainians abroad, in particular within the framework of the budget program 1401110 «Financial support to ensure the international positive image of Ukraine, support for the activities of the Ukrainian Institute, measures to maintain ties with Ukrainians living outside Ukraine». In particular, the list of Ukrainian organizations abroad that cooperate with Ukrainian diplomatic missions includes the Ukrainian Canadian Congress, an «umbrella» organization that unites most Ukrainian political, cultural and religious organizations.

On September 1, 2007, the International Ukrainian School, created as part of a joint project of the Ministry of Science and Education of Ukraine with the support of the Ministry of Foreign Affairs of Ukraine and a number of other ministries, began its work (Order of the Cabinet of Ministers of Ukraine, 2007, N 91-p). The purpose of this school is to ensure the educational rights of Ukrainian children who are living outside Ukraine with their parents, to provide them with the latest electronic means of distance learning to obtain a proper education, and subsequently, a relevant state document.

The Embassy of Ukraine also cooperates with Ukrainians abroad in Canada. The Embassy cooperates, in particular, with the Ukrainian Canadian Congress on issues related to the evacuation of Ukrainian citizens and assistance to them. We continue to work with the Congress at the political level, as we did before. Dialogue with the Parliament is an important component of this work. The Embassy also helps Ukrainian schools in Canada. Over the years, we have been able to help with Ukrainian textbooks and invitations to various speakers. Before the war, the embassy organized Ukrainian Film Days at the Toronto International Film Festival and represented Ukraine at the Montreal Book Fair, the largest French-language forum in the Western Hemisphere (Ambassador of Ukraine to Canada: on the geographical difficulties of evacuation, cultural projects and visa-free travel, 2020).

In general, the implementation of the current state policy on Ukrainians abroad involves the implementation of economic, social, informational, educational, cultural and artistic activities by state authorities, local governments and public organizations, including the provision of support and assistance to Ukrainians abroad, taking into account

their real needs and requests. The above-mentioned state approaches to cooperation with Ukrainians abroad were defined in the National Concept of Cooperation with Ukrainians Abroad, approved by the Decree of the President of Ukraine Viktor Yushchenko of October 13, 2006 (On the National Concept of Cooperation with Ukrainians Abroad, 2006). This document also defined the national interests of Ukraine in cooperation with Ukrainians abroad and the main areas of activity of state bodies, local governments and public organizations in cooperation with Ukrainians abroad.

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In the context of its European integration aspirations, Ukraine shall build a positive image in the international arena. Building a positive image of Ukraine is one of the main tasks of foreign policy. One of the most effective tools can be close cooperation with the Ukrainian diaspora, which is a carrier of the Ukrainian language, culture, mentality, and worldview with which Ukrainian citizens of emigrant countries can coexist (Medvedieva, 2021).

Ukrainians abroad are an important source and driver for the development of Ukraine's image policy in the world, so the state needs to establish cooperation with Ukrainian communities, initiate and coordinate joint cultural diplomacy projects (Rozumna, 2016: 16-18). Ukrainians abroad are carriers of Ukrainian culture and can play the role of ambassadors of Ukraine in the world. Ukrainian communities and the public organizations they create in the countries of settlement are participants in public and political life and representatives of Ukraine to the foreign community. They interact with the authorities and society, and therefore can help increase interest in Ukraine and support its interests (Public Diplomacy Strategy of the Ministry of Foreign Affairs of Ukraine for 2021-2025: 25).

However, Ukraine's policy of establishing ties between Ukrainians abroad in Canada and our country is marked by a number of problems. For example, the slow pace of economic transformation is perhaps the main factor hindering the Canadian diaspora's cooperation with Ukraine. Foreign businessmen express concern about economic reforms. A well-known Canadian businessman B. Wrzesnewskyj made a very apt comment on this issue: «The so-called businessmen who have gained a position through bribery and nomenclature will not care about the fate of their employees, the environment or pay proper taxes to the state in their company or business. Under such conditions, economically independent social groups of businessmen and employees are not created. Ukraine finds itself in the role of a third world country» (Wrzesnewskyj, 2001: 100). At the same time, the Ukrainian diaspora can become a major factor in shaping the competitiveness of the Ukrainian economy. If the vector of development of foreign economic relations is aimed at developing relations with countries whose prominent politicians are ethnic Ukrainians, and attention is focused on this, then in some time our country's economy will also be able to reach a qualitatively new level, because foreign politicians of Ukrainian origin, firstly, can contribute to the establishment of international economic relations between Ukraine and other states, and will be able to apply their experience in building a competitive economy in their ethnic homeland (Romanko, 2020: 49).

In addition, the organizers of relations on our side do not always take into account the fact that Ukrainians abroad are an integral part of the society in which they live. As a result, Ukrainian partners are mostly associated with solving narrow private problems. Establishing global ties at the level of Canadian government organizations is often relegated to the background. The well-established traditions of economic and political pragmatism inherent in most countries of settlement of Ukrainians abroad, including Canada, are also underutilized. The organizers of relations from our side take into account the existing realities only from the perspective of possible achievements for Ukraine and do not try to expand the range of their effective application (Bogdanova, 2003: 79).

The Ukrainian community in Canada, and Ukrainians abroad in general, are concerned about the fact that the national policy toward the diaspora is inconsistent and does not meet its potential and numerous demands. The attitude of the Ukrainian government toward the diaspora, in the opinion of Ukrainians abroad, changes frequently and directly depends on the mood and sympathies of the country's leaders. As a result, Ukraine's ties with Ukrainian Canadians are not systematic from our side. Active Kyiv civic organizations that cooperate with the diaspora do not feel adequate state support. For example, the mutual exchange of various delegations has been suspended. Canadian amateur art groups rarely visit us, as they did in Soviet times and in the early 1990s. Today, our students go to Canada to study and do internships, as well as, although not too often, scholars, educators, people's deputy, singers, and musicians at the invitation of parliament, universities, and public associations. From Canada, we mostly receive students for internships, and from time to time representatives of organizations that hold their congresses in Kyiv or Lviv. Compared to the Soviet period, mutual ties have significantly decreased, but the desire of Canadian Ukrainians for their «roots» has not been quenched (Lazebnyk, 2020: 642).

Cooperation in the educational sphere also requires appropriate actions on the part of the Ukrainian state. Historical and socio-political factors have contributed to the preservation of the inherited centralized management both at the national level and at the level of individual institutions. Moreover, the financial dependence of universities on the state fostered «the remnants of the Soviet educational bureaucracy, which was a rigid form with little new

content». As a result, this centralization has significantly affected the ability of Ukrainian universities to strategize about international cooperation (Zakharchuk, 2021).

In addition, for more than 30 years of independence, Ukraine has not developed a separate national strategy for the internationalization of higher education. All internationalization reforms are outlined in several Ukrainian legislative documents - both the Law of Ukraine «On Higher Education» 2002 and 2014, and the National Development Strategies of 2002 and 2013. They emphasized the need to internationalize universities, develop international partnerships, and promote academic mobility. Ukrainian universities had numerous opportunities for international cooperation. However, they did not always use these opportunities due to the lack of an official state international strategy. Most international cooperation was initiated through personal connections between university staff and foreign colleagues. The effectiveness of such international cooperation mainly depends on the capacity of the university (Zakharchuk, 2021: 12).

To date, there is no developed network of Ukrainian schools in Canada, which negatively affects the situation with meeting the language needs of Ukrainians abroad in Canada. Given the growing number of Ukrainian migrants in Canada, Ukraine needs to work actively in this area. At the same time, it should not be forgotten that the recognition of Ukrainian schools remains an unresolved problem. Since schools are not officially recognized, there are no legal grounds to provide state support for their operation.

Ukraine should take an active and effective stance towards the Ukrainian diaspora in Canada and provide financial support for various cooperation programs (Medvedieva, 2021: 111). In particular, in the postwar perspective. After all, it is clear that until the victory is won, the priority area of funding is the needs of the Armed Forces of Ukraine.

In addition, a promising area of cooperation is the introduction of a visa-free regime in Canada for Ukrainian citizens. For example, to strengthen family ties between Ukrainians abroad and Ukrainians still living in Ukraine. Our country should make every effort to fulfill the requirements that Canada imposes on countries for which it establishes a visa-free regime. This will be an important step towards improving cooperation between Ukraine and Ukrainians abroad in Canada.

Conclusions and perspectives. Thus, the ties between the Ukrainian diaspora in Canada and Ukraine have a long history and include cooperation in various spheres of public life. However, based on the above, we are forced to state that at present, Ukraine's cooperation with Ukrainians abroad in Canada cannot be recognized as a proper fulfillment of the constitutional obligations of the Ukrainian state to meet the national, cultural and linguistic needs of Ukrainians living outside the country. Indeed, a number of problems remain unresolved that impede their effective implementation.

Finally, it should be noted that the issue of cooperation between Ukraine and Ukrainians abroad requires further research. In particular, in the direction of finding ways to improve the legal regulation of such cooperation.

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