

# Ukrainian Civil Society after the Maidan: Potentials and Challenges on the Way to Sustainable Democratization and Europeanization

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## 1. Introduction

The „Euromaidan“ protest movement, beginning in November 2013, did accomplish its main objective – the removal of President Viktor Yanukovich from the presidency – already in February 2014. Only three months later, in May of the same year, the new President Petro Poroshenko was elected through free and fair elections, while a Maidan-appointed interim government paved the way towards a return to the more democratic 2004 constitution. Beyond this – from a democratic perspective – positive result on the elite level, the question arises in how far the „Revolution of Dignity“ also achieved significant progress regarding the sustained mobilization and organization of Ukraine’s civil society.

There is today plenty of evidence allowing a positive answer to this question. Already in the first weeks of the uprising we could see numerous initiatives of civil society organizations, which signalled clear political objectives, such as the fight against rampant corruption and for gender equality and European integration. Many of these organizations began to implement their visions through practical projects on the Maidan. Later, initiatives such as the „Avto-maidan“ and many local groups, organizing for example the protection of residential areas from petty crime and violence, sprung up and carried the rise of civil society beyond the protest camp. Furthermore, the Maidan became a nucleus and stage for new and alternative political actors such as the „Democratic Alliance“. Finally, at the end of February and beginning of March, the movement achieved a novelty in the post-Soviet space: the nomination of an interim government by the Maidan, establishing a direct line of legitimacy and accountability between the new authorities and the protest movement.

Yet, a note of caution is appropriate if we remember the aftermath of the so called “Orange Revolution“ in 2004. At the time, there was no qualitative breakthrough in civil society development (even though many former activists joined politics). Rather, non-state activism back then was short-lived and descended into apathy once again after the first enthusiasm for the new leadership had waned. Therefore, the future of civil society now seems to be the key factor for the democratic quality and sustainability of Ukraine’s „second revolution“. Can we observe a significant rise of civil society activism during and after the Maidan? Which actors were influential and which degree of organization has been accomplished? How strong are initiatives in the regions? What are the basic demands of the “new“ civil society, which resources do they have at their disposal, and how can the relationship with the new authorities be characterized? And finally, what are the chances that the movement will be living and prosper beyond the day, or will the developments of 2004 be repeated?

The Conference discussed the evolution of Ukraine’s civil society in light of the country’s further democratization and Europeanization. Ukrainian and international experts as well as representatives from civil society were invited to discuss the theme from three different perspectives: a Ukrainian domestic perspective assessing the current landscape of civil society activism in the country; a regional perspective asking for spill-over effects and cooperation in the Eastern Partnership region; and finally an international perspective, highlighting the role of outside actors in democracy support and the appropriateness of their strategies.

## 2. HOW STRONG ARE WE? DEVELOPMENT AND POTENTIAL OF UKRAINE'S CIVIL SOCIETY

The first part of the conference aimed at mapping contemporary Ukrainian civil society. The focus was laid on four major aspects. First, a historical one: In how far does Ukrainian civil society differ from 2004? And what exactly triggered the renewed rise of civil society and its eventual fusion into the Maidan movement in 2013? Second, it is necessary to get an overview of civil society organizations and their activities today: the number of organizations, their functional scope and activities, their degree of institutionalization, their resources and their relationship with the new authorities. Third, the legal dimension: the legal status of civil society organizations and its reflection in political practice as well as envisioned changes in legislation. The fourth aspect looked at future prospects in light of Ukraine's further democratization, the development of good governance and Europeanization: the relative potential of the various movements and activities, the extent of new thinking among society at large that civil society is a necessary component for a functioning democracy and modern state, and the perspectives once many activists run for parliamentary seats. The participants had a close look not only at Kyiv, but also at developments and perceptions in the regions.

### 2.1 Coming to grips with Ukrainian Civil Society

The occupation with the phenomena of "civil society" entails some basic challenges. One year after the Maidan might be too short a period for a conclusive statement on the development of civil society yet (Smagliy). Is Ukrainian civil society already capable of performing all the tasks it has to deal with right now? Is the growing role of civil society an irreversible trend and to which extent, concerning the multitude of old and new initiatives, does quantity relate to quality?

Yet, some preliminary findings and arguments were raised. There was disagreement on how many NGOs exist in the country. The available data indicates that the civil society is still weak (Steward). The figures mentioned oscillate between 11.000 and 47.000 initiatives. One of the problems concerning the counting of the NGOs is the fact that only around 10 to 15 percent of the officially registered organizations are active, while the rest exists only on paper (Solonenko). Moreover, it is important to note that civil society groups were – contrary to widespread assumptions – only of secondary importance on the Maidan. Only 3.5 percent of the protestors identified themselves as members of civil society. Therefore, the role of the NGOs had been clearly overestimated by some observers (Smagliy).

One reason for the factual lack of civil society on the Maidan has been the non-institutionalised background of the revolution. The Euromaidan and its preceding stages were initiated fully spontaneously by societal forces with no political organization behind. For example, during the first protests some opposition representatives asked protestors to clear the public place, but people resisted and stayed (Hadzhynov).

The revolution and the reconfiguration of the role of civil society also poses some challenges to the academic community. Political science as a discipline has a lot of questions to answer right now as for the sequence of democratic transformation, the nature of successive post-Soviet revolutions or the role of the international community. Events in Ukraine have shown that our understanding of the role of political elites and the contemporary state in the post-Soviet region is not up to date. In contrast, there is a “need to search for new approaches” (Demyanchuk).

## 2.2 A Comparative Micro-Perspective: Projects in the Centre and the Regions

The “Revolution of Dignity” and the new, liberal political environment created space for many interesting civil society projects, of which some were introduced during the conference. Oleksii Khmara illustrated the scope of activity of the Ukrainian civil society. The civil society presents itself as the driving force of reforms and expresses itself through many volunteers who fulfil different tasks, e.g. support projects for the Ukrainian army or for internal refugees. Hereby the civil society has become almost irreplaceable in the humanitarian field and indeed emerged as a kind of “alternative government” fulfilling state functions (Smagliy, Khmara). This shows that civil society groups sometimes react quicker than the state and if state institutions fail to deliver, the people “make up the difference and step in the gap” (Khmara). From a micro-perspective several social hubs with activists from Ukrainian civil society can be distinguished, of whom some became Verchovna Rada candidates for the 2014 elections. The biggest social hubs are anti-corruption initiatives, the Reform Animation Package and media freedom related initiatives (Worschech).

The “Avtomaidan” movement, another example, understood the importance of cars as a sign of protest. It decided to “destroy Yanukovych’s zone of comfort” and organized rallies to his residence. As an instrument of protest cars are effective because they are more visible than people and they serve as a means of transporting people and fulfill logistic tasks (Hadzhynov). After the revolution, Avtomaidan did not block governmental districts as often as in winter 2013/14, but still acted as an ad-hoc civil organization. Now the main task of Avtomaidan is the fight against corruption in law enforcement agencies and the peaceful support of the army. In this sense, Avtomaidan can be considered as a very active and motivated organization that realized the necessity to develop itself further in order to be more effective in reaching out to citizens. As a consequence an educational program for Avtomaidan activists is conducted and cooperation with other civil society groups is strengthened and should be promoted further.

The “International Renaissance Foundation” aims at bringing together parts of Ukrainian society and providing information about the EU to different societal groups. The second component of the initiative is to facilitate the cooperation with the business sector. Furthermore, efficient work with media is important in order to reach out to the public and disseminate information about own activities. Right now, the initiative is working towards the creation of an advocacy campaign (Zubko).

An initiative called “Syla Ludei” [Power of the People] was launched in January 2013 by journalists, lawyers and other parts of civil society in order to discuss different visions of Ukrainian society. This eventually led to the creation of a new kind of political party, based on the example of European parties. The rationale behind this has been the conclusion that there are no real political parties and no political responsibility in Ukraine yet. Instead, so far mostly only political projects appeared which used financial resources of certain oligarchs and therefore protected their individual interests or families rather than the interests of the country (Triukhan).

Syla Ludei, consequently, has no single but many leaders and a flat hierarchy. Due to this fact, permanent communication with the party members is necessary and the decision-making process is far from easy. The party is however not aligned with oligarchs and does not include old politicians (representing itself as a “clean party”). The party criticizes that usually parties do not work with society in between the elections and wants to change this state of affairs. Ukraine needs real political parties with consistent programs and parties which communicate with citizens not only during the election campaign. Therefore a more sustained visibility of political parties needs to be developed. The new party “Samopomich” [Self-help] is a hope of change, but oligarchs also here perform in the background (Triukhan).

The example of Syla Ludei shows that one of the main problems becoming obvious from the micro-perspective is the lack of public participation in the decision-making process and a missing policy-cycle. All this leads to the feeling on behalf of citizens of not being involved in important decisions (Shulga). But substantive changes in Ukraine will happen only when civil society participates in the reform process (Khmara).

Finally, concerning reforms, the “Reform Reanimation Package” was introduced. This organization unites experts from civil society who are working towards different reforms such as on anti-corruption or on public access to information. These experts elaborate drafts for certain reforms which are then discussed and coordinated with the government and the parliament (Khmara).

Several participants (Biermann, Härtel) mentioned that the development of civil society does not happen in a bubble and that it is influenced by current events, such as the war in the Donbas, the annexation of Crimea as well as by the signing of the Association Agreement (AA) with the EU. Additionally, the lack of serious work of cultural organizations to bridge the link between the Eastern and Western parts of Ukraine is one of the biggest threats for the civil society (Smaglyi), just as is the weakness civil society in the regions (Steward). For example, 45 percent of Ukrainians do not know a single NGO in their region and it speaks volumes that the (infamous) “Rinat Akhmetov Foundation” was just named the most important “civil society organization” by Ukrainian citizens (Smaglyi). Therefore, it is of crucial importance to take a look at civil society from a regional perspective.

The reactions of the inhabitants of the Donbas to the Maidan are in a way representative for the problems Ukrainian civil society is facing right now (Yakovlyev). One of the main problems of the Eastern regions is the Soviet heritage. This heritage of patrimonialism and political apathy can easily be instrumentalized by Russian propaganda. For example, pro-Russian separatists had a comparably easy time convincing Donbass people that the revolution was

indeed the “coup” of a “fascist Kyiv junta” and that they are better off with their “own mafia” For many of the Donbass people, who are in general disillusioned by their post-Soviet experiences, the perspective is not about how to live better but how to live not worse than before (Yakovlyev).

Arsen Zhumadilov, a representative of the Crimean Tartars – one of the best organized and visible groups in Ukraine’s civil society for years –, gave a bleak overview of the situation on annexed Crimea. Regarding the arguments justifying the Russian annexation of Crimea, he said that it is always problematic to use historical approaches towards Crimea as a tool of winning the popular support of the Russian people. It is however unclear and purely a matter of one’s own point of view which period of time should be taken into consideration here. From the Tartar point of view, it is now the third time in history that their number is decreasing because of Russian intervention (after 1897 and then in 1944, when the Soviet Union deported Germans, Tartars, Armenians and Bulgarians from Crimea). In many ways, one could argue that it is only for those deportations that the amount of ethnic Russians on Crimea reached over 50 percent after the Second World War.

A legal comparison of the governance of Russia and Ukraine on Crimea also proves to be revealing. Since the Crimean Tartars are no nation, they were protected by a far-reaching legal framework provided by the United Nations. Under Ukrainian rule the implementation had not been really satisfactory, but also not really bad. At least there was some visible progress. Under the new Russian rule, however, it is obvious that the state of the Tatars has taken a negative trend and that their civil activism is suppressed (Zhumadilov).

Charkiv is a big city in eastern Ukraine with around 300.000 students where a lot of volunteer organizations are concentrated. However, Charkiv is also a critical regional capital as its close to the Russian border and has multiple societal and economic links to Russia. The Maidan movement in Charkiv had however been very active, although it has been hardly comparable to other Maidans in Ukraine. Nevertheless, the plan to create the “Charkiv People’s Republic” (CNR) failed since still 50.000 people gathered to protest against the old authorities at the peak of events in Kyiv. The writer Serhiy Zhadan was a driving force in Charkiv, who invited intellectual activists like poets, novelists and musicians to join the protests. Thus, the role of intellectual multipliers and initiatives from the cultural sphere played a critical role in some regions.

Yet, even though there are 3.500 NGO’s registered in Charkiv, a civil society as such was not very visible until recently (Miroshnyk). Protests were more a spontaneous reaction of citizens of Charkiv. The spirit of the Maidan in Charkiv has but been sustained so far, with many discussions about Ukraine’s future, donations and people becoming in general very self-organized. Civil society activists, for example, installed a centre of assistance for temporarily displaced persons at the railway station. The coordination of the Foundation of Local Democracy, Miroshnyk’s own project, was started by volunteers and as a hub the centre serves about 113.000 registered displaced persons and an unknown number of non-registered ones. As such, civil society in Charkiv is patriotic and optimistic for now (Miroshnyk).

### 2.3 Challenges for Civil Society

Differences can be observed also between the aims and agendas within the civil society. One participant went so far to speak about two parallel civil societies, the registered and the unofficial one, both having worked together with each other because of a common enemy so far (Smaglyi). This has however changed. By now there is an increasing competition for funding between them, that could however prove healthy for the whole NGO sector. On the other hand, this bears the danger of the marginalization of unregistered initiatives and the emergence of “political service providers”. A prospect is the education of “agents of change” in the long run (Worschech).

Another cleavage is the potential tension between war-related and reform-oriented agendas. Several speakers observed that civil society resources are drained by the war effort, replacing the state in some of his functions (Steward, Minakov). This raises the question if the civil society will be able to empower the state to take over the functions it should perform or if it will go on replacing the state. Moreover, a careful observation of the resources of civil society is necessary here, as it is on the verge of overstretching its capabilities.

According to Mikhail Minakov, Ukraine had been a “failed state” in the end of February/beginning of March. Yet in precisely that moment, the country showed that it has a living society that is able to take over functions that the state is not able to perform. Examples for that were the first combatant groups in the East appearing in March/April – almost exclusively volunteers and counterpropaganda initiatives. In the latter case, some organizations were fighting the Kremlin-propaganda for half a year without any public financing. However, some elements of the civil society later became rivals to state organizations or were being abused by oligarchs. Now, therefore, civil society is regarded by the state as a serious subject of interest. The danger, from the authorities’ perspective, is now that the 3rd sector will intrude the state-monopoly and thus create the risk of undermining the state’s efficiency.

Another important question that some of the participants dealt with was to what extent violence could become a more legitimate instrument of dealing with conflicts in Ukraine. After the war in the East, young armed man will return home and might see no prospects. What to do with them, esp. since they will be regarded as heroes by the public? This issue is intertwined with the future of some of the civil society organizations after the war in the East. The war not only leads to a drain of resources, but also raises the question of the general sustainability of many organizations. It is therefore not easy to predict whether civil society will stay that strong and if it will be able to reformulate its mission after the war (Steward).

Andreas Umland connected the issue of militarization with the future of the Ukrainian state. He sees a hegemonic discourse of patriotism as the result of the Maidan and the war, overtaking and reinterpreting historical symbols and narratives. Normally, due to the distinction between extreme nationalism and military patriotism, with the latter supposedly not being radically ethnocentric, there should be no per-se danger. On the other hand, the new Ukrainian patriotism forges some strange careers like the ones of Andrej Biletzki or Vadim Trojan. The problem with the promotion of those radicals to high police and other security apparatus posi-



tions is that they serve as a tool for Russian propaganda and are making the prolongation of shady mafia-networks in Ukraine's executive structures more likely.

Another issue is the influence of the war on the ethnic inclusiveness and international outlook of civil society. While some participants doubted that civil society is being overtly inclusive right now, others (Smaglyi) said that it is no question whether for example Russian speaking Ukrainians were able to join Ukrainian speaking organizations. For many people – esp. in the East – civil activism is first and foremost a patriotic act. Yet, while the Euromaidan wanted to open the borders, the current surge of patriotism threatens to close the society down again. It largely ignores the fact that the EU – in many ways the revolution's reference point – is based on multiculturalism.

Four additional challenges could be identified. First, the civil society could be kidnapped by oligarchs. In this regard, the insufficient financing through the state poses a serious threat. This also raises the question whether the NGOs are accountable to the society at large or only to the donors. Second, the reputation of the activists could suffer in case of scandals. The third danger is the low professionalism of the civil society. There is a strong need for a professional NGO-management. For example, it is highly alarming that there exists not even one higher education institution in the country providing education for employees of this sector (Smaglyi). A final challenge is the fact that many civil society activists are now joining parliament and take over official posts. Andriy Portnov argued that these new people (in the parliament) are just used as a “mixed ingredient” in order for the “old folks” to get elected to the Rada.

## 2.4 Potentials of Civil Society

Of course there are not only challenges and dangers connected with the development of Ukraine's civil society, but also prospects and potentials. Esp. when comparing the “Revolution of Dignity” to the “Orange Revolution” (2004), one can see that civil society is way better organized right now and aware of its own deficiencies (Steward). For other participants it was also obvious that the state of the civil society changed profoundly since 2004. Back then civil society was naïve and believed in the process of change by its own. But civil society in 2014 became more realistic and is now aware of the long way it has to go for tangible improvements and lasting influence. Organizations now largely understand that bureaucrats and politicians need to be controlled on a sustained basis (Khmara). Altogether, one can observe a transformation of civil society in the past years from a self-image of being a “state within the state” to the idea that it should foremost have an impact on the society (Solonenko).

Susan Steward portrayed civil society as an accumulated body of expertise, which is perceived more positive now, not least due to intensifying media contacts. If there is a political will, a lot of projects could be fed into the political process. Nowadays, there are many points of access to the government, representatives from civil society are deputies in the parliament and many civil society initiatives developed strongly via the internet. Altogether, the civil society has a much better advocacy potential now than before Maidan. The non-registered

NGOs can be seen as an indicator for the evolution of civil society, which is even playing more roles than it is supposed to play (Solonenko).

For Jakob Mischke the potential of the civil society became visible through the formation of an alternative government during and after Maidan. The protesters outside Ukraine, for example, fostered the creation of an alternative embassy with the aim to bring Western governments to impose sanctions against the late president Viktor Yanukovich and, later, against the Russian Federation.

Mischke identified several channels of influence, by which anti-government protesters expressed their disapproval of the Yanukovich government and of the policies of the Russian Federation. First, there has been some lobbying by activists in Germany. They were providing information, were talking to MPs and generally worked together with the Ukrainian embassy in Berlin, which was not very eager to defend Yanukovich. In this regard some people from the Ukrainian diaspora were also very important. They include Petrovska, Andrukhovych, Zhadan and others, who were able to publish articles in newspapers on a regular basis. The second channel involved the public sphere. It was pointed out that most of the German journalists were based only in Kyiv and that many of them were for the first time in Ukraine, which meant that they had to work together with Ukrainian journalists who could support but also influence them. The need for information was the third channel of influence. In a situation where the government is not to trust and a war in the country prevails, objective data is crucial, and therefore, the most important information comes from civil society. Unfortunately this changed during the events of the Maidan, when the first stories about “fascists” appeared (Mischke).

### 3. THE “REVOLUTION OF DIGNITY“ AND CIVIL SOCIETY IN MOLDOVA AND BELARUS

The second part focused on the repercussions of the “Revolution of Dignity“ in the neighbouring countries, esp. in Moldova and Belarus. Here the participants were interested in the perceptions of the Ukrainian events in the neighbourhood: How are the Maidan and Ukrainian civil society developments perceived in Chisinau and Minsk? Second, what are the interconnections between the civil society activists across the countries: How much communication is there? In which way do they assist one another? What could be done in the future? And where are the limits of cooperation? Third, there was a consideration of potential or actual spill-over effects: Will the Maidan be a nucleus for change in other countries or are the immediate effects, such as the annexation of Crimea and the war in the Donbass, rather counter-productive for a mobilization of people in other countries? As countries of the Eastern Partnership tend to be very different and transformation paths sometimes diverge: Is the Maidan seen as a template or do other strategies and even long-term objects exist? Is there at all potential for a new level of civil society activity in those states? Consequently critique emerged about the “Eastern Partnership” policy approach due to its lack of a specific tailored approach to each country. Finally: Are there lessons from neighbouring states from which Ukrainian activists can learn?

### 3.1 Perceptions of Ukrainian Events in Moldova

Alina Radu is a journalist for 25 years in Chisinau. She gave a detailed insight into the situation in Moldova. Since Moldova is not as dependent as Belarus on Russia, it enjoys more freedoms and is generally moving closer to Europe. Although the Association Agreement with the EU offers a lot of opportunities for Moldova, the country's political elites and society are scared every time Russia starts military activity in its neighbourhood, like the war in Eastern Ukraine.

There are three Russian "exports" which Moldova has to face. First, there is the massive presence of Russian TV channels in Moldova with a ratio of 28 Russian channels to only 9 Moldovan ones. By its media presence Russia exports a lot of propaganda and hatred to Moldova, while Vladimir Putin is omnipresent on TV and billboards. This explains that he is now the most popular politician in Moldova. Second, the active and strong Russian Orthodox Church lobbies Russian political interests in Moldova and promotes political campaigns of pro-Russian parties. Finally one can also add here the export of politicians from Russia to Moldova, who are equipped with lots of money, whose origin is opaque.

As a result, Radu concluded, it is necessary to counterbalance Russia's influence on Moldova. Propaganda, unethical information and violence, transported by Russian TV, should be banned. Another way is a stricter control of the owners of Russian channels who are in many cases pro-European members of the parliament. Furthermore, there should be more efforts to make the flow of money into electoral and political campaigns more transparent. Media should work more professional and provide sufficient information about the EU and its norms. If this will be done Moldovans will not have to leave their country to live better, but stay and make an effort to achieve better standards in Moldova instead.

### 3.2 Perceptions of Ukrainian Events in Belarus

Andrej Dynko is the head of the oldest Belarusian newspaper "Nasha Niva Weekly" and gave an insight into the perception of the "Revolution of Dignity" in Belarus. It is clear that Belarus, in order to compare, is not like Crimea nor like Donbas or Lviv, with its strong national identity. Instead, Belarus shows similarities with Ukrainian Charkiv, that has strong bonds with Russia.

Russia made Ukraine pay a big price for its revolution, while the West was not resolute enough to help protect it against Russian aggression. As a result, Belarusian president Lukashenko sides with Russia in the principle and basic questions, even though Lukashenko does not fully align with Putin on the Ukraine issue. The critical position Lukashenko takes on the matter does however not change anything for Belarusian civil society. The domestic system in Belarus is stable. There is even scepticism as to the general prospects of freedom for civil society in Belarus due to Lukashenko's growing authoritarianism.

Meanwhile, the EU is facing a dilemma. On the one hand Brussels wants to address Lukashenko's authoritarianism, but on the other hand it is afraid to harm civil society and to push Lukashenko into the Russian orbit or in even more unpredictable directions (see his not so long ago flirting with China and Venezuela). The EU thus can only encourage Lukashenko to open up through economic incentives, e.g. by investment in infrastructure.

The majority of the Belarusian population was scared about the Maidan as it was connected with turmoil and blood. Therefore, 80% of Belarusians expressed a negative attitude towards the Ukrainian revolution. From their majority conservative point of view, at least a Russian interference in Belarus, like in Crimea or Donbas, seems to be impossible as long as Lukashenko is the leader in Belarus.

The situation for civil society in Belarus can be summed up as follows: In the case of Ukraine as a "democracy in the making", the efforts of the civil society are welcomed by the authorities right now, whereas the civil society in Belarus contradicts everything that the government wants (Forbrig). Media freedom and human rights will be limited, esp. during the election year (Belarus holds presidential elections in late 2015). The most important challenge for the Belarusian civil society remains the consolidation of national identity for now (Dynko).

### 3.3 Inter-Connections, Limits and Spill-overs

Regarding the potential for spill-over effects of the "Revolution of Dignity", a repetition of Maidan events in Moldova is considered unlikely. In 2009, Moldova had its own "Maidan" that resulted in the death of some young people and many unpleasant memories. Moreover, Moldovan civil society is in a weak condition, having very limited capacities and being very much dependent on foreign donors (Radu).

Considering Belarus, first of all there are significant differences between Ukraine and Belarus in terms of its size and configuration. Belarus is much smaller and simpler. It is also to a high degree dependent on oil prices as its economy is almost completely dependent on Russia and its oil business. Therefore, a repeat of the Maidan revolution in Belarus is not imaginable in 2015 (Dynko).

Moreover, the West should be aware that, due to the inter-connections between the Belarusian and Russian economies, sanctions on Russian will have direct consequences on Belarus. In order to maintain its welfare state, Belarus must totally rely on Russian oil and gas subsidies, which amount to 12 per cent of Belarusian GDP. Hence any Russian economic downturn will have a major impact on Belarus. In order to achieve real change, Belarus needs to wait for a general geopolitical and economic change (Dynko).

#### 4. THE SUPPORT OF INTERNATIONAL ACTORS FOR CIVIL SOCIETY IN EASTERN EUROPE

In the third and last part, the participants elaborated in how far the international community will be able to support Ukrainian (and other countries') civil society in sustaining and building upon what has been accomplished. A critical assessment of international and EU engagement in particular so far was the first task here: Overall, to what degree is it possible to support democratization from the outside and what are the risks? Have EU institutions and national governments done enough to assist civil societies in the region, are their inconsistencies or even different approaches among them? Has the regional focus of the Eastern Partnership been efficient and are the objectives formulated in Brussels and Strasbourg realistic? In a second step, the current needs of actors in the region were discussed: Is there foremost a lack of financial resources or are problems such as the legal framework and human resources more urgent? Which dimensions of a vibrant and diverse civil society are still missing in Ukraine and can a „civil culture“ be supported more effectively from the outside, e.g. through initiatives in the field of education?

Several participants outlined why the EU as an external actor should care about the progress of the civil society in Ukraine. For instance, the internationalization of the current conflict was driven by Russian interference and had become a European conflict, thus putting European security governance and norms into question. This means that Ukraine and Europe are at a crossroads and that the eyes of the EU are on Ukraine (Biermann).

Moreover, liberalism with its universal principles as the most important normative paradigm in our times implies that international law should matter most – instead of sole events, which can be subsumed under a positivist approach (Zhumadilov). Seen from this point of view, the EU (that some scholars coined as a “normative power”) bears the responsibility to protect this liberalism.

Others observe a critical moment for the state of democracy in Europe. On the one hand there are opposite trends in the dynamic wider Europe order which express themselves in more or less authoritarian movements in Russia, Turkey and Azerbaijan on the one, and in revolutionary Ukraine and progressive regimes in Moldova or Georgia on the other hand. This being a challenge, a major problem for EU democracy support also stems from the fact that democracy within “EU”-Europe is weakened more than ever due to the lack of trust in politicians and institutions and the rise of populism and nationalist movements and parties. How can pro-democratic change and European values be supported elsewhere in general, and how can the challenges of democracy in Wider Europe specifically be addressed under such difficult circumstances (Härtel)?

## 4.1 The Potential for External Democratization and Europeanization

Anne Wetzel from the University of Mannheim focused on the potential of Ukraine for a further Europeanization. From her point of view, the connection between Europeanization and democratization is not always axiomatic. The enlargement policy of the EU can be seen as an example. Since the European Neighbourhood Policy (ENP) is designed similarly, one could argue that the output will also be similar. Nevertheless, the ENP's lack of proper incentives often explains why outcomes differ in the neighbourhood.

Bringing the mechanisms of Europeanization together with the civil society in Ukraine, it becomes obvious that there is a big potential since the technical procedures and existing rules of the EU (like transparency, standards of accountability) can be used by the civil society. The problem in this regard is that a lot of processes (like the AA) are being executive-driven, allowing for not enough space for the civil society (Wetzel).

What are the conditions for efficient support of democracy in the Eastern partnership (EaP) region of the EU? In regard to the EU's approach to the EaP one can say that the EU increased the scope of funding for civil society and introduced more instruments. The EU's major instrument is the European Neighbourhood Instrument (ENI). Yet, European consultancies, who are profit organizations, receive ten times more aid than local civil society organizations (Shapovalova). Another negative aspect is the EU's inefficiency and low flexibility when it comes to the implementation of grants. On the positive side the relatively new European Endowment for Democracy (EED) can be named, which is more flexible reacting to changes on the ground and provides quick funding to smaller, unregistered initiatives and civil society activists in trouble.

A positive sign is furthermore that the EU tries increasingly to see civil society not as mere recipient of aid but as a partner in promoting change in the EaP countries. Country reports show that the EU is trying to take a more comprehensive approach on civil society and tries to better understand the developments and needs of civil society. Next to it the EU envisages a better involvement of the civil society in the policy dialogue at local, EU and international levels, whereas questions of implementation remain. There is evidence that civil society organizations are trying to exert influence on the EU's foreign policy towards their countries, while these inputs are increasingly acknowledged by the EU. Nevertheless more effort is necessary to involve civil society in EU policies, such as in budgetary support.

In supporting civil society in the EaP countries, the EU should think more about what functions of civil society it wants to support and how democracy can be promoted by civil society (Shapovalova). The EU should help civil societies on both sides of the EU border by creating research exchanges and horizontal links, and by promoting mobility for students and journalists. The exchange of knowledge and experience should be fostered by investment in exchange programs and support of individuals (Shapovalova, Savin). Shapovalova also appealed to the EU to use its power of attraction and to act according to its perceived image of a normative power. In the case of Ukraine this power of attraction is extremely important. Appeals emerged that Ukrainians should stop blaming somebody for all the failures and shortcomings



in their country and called upon them instead to become more forward-looking and to resolutely address problems (Smaglii).

## 4.2 Shortcomings and Challenges of External Democracy Support

Speaking about the future support of democracy in Ukraine and the region Rafael Biermann underlined the importance of this issue with the fact that there seems to be much distrust and suspicion vis-à-vis the Ukrainian government in some donor countries. The question was thus raised what a donor can do and where he should invest.

Regarding the resources of external democracy support, the Official Development Assistance towards Ukraine (according to OECD) shows that most of the donor money is spent on the subsector government and civil society in general, but just very little on peacebuilding and social issues (Worschech). In this big subsector there is also meagre expenditure for the fight against corruption. The dominant channel of funding is direct project support, whereas the core support to NGO's is extremely marginal. By far the biggest donors in Ukraine are the USA and Canada.

Next to resources, another obstacle for efficient strategies on democracy support is the ongoing conceptual debate about democracy as such. After the failure of the "Washington Consensus" and transformation policies in the 1990s, contextual approaches – calling for more local and social embeddedness of democracy – became more widespread. Yet, today, those approaches are increasingly instrumentalized by the authoritarian forces who try to water down the concept as such. For example, Belarusian president Lukashenko, who knows perfectly well how to offset and circumvent democracy-supporting initiatives, has in many ways become a better student of history than the West (Forbrig). Considering this trend, it is the very core idea of liberal democracy, the freedom of expression and assembly, the separation of powers etc., which should be promoted throughout and with much more vengeance (Härtel). In short, if the West is no convinced democracy supporter any longer, who can be?

The level of agency, meaning the multitude of actors involved in democracy promotion policies, is also problematic. Here the problems lie in a lack of cooperation among the existent actors, strong hierarchies and sometimes contradictory priorities. While the EU's focus on economics and growth, next to its own democratic deficits, does hardly make it fit for supporting democracy anywhere, value-based organizations such as the Council of Europe and the OSCE are already paralyzed by authoritarian member states. In regard to the instruments of those actors one should also bear in mind the danger of supporting authoritarian state structures when anti-corruption measures or other indirect democracy support policies are applied to countries which are not yet democracies. To overcome these trends and its over-bureaucratization, democracy support should focus more on individuals, parliaments and parties. The EED is certainly a step in the right direction here, whereas the role of EU member states, most of them examples as for functioning democracies, in democracy support is still questionable. It seems too often that they are hiding, bare a few special cases such as Sweden, behind the unfit EU itself (Härtel).

### 4.3 Civil Society's Demands

Is it only money that matters or are other resources like political advice and an integral strategy even more important for civil society? One needs to take into consideration that democracy support and civil society promotion have much in common, but there are many different issues (Shulga). The regional approach of the EaP did not include much added-value for Ukraine. If one speaks about the conditionality-approach, the difficulty to communicate it to Ukrainian society needs to be taken into account. An example is the AA of 2013, when the EU was not consistent in applying the release of former prime minister Tymoshenko as a condition (Yanukovych would have gotten the AA without her release). The conclusion is that conditionality should be smart and it should be accompanied by a credible offer, good analysis and realistic estimations (Shulga).

It was also argued that the focus on money is misleading (Forbrig). In Belarus, only 50 percent of the work is about money, whereas what is more important is encouragement, contact and human relations. Based on his experience, Joerg Forbrig claimed to give money in instances where it could potentially go wrong and to give support below the level of official diplomacy in case of human tragedies. This entails helping people on a personal level instead of asking the government for help.

Furthermore it is mentioned that supporting democracy automatically means supporting the civil society since the first only works with the latter (Savin). For a foundation it is of crucial importance to have an office in the country, to support the part of the civil society that is not organized and to trust the local staff since it knows the needs and can develop the best strategies. Proposals about how to support the civil society entailed the privileged support for membership-based NGOs, making ties with strategic-thinking NGOs and a detailed survey about their needs. Based on Mr. Savin's experience, most of the NGOs need other things than money. He named one example in this regard: in 2011 he visited a big demonstration in Mariupol against Rinat Akhmetov and his air-polluting industry with around 20.000 participants. When he asked how his foundation could help the demonstrators refused to take money since this would have allowed Akhmetov to blame the movement for an alleged infiltration by Western agents.

Education is also a critical field for sustained and efficient democracy support. During the last 20 years a growing influence via the soft power of the EU and single member countries can be observed. Among the most influential countries is Germany, which makes a lot of efforts to help Ukraine towards developing a democratic future. The Kyiv-Mohyla-Academy was the first host university that developed a German-Ukrainian program (Demyanchuk). This program (a double master's degree) is growing, so that the number of students has doubled in 2014.

The nature of the relationship between Ukrainian civil society and the EU was also touched. The visa liberalization plan and the adaption of the road map demonstrate good intentions by the EU, but the culture of consultations with civil society should be further developed. Another example concerning the influence of civil society on the EU is the establishment of the



joint Civil Society Platform. In this context the EU's intention to impose an agenda on Ukraine's civil society was criticized (Shulga).

## 5. Conclusion

Even though Ukrainian civil society is progressing and activists were able to capture a considerable amount of seats in the new Ukrainian parliament, lessons need to be learned by Ukrainian civil society in order not to repeat the mistakes of the time after the "Orange Revolution" in 2004. Deriving from the statements of several civil society activists during the conference, fortunately, the view that there is a long way to go for significant changes and that many more efforts are necessary is widely accepted. Ukraine's civil society should maintain its high level of mobilization, act as transparent as possible and show presence in the media, and use particularly civil society activists who became MPs for its work. Only in this way can civil society's general credibility and the population's trust in it be preserved.

Ukrainian civil society gets a lot of attention these days, is very motivated and it is constantly evolving towards more stable structures. Nevertheless it needs to increase its professionalism in respect to its media performance, establish an effective communication with citizens and acquire expertise by building links to other civil society activists and civil society organizations within other parts of Europe. In addition, Ukrainian civil society is exposed to some serious dangers. Different civil society groups must find a way how to coexist next to each other and not be drowned in meaningless competition with state institutions, or even be instrumentalized by oligarchs. At the same time civil society has to handle the danger of militarization of radical activists.

In times of economic crisis and war Ukrainian civil society takes care about a remarkable range of original state obligations. It could distinguish itself by voluntary groups who help those who need help the most. However it is aware of the huge tasks of the future and of the various challenges for the Ukrainian state: the fight against corruption, the disentanglement of oligarchic interests and politics and the establishment of a fair and unbiased judicial system. There is a window of opportunity right now to address these questions. But this window is narrowing, so it is necessary to take the opportunity right now. Moreover, Ukrainian civil society as well as civil societies in Belarus and Moldova are still in need of external support in order to build up their own capacities and to help establishing democratic standards in their countries. (Biermann).

The Political Science Departments of Kyiv-Mohyla Academy (NaUKMA) and Friedrich Schiller University Jena (FSU) organize a **conference** on:

# Ukrainian Civil Society after the Maidan:

## Potentials and Challenges on the Way to Sustainable Democratization and Europeanization

12 December 2014, NaUKMA, Kyiv

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*12th December, NaUKMA Historical and Museum Centre, vul. Skovorody 2, Kyiv*

**Ukrainian Civil Society after the Maidan: Potentials and Challenges on the Way to Sustainable Democratization and Europeanization**

The „EuroMaidan“ protest movement, beginning in November 2013, did accomplish its main objective – the removal of President Viktor Yanukovich from the presidency – already in February 2014. Only three months later, in May of the same year, the new President Petro Poroshenko was elected through free and fair elections, while a Maidan- appointed interim government paved the way towards a return to the more democratic 2004 constitution. Beyond this, from a democratic perspective, positive result on the elite level the question arises in how far the „Revolution of Dignity“ also achieved significant progress regarding the sustained mobilization and organization of Ukraine’s civil society.

There is today plenty of evidence allowing a positive answer to this question. Already in the first weeks of the uprising we could see numerous initiatives of civil society or-

ganizations, which signaled clear political objectives, such as the fight against rampant corruption and for gender equality and European integration. Many of these organizations began to implement their visions through practical projects on the Maidan. Later, initiatives such as the „Avtomaidan“ and many local groups, organizing for example the protection of residential areas from petty crime and violence, sprung up and carried the rise of civil society beyond the protest camp. Furthermore, the Maidan became a nucleus and stage for new and alternative political actors such as the „Democratic Alliance“. Finally, at the end of February and beginning of March, the movement achieved a novelty in the post-Soviet space: the nomination of an interim government by the Maidan, establishing a direct line of legitimacy and accountability between the new authorities and the protest movement.

Yet, a note of caution is appropriate if we remember the aftermath of the so called „Orange Revolution“ in 2004. At the time, there was no qualitative breakthrough in civil society development (even though many former activists joined politics). Rather, non- state activism back then was short-lived and descended into apathy once again after the first enthusiasm for the new leadership had waned. Therefore, the future of civil society now seems to be the key factor for the democratic quality and sustainability of Ukraine’s „second revolution“. Can we observe a significant rise of civil society activism during and after the Maidan? Which actors were influential and which degree of organization has been accomplished? How strong are initiatives in the regions? What are the basic demands of the „new“ civil society, which resources do they have at their disposal, and how is the relationship with the new authorities? And finally, what are the chances that the movement will be living and prosper beyond the day, or will the developments of 2004 be repeated?

The Conference will discuss the evolution of Ukraine’s civil society in light of the country’s further democratization and Europeanization. Ukrainian and international experts as well as representatives from civil society will be invited to discuss the theme from three different perspectives: a Ukrainian domestic perspective assessing the current landscape of civil society activism in the country; a regional perspective asking for spill-over effects and cooperation in the Eastern Partnership region; and finally an international perspective, highlighting the role of outside actors in democracy support and the appropriateness of their strategies.

## **PROGRAM**

### **Ukrainian Civil Society after the Maidan: Potentials and Challenges on the Way to Sustainable Democratization and Europeanization**

Conference organized by the Political Science Departments of Kyiv-Mohyla Academy (NaUKMA) and Friedrich Schiller University Jena (FSU) and financed by the German Foreign Office (Auswärtiges Amt) and the German Academic Exchange Service (DAAD)

*12th December, NaUKMA Historical and Museum Centre, vul. Skovorody 2, Kyiv*

9:00 am                    WELCOME ADRESSES by Minister Serhiy KVIT (Ministry of Education and Science of Ukraine), Prof. Dr. Andriy MELESHEVYCH (President of NaUKMA), Prof. Dr. Rafael BIERMANN (FSU Jena) and Prof. Dr. Oleksandr DEMYANCHUK (NaUKMA Kyiv)

#### **THEME ONE: HOW STRONG ARE WE? DEVELOPMENT AND POTENTIAL OF UKRAINE'S CIVIL SOCIETY**

9:30-9:45 am            KEYNOTE: UKRAINIAN CIVIL SOCIETY BEFORE AND AFTER THE MAIDAN

Dr. Katia SMAGLIY (Kennan Institute, Kyiv)

9:45-11:00 am        PANEL ONE: ROUND TABLE OF UKRAINIAN CIVIL SOCIETY REPRESENTATIVES: PRESENTING PROJECTS, VISIONS AND CHALLENGES

Moderation: Iryna SOLONENKO (Viadrina University, Frankfurt/Oder)

Participants: Alim ALIEV (Krym-SOS, Lviv), Sergei HADZHYN-OV (Avtomaidan, Kyiv), Oleksii KHMARA (Reform Reanimation Package, Kyiv), Olga MIROSHNYK (Foundation of Local Democracy, Charkiv), Vadym TRIUKHAN (Syla Lyudei, Kyiv)

11:00-11:15 am SMALL COFFEE BREAK

11:15-12:30 pm PANEL TWO: CIVIL SOCIETY AND THE DEMOCRATIZATION OF THE UKRAINIAN STATE: HALFWAY DONE OR EVERYTHING TO PLAY FOR?

Moderation: Dr. Maksym YAKOVLYEV (NaUKMA, Kyiv)

Participants: Jakob MISCHKE (University of Münster), Dr. Katia SMAGLIY (Kennan Institute, Kyiv), Iryna SOLONENKO (Viadrina University, Frankfurt/Oder), Dr. Susan STEWART (Stiftung Wissenschaft und Politik, Berlin)

12:30-1:30 pm LUNCH BREAK

## **THEME TWO: THE REGIONAL DIMENSION - THE „REVOLUTION OF DIGNITY“ AND CIVIL SOCIETY IN MOLDOVA AND BELARUS**

1:30-2:45 pm PANEL THREE: CIVIL SOCIETY ACTIVISM IN THE EASTERN PARTNERSHIP REGION – ASSESSING DIFFERENCES, COMMONALITIES AND INTERACTION

Moderation: Dr. Jörg FORBRIG (German Marshall Fund of the United States, Berlin)

Participants: Andrej DYNKO (Nasha Niva Weekly, Minsk), Dr. Alexei PIKULIK (BISS, Minsk), Alina RADU (Ziarul de Garda, Chisinau), N.N.

2:45-4:00 pm      PANEL FOUR: SPILL-OVER OR BACKFIRE-EFFECT? THE MAIDAN, CRIMEA, THE DONBASS AND THE FUTURE OF CIVIL SOCIETY

Moderation: Dr. André HÄRTEL (FSU Jena/ Council of Europe, Jena and Strasbourg)

Participants: Prof. Dr. Mikhaylo MINAKOV (NaUKMA, Kyiv), Dr. Andreas UMLAND (Institute for Euro-Atlantic Cooperation, Kyiv), Arsen ZHUMADILOV (CISS, Kyiv), Marya ZOLKINA (Democratic Initiatives, Kyiv)

4:00-4:15 pm      SMALL COFFEE BREAK

**THEME THREE: THE SUPPORT OF INTERNATIONAL ACTORS FOR CIVIL SOCIETY IN EASTERN EUROPE – POLICIES, SHORTCOMINGS AND FUTURE CHALLENGES**

4:15-5:30 pm      PANEL FIVE: THE IMPACT OF EXTERNAL ACTORS ON CIVIL SOCIETY DEVELOPMENT IN UKRAINE: STRATEGIES, RESOURCES, LIMITS

Moderation: Viola VON CRAMON (former Member of the German Bundestag, PACE, and Vice-Chairman of the German-Ukrainian Group of Parliamentarians)

Participants: Dr. André HÄRTEL (FSU Jena/ Council of Europe, Jena and Strasbourg), Dmytro SHULGA (International Renaissance Foundation, Kyiv), Natalia SHAPOVALOVA (FRIDE, Madrid), Susann WORSCHER (Viadrina University, Frankfurt/Oder)



5:30-6:45 pm

PANEL SIX: THE FUTURE OF DEMOCRACY SUPPORT IN UKRAINE AND BEYOND: CONCRETE PROPOSALS FOR A MORE CONSTRUCTIVE ROLE OF OUTSIDE ACTORS

Moderation: Prof. Dr. Rafael BIERMANN (FSU Jena)

Participants: Oleksandra BIENERT (Pravo. Berlin Group for Human Rights in Ukraine, Berlin), Dr. Jörg FORBRIG (German Marshall Fund of the United States, Berlin), Dr. Kyryl SAVIN (Boell-Foundation, Kyiv), Dr. Anne WETZEL (University of Mannheim)

6:45 pm

CONCLUDING REMARKS by Prof. Dr. Rafael BIERMANN