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Ukrainian Civil Society from the Orange Revolution to Euromaidan: Striving for a New Social Contract

This is the Maidan generation: too young to be burdened by the experience of the Soviet Union, old enough to remember the failure of the Orange Revolution, they don't want their children to be standing again on the Maidan 15 years from now.

Sylvie Kauffmann, The New York Times, April 2014¹

Introduction

Ukrainian civil society became a topic of major interest with the start of the Euromaidan protests in November 2013. It has acquired an additional dimension since then, as civil society has pushed for reforms following the appointment of the new government in February 2014, while also providing assistance to the army and voluntary battalions fighting in the east of the country and to civilian victims of the war. In the face of the weakness of the Ukrainian state, which is still suffering from a lack of political will, poor governance, corruption, military weakness, and dysfunctional law enforcement – many of those being in part Viktor Yanukovich's legacies – civil society and voluntary activism have become a driver of reform and an important mobilization factor in the face of external aggression.

This contribution examines the transformation of Ukrainian civil society during the period between the 2004 Orange Revolution and the present day. Why this period? The Orange Revolution and the Euromaidan protests are landmarks in Ukraine's post-independence state-building and democratization process, and analysis of the transformation of Ukrainian civil society during this period offers interesting findings.² Following a brief portrait of Ukrainian civil society and its evolution, the contribution examines the relationships between civil society and three other actors: the state, the broader society, and external actors involved in supporting and developing civil society in Ukraine. The relationship between civil society and these three counterparts is mutually reinforcing in each case: Civil society acts proactively with respect to the other actors, seeking partnership and setting an agenda, while the other actors create an "operating environment" for civil society ac-

1 Sylvie Kauffmann, Ukraine's Activists Are Taking No Chances, in: *The New York Times*, 25 April 2014, at: <http://www.nytimes.com/2014/04/26/opinion/kauffmann-ukraines-activists-are-taking-no-chances.html>.

2 For a good account of the various phases of civil society development since independence, see: Mridula Ghosh, *In Search of Sustainability. Civil Society in Ukraine*, Berlin 2014.

tivities. The way the state treats civil society, popular support for and trust in civil society, and the activities of external actors all play an important role in either stimulating civil society development or, on the contrary, creating obstacles for its activities.

This contribution adopts a broad definition of civil society as “the sum of institutions, organizations, and individuals located between the family, the state, and the market, in which people associate voluntarily to advance common interests”.³ From this perspective, civil society includes both formally registered organizations and informal, spontaneous coalitions of citizens.

This contribution argues that Ukrainian civil society, despite still suffering from a lack of sustainability, difficulties in effectively influencing the reform process and reaching out to the people, and an over-dependence on external funding, has made an important qualitative leap since the days of the Orange Revolution. This concerns primarily the way civil society is organized and its self-perception, but also the three relationships mentioned above. Today, Ukrainian civil society sees itself as a fully fledged actor in the reform process and demands its inclusion in policy-making. To this end, it has become more consolidated, as various civil society movements, monitoring and advocacy networks, and voluntary initiatives have mushroomed, initially in the first years of Yanukovich’s presidency from 2010, but more so during and after Euromaidan. Ukrainian civil society’s self-perception of its role in the country’s development echoes Charles de Gaulle’s famous saying that “politics are too serious a matter to be left to the politicians”.

Understanding this qualitative shift in Ukrainian civil society and its role in Ukraine’s transformation is very important. This perspective counterbalances or at least supplements the state-centred approach to assessing developments in Ukraine, which still prevails. Without taking civil society into account, one cannot have a comprehensive understanding of current developments in Ukraine.

Ukrainian Civil Society: A General Portrait and Overview of Its Evolution

Since the Orange Revolution, there has been a steady increase in officially registered civil society organizations (CSOs) in Ukraine. By 2014 there were already 75,414 non-governmental organizations (NGOs), known officially as “civic organizations”, as well as 28,851 trade unions, 15,904 associations of co-owners of multiple-family dwellings, 15,708 “charitable foundations or organizations”, 1,369 self-organized territorial communities, and 276 profes-

3 Helmut K. Anheier. *Nonprofit Organizations. Theory, management, policy*, London 2005, p. 9. Cf. also Michael Edwards, *Civil Society*, Cambridge 2014.

sional organizations.⁴ These different forms of civil society organization reflect the diversity of aims and activities they pursue.

NGO is the most widespread form of registration of a civil society initiative in Ukraine. Yet, although there were over 75,000 such organizations registered in 2014, only some 3,000-4,000 of those, according to Ukrainian experts, are active and functional, whereas the rest exist only on paper or terminate their registration after a short period of time.⁵

When it comes to the work carried out by active NGOs, a poll conducted among 623 NGO leaders in 2010 revealed that 44 per cent occupied themselves primarily with such issues as “children and youth”, 27 per cent focused on civic education and another 27 per cent on human rights, while 25 per cent said they worked with social issues and problems.⁶

This data does not reflect informal civil society networks and voluntary activities, which have become very widespread in the recent years, as will be highlighted later on in this paper. Neither does it include protest actions, which is another important aspect of civil society activity.

International indices that have been quantifying civil society activity in many countries over years are useful means of assessing the level of development of Ukrainian civil society in comparative regional and temporal context. These include the Civil Society Organization Sustainability Index (CSOSI) of the United States Agency for International Development (USAID) and the Nations in Transit report of Freedom House. Unfortunately, Ukraine is not included in the CIVICUS Index of the Johns Hopkins Center for Civil Society Studies, which would be another valuable source of information.

According to the 2013 USAID index, Ukrainian civil society belonged to the category “sustainability evolving”,⁷ which lies between “sustainability enhanced” and “sustainability impeded”. This was true for six of seven indicators,⁸ the exception being “advocacy”, where Ukrainian civil society showed “enhanced” sustainability. According to USAID, Ukrainian civil society’s sustainability has steadily improved throughout the period 1997-2013, unlike, for instance, that of Russia, which has declined.⁹ In 2013, Ukraine was doing generally better than other countries of the region, which includes

4 Official statistical data from the National State Registry of Ukrainian Enterprises and Organizations is available at: <http://www.ukrstat.gov.ua>. Data as of 1 August 2014. Crimea and Sevastopol are excluded from the statistics.

5 Cf. Liubov Palyvoda/Sofia Golota, *Stan ta Dynamika Rozvytku Neuriadovykh Organizatsii Ukrainy. 2002-2010 Roky* [State and Dynamics of Development of Non-Governmental Organizations of Ukraine. 2002-2010], Kyiv 2010, p. 18.

6 Cf. *ibid.*, p. 23.

7 Cf. USAID, *2013 CSO Sustainability Index for Central and Eastern Europe and Eurasia*, 17th Edition – June 2014, pp. 223-230, at: <http://www.ngo.ee/sites/default/files/files/+E&E%202013%20CSOSI%20Full%20Report.pdf>.

8 The seven indicators are: legal environment, organizational capacity, financial viability, advocacy, service provision, infrastructure, and public image.

9 Cf. USAID, cited above (Note 7), p. 253.

Russia, the western Newly Independent States (NIS), and the Caucasus, on almost all indicators.¹⁰

Freedom House shows a similar trend, although the change in this case is incremental. Civil society is one of the seven indicators or dimensions of democracy of the composite Nations in Transit Index.¹¹ Thus, Ukrainian civil society's performance improved from 3.00 in 2005 to 2.75 in subsequent years and to 2.50 in 2014.¹² Civil society development has generally outperformed the other six dimensions of democracy in Ukraine as assessed by Freedom House (the overall democracy score in 2014 was 4.93). As in the case of the USAID index, Freedom House finds that Ukrainian civil society does better than those of other Eurasian states (post-Soviet countries) and even those of most countries in the Balkans. Ukraine's score (2.5) is above the median of the entire post-Communist region, which is 3.00.¹³

These quantitative indicators reflect the positive evolution of civil society in Ukraine over the past ten years, i.e. since the Orange Revolution. This story will be examined in more detail below through analysis of relations between civil society and the state, the broader society, and external actors.

Civil Society and the State

Civil society-state relations are vital for civil society development. The state matters for the activities of civil society in four respects. First, it creates the overall "operating environment", which depends on the state of democracy and rule of law. Aspects of democracy such as freedom of association, freedom of peaceful assembly, media freedom, a free and fair judiciary, and access to public information matter a lot and affect civil society directly. Second, the state creates a very specific environment for the functioning of civil society, something known as the "regulatory framework". This covers registration procedures, taxation policies, and other very specific matters that regulate routine aspects of the everyday functioning and work of civil society organizations. Third, many civil society organizations aim at influencing the state and its policies, particularly those that are involved in advocacy. To what extent are the state and its various bodies ready to listen to and cooperate with civil society? Is this co-operation institutionalized and regulated by certain procedures, that, for instance, oblige officials and civil servants to take on board proposals made by civil society, or at least respond to them?

10 Cf. *ibid.*, p. 9.

11 The indicators are: electoral process, civil society, independent media, national democratic governance, local democratic governance, judicial framework and independence, and corruption, see Freedom House, *Nations in Transit, 2014 Nations in Transit Data*, at: <https://freedomhouse.org/report-types/nations-transit#.VJLD-8kTVph>.

12 The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest; see *ibid.*

13 Cf. Freedom House, *Nations in Transit 2014: Ratings and Democracy Score Summary*, at: <http://freedomhouse.org/sites/default/files/Data%20tables.pdf>.

Whether civil society is taken seriously and can affect public policy depends directly on the responsiveness of the state. Fourth, civil society organizations can also partially play the role that the state itself is supposed to play. The state can outsource areas of responsibility, such as the provision of social services, to non-governmental organizations, for instance, by sub-contracting them to take care of the homeless, elderly people, or people with special needs. This model works very effectively in many countries, especially if the state provides funding and other necessary conditions for these activities.

One can better understand how these dimensions of civil society-state relations developed in Ukraine by identifying three phases since the Orange Revolution: the post-Orange Revolution period; Yanukovich's presidency between 2010 and 2014, including the Euromaidan protests; and the post-Euromaidan period. Approaching developments in this way shows that there is no clear link between the overall operating environment, which concerns the state of democracy and political freedoms as a whole, and more specific dimensions of state-civil society relations. While the changes in the overall operating environment are evident when one compares the three periods, the other dimensions of civil society-state relations demonstrate a certain continuity.

Thus, the period after the Orange Revolution was characterized by free and fair elections, relative media freedom, and freedom of association and peaceful assembly. This created a positive environment for civil society activities. At the same time, political infighting and weak state capacity created problems with the regulatory environment and with state-civil society co-operation. Despite continuous pressure from NGOs, the legal framework they operated in remained deeply unfavourable – among the worst in the CIS region. Civil society representatives complained that it took more time to register an NGO than a business. A study conducted in 2007-2008 showed that around half of all civil society councils advising the central public authorities (19 ministries and 36 other central authorities) and only two out of 26 councils at the regional level were functional.¹⁴ On the other hand, there were cases of successful civil society-state co-operation, which had to do with the willingness of individual politicians or civil servants to work together with civil society. For instance, in June 2008, the Civil Society Council to the Ukrainian side of the EU-Ukraine Cooperation Committee¹⁵ was created. Although the Council was initiated by the Deputy Prime Minister for European Integration in the cabinet of Yulia Tymoshenko, representatives of civil society determined its composition, which included active and professional civil society leaders and opinion-makers. The Council was closely involved in the

14 Cf. Galyna Usatenko (ed). *Vzayemodiia Vlady I Hromadskosti Cherez Mekhanizmy Hromadskyykh Rad. Stan I Perspektyvy* [Interaction between Civil Society and Authorities through Civil Society Councils. State and Prospects], Kyiv 2008.

15 The EU-Ukraine Cooperation Committee was one of the bilateral EU-Ukraine institutions created to implement the Partnership and Cooperation Agreement between the EU and Ukraine.

consultation process on issues pertaining to EU-Ukraine relations and Ukraine's European integration policy, until this practice was terminated soon after Yanukovich became president in 2010. Nevertheless, such success stories were rather rare, while there was no systematic policy of consultations with civil society.

During Yanukovich's presidency, the general operating environment may have been less favourable, but the mixed nature of the situation becomes clear when other dimensions of state-civil society relations are considered. Elections were no longer free and fair, as exemplified by the local elections in the autumn of 2010 and the parliamentary elections in the autumn of 2012. During this period, civil society started facing certain problems. For instance, in September 2010, Ukrainian NGOs were reported to have been attacked by the Security Service of Ukraine (SBU). It was only the strong reaction of civil society itself, reinforced by external pressure, that forced the authorities to step back,¹⁶ although such incidents continued to occur sporadically. The Ukrainian Helsinki Human Rights Association reported that conditions for civil society deteriorated in the years following Yanukovich's election – i.e. in 2010 and 2011.¹⁷ Yanukovich's presidency also saw the deterioration of conditions for peaceful assembly. The practice of banning protests through court decisions became widespread: During Yanukovich's presidency, the authorities succeeded in banning planned protest actions or gatherings through court decisions in as many as 89 per cent of cases.¹⁸ The dispersal of protests by force also became common. A prominent example is the way the authorities dealt with the so-called "taxation Maidan" – protests of representatives of small and medium-sized businesses against the draft tax code that was expected to worsen conditions for entrepreneurs. These protests took place in November 2010 and were on a scale not seen since 2004. More than thirty thousand people protested in Kyiv and several thousand in other places all over Ukraine. Yet, after half a month, the protesters were dispersed by municipal workers, while some ten criminal investigations were launched by the authorities against the organizers of the protests. Although the authorities agreed to introduce some amendments demanded by the entrepreneurs, major provisions that the protesters opposed were adopted. As a result, a large share

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- 16 The Security Service's response is described at: *V SBU zayavili, chto u nih net pretenzy k fondu "Vidrodzhennia"* [SBU said they have no claims for the fund "Renaissance" (International Renaissance Foundation)], Censor.net, 8 September 2010, at: http://censor.net.ua/news/131499/v_sbu_zayavili_chto_u_nih_net_pretenziyi_k_fondu_quotvidrodjennyaquot.
- 17 Cf. Ukrainian Helsinki Human Rights Association, *Annual Human Rights Report for 2010*, at: <http://helsinki.org.ua/index.php?id=1298307189>; *Annual Human Rights Report for 2011*, at: <http://helsinki.org.ua/index.php?id=1332322255>.
- 18 Cf. Tsentri Polityko-Pravovykh Reform, *Svoboda Myrnykh Zibran' u Praktytsi Administratyvnykh Sydiv. Analychnyi Ogljad Sudovoi Praktyky za 2010-2014 Roky* [Freedom of Peaceful Assembly in the Practice of Administrative Courts. Analytical Overview of Court Practice during 2010-2014], Kyiv, 1 April 2014, at: <http://piket.helsinki.org.ua/files/docs/1399375699.pdf>.

of small and medium-sized businesses in Ukraine were forced to enter the shadow economy.

Finally, the violent response to the Euromaidan protests marked the culmination of Yanukovich's authoritarian rule. On November 30, one week after the protests started, dozens of protesting students who stayed overnight were brutally beaten by "Berkut" riot police. More instances of violence occurred on 1 December during clashes near the presidential administration building and on 10-11 December as riot police tried to clear Maidan during the night. In January-February the situation became more critical: On 22 January, the first protesters were killed, and on 18-20 February, the death toll reached nearly 100, many shot by snipers. Yet in the case of Euromaidan, each outbreak of violence resulted in more people joining the protests, which became increasingly radical. When the protests spread to eastern Ukraine, the ultras – the radical football fans there – joined the protests in support of Euromaidan. Finally, on 16 January the so-called "dictatorship laws", which made the very act of protest illegal, were passed. Among other innovations, the laws labelled NGOs "foreign agents".¹⁹

Despite these brutal authoritarian policies, which became more acute during the Euromaidan protests, civil society organizations generally faced no serious restrictions in their everyday work during Yanukovich's presidency. At this time, i.e. between February 2010 and February 2014, civil society could function relatively freely, especially when one compares this with the situation in Russia, Belarus, and Azerbaijan, where the phenomenon of imprisonment of civil society activists is widespread.

Moreover, it was during Yanukovich's presidency that Ukrainian civil society succeeded in improving the regulatory framework for its activities. First, the new law on access to public information was adopted in 2010, which increased the transparency of public authorities and made it easier for citizens to obtain information. Later on, in March 2012 a new law on public associations was adopted, which came into effect in 2013. The law simplified registration procedures, eliminated regional boundaries for activities, and allowed associations to conduct profit-making activities as long as they furthered the organization's purposes. An analysis published a year after the law came into force argued that it had indeed become easier to register an NGO (less time, a standard set of documents). Yet, raising money for NGO activities was still a problem, since the necessary amendments to the taxation code had not been introduced. As a result, NGOs that conducted "entrepreneurial" activity would lose their non-profit status.²⁰ It was also during this time that the online register of civil society organizations was created.²¹

19 Cf. Chesno, *Kolesnychenko-Oliyomyk laws: infographics*, 17 January 2014, at: <http://chesno.org/news/1815>.

20 Cf. Maksim Latsiba/Anastasiya Shimchuk/Anastasiya Krasnosil'ska, *Umovy diyalnosti hromadskykh ob'ednan* [Terms for the Activities of Civil Associations], at: [http://www.ucipr.kiev.ua/userfiles/NGO_activity2013\(2\).pdf](http://www.ucipr.kiev.ua/userfiles/NGO_activity2013(2).pdf).

21 See: <http://rgo.informjust.ua>.

Furthermore, in February 2013 the new law on charity and charitable organizations came into force. It simplified registration, provided for better control over the use of charitable money, and established new charitable instruments, such as endowments.

Finally, the state adopted its strategy and action plan as part of its policy for promoting civil society development in Ukraine. By November 2013, twenty three regions of Ukraine endorsed regional programmes that supported civil society development. In the international arena, Ukraine joined the Open Government Partnership and adopted an action plan to increase government transparency and accountability. These developments stood in stark contrast to the overall deterioration of democracy during Yanukovich's presidency.

Interestingly, the deterioration of democracy under Yanukovich provoked consolidation of Ukrainian civil society in the form of the emergence of advocacy coalitions and networks. This proved to be an important resource during the Euromaidan protests and afterwards. The first such coalition was formed shortly before the presidential elections in February 2010. It was not yet clear who would win the elections, but the disillusionment with the results of the Orange Revolution stimulated a more proactive stance on the part of civil society. The so-called "New Citizen" platform, launched by over 50 NGOs,²² was specifically aimed at monitoring the presidential election campaign, the promises and programmes of different candidates, and demanding that those promises become a part of public policy after the election. The campaign, which was launched in November 2009 under the motto "These are not politicians that will change Ukraine, but responsible New Citizens", has since focused on reforms including advocating better access to information and has prepared requests for information to public authorities on numerous occasions. In May 2010, soon after the 2010 presidential elections, when it became clear that Yanukovich was serious about limiting freedom of media, a network of journalists called "Stop Censorship" was launched.²³ The network, or rather movement, of over 130 journalists, civil society activists, and NGOs aimed at reporting any violations of the freedom of media and at advocating media freedom. In October 2011, a year before the parliamentary elections, the "Chesno"²⁴ movement was launched.²⁵ The first Chesno campaign was called "Filter the Parliament". Founded by twelve initiators with the participation of more than 150 organizations, it aimed to alert Ukrainian society to potential members of parliament with a record of corruption and other problems. The movement played an important role during Euromaidan and has continued to be active since then.

22 The website of New Citizen is at: <http://newcitizen.org.ua/en>.

23 See: <http://stopcensorship.wordpress.com>.

24 "Chesno" is Ukrainian for "fair" or "just". It also sounds very similar to the Ukrainian word for garlic, which is traditionally considered to be a means of warding off evil.

25 With an English-language website at: <http://chesno.org/en>.

Finally, after Euromaidan was over, the so-called Reanimation Package of Reforms (RPR) was launched.²⁶ RPR brought together some 300 experts in various areas of reform, who have accumulated substantial expertise over the years. Crucially, the RPR has a counterpart in the parliament – the Platform of Reforms – which is a group of 24 MPs from different parties. The RPR also established the Reforms Support Centre to the Cabinet of Ministers. It aims to create a bridge between the government and the RPR. As a result, ten important laws advocated by the RPR have been adopted since March 2014. Thanks to those laws, independent public broadcasting was launched, the autonomy of universities was established, the risk of corruption was reduced, and better access to information was secured, among other achievements.²⁷ Several RPR activists were elected to parliament in the October 2014 elections, and this gives hope that co-operation between civil society and the legislature will improve.

Civil Society and the Broader Society

To be successful in advocacy, civil society needs to be able to mobilize the broader society. This presupposes an ability to reach out to society with its messages, but it also implies that there is a certain degree of trust between the people and the representatives of civil society organizations. Both components still constitute a problem for Ukraine. Media with a broad reach is concentrated in the hands of oligarchs who own most of the major TV channels and newspapers. Civil society mostly uses the internet to transmit its messages. While the use of the internet is growing in Ukraine – 49.8 per cent of the adult population of Ukraine went online in September 2013 and the pace of growth is 16 per cent per year,²⁸ its opinion-making potential is still limited. At the same time, the level of distrust in civil society among the broader society still exceeds the level of trust. In March 2013, 40 per cent of those polled trusted NGOs, but 45 per cent did not.²⁹

Despite this, the improvement over the situation ten years ago is obvious. In October 2004, almost 32 per cent trusted NGOs, while almost 45 per cent did not. By March 2013, trust had increased to almost 40 per cent (largely due to a fall in the number of those who did not state a preference), although distrust remained at more or less the same level. Moreover, those

26 See: <http://platforma-reform.org>.

27 More detailed information on the achievements can be found at: http://platforma-reform.org/?page_id=448.

28 Cf. Kiev International Institute of Sociology, *Dynamics of Using the Internet in Ukraine*, at: <http://www.kiis.com.ua/?lang=eng&cat=reports&id=199&page=8>.

29 Cf. Razumkov Center, *Do you trust Non-Governmental Organizations?* (recurrent, 2001-2013), at: http://razumkov.org.ua/eng/poll.php?poll_id=81.

who distrusted completely (as opposed to partial distrust) fell from 21.2 per cent in October 2004 to 17.8 per cent in March 2013.³⁰

Despite the decline in people expressing a willingness to take part in protests in recent years, Euromaidan proved that the polls did not tell the whole story, and that people were willing to take to the streets under certain conditions. The Kiev International Institute of Sociology, which has been measuring the willingness to protest for many years, discovered that the proportion of citizens willing to protest fell from 36 per cent in December 2004 (during the Orange Revolution), to 32 per cent in February 2009, to 25 per cent in February 2011 and as low as 22 per cent in November 2013, right before Euromaidan.³¹ The Euromaidan protests changed the situation in two respects. First, many more people than ever before showed a readiness to go out of their homes, stand up, and join others to make a difference. Second, civil society has demonstrated its ability, if not to mobilize people to protest, at least to provide the necessary logistics and infrastructure for the protests and to channel the energy of the protests in a constructive way.

A study based on the analysis of some 200 online Ukrainian media resources revealed that between 21 November 2013 and 23 February 2014 at least 3,950 protest actions took place throughout Ukraine. This is more than during the whole of 2013 up to 20 November (3,428) and more than the annual average for 2010-2012.³² Of this number, only 365 protests opposed the Euromaidan protests, while the others were directly aimed at supporting them. This data indicated that the mobilization potential of people who stand for democracy and reforms is much higher than that of people who prefer a more paternalistic mentality. Moreover, according to another public opinion poll, the number of people who belonged to civic movements – most of which appeared specifically to meet various Maidan needs – more than doubled between December 2013 (six per cent) and February 2014 (14 per cent). This despite the fact that the majority of protesters were not affiliated with any political parties or civil society organizations or movements (70 per cent).³³ The scale of voluntary activism during the Euromaidan protests and thereafter has been particularly impressive. A large number of people representing a wide range of professions and backgrounds spent time at Maidan

30 Cf. *ibid.*

31 Cf. Kiev International Institute of Sociology, *Gotovnist naseleennia Ukraini do uchasti v aktsiiahk sotsialnogo protestu (do 20-h chisel listopada 2013)* [The willingness of the population of Ukraine to participate in actions of social protest (up to 20th November 2013 numbers)], at: <http://www.kiis.com.ua/?lang=eng&cat=reports&id=214&page=7>. The last poll was taken the day before Prime Minister Mykola Azarov announced that the Association Agreement would not be signed.

32 Cf. Centre for Society Research, *Statistics from Maidan protest events: participants, geography, violence*, 2014, at: http://www.cedos.org.ua/system/attachments/files/000/000/052/original/CSR_-Maidan_-_9_Jul_2014_-_eng.pdf?1406658801. See also <http://www.cedos.org.ua/uk/releases/36> for a summary of the report.

33 Cf. Democratic Initiatives Foundation, *Maidan-December and Maidan-February: what has changed*, February 2014, at: <http://www.dif.org.ua/en/publications/press-relizy/vid-mchi-sho-zminilos.htm>.

helping to clean or cook, donated money, or brought food, clothes, and other things protesters living at Maidan might have needed.

Today, people are eager to donate to the army and to voluntary initiatives that provide support to the army, voluntary battalions, and the civilian population affected by the war. According to the data of the largest Ukrainian bank, PryvatBank, which launched a special support programme for the army, Ukrainians donated over 3.4 million Ukrainian hryvnia (UAH) (ca. 150,000 euros) to the army between June and September 2014, with the average age of donors being 38-40.³⁴ According to one opinion poll, 77.7 per cent of Ukrainians provided support to the army and to internally displaced persons between May and September 2014.³⁵ Given this, it is not surprising that voluntary initiatives came top in opinion polls asking about the level of trust in public and civic institutions in Ukraine: On a scale of nought to ten, trust in volunteers reached 7.3 points, far above trust in public authorities.³⁶

Civil society played an instrumental role in supporting the protest movement from the very first day. As the protests started, many NGOs and their representatives managed to quickly organize significant elements of the logistics behind Maidan, while continuing to play their role as opinion-makers, critics of the authorities, and advocates of more proactive EU policies. Among the most visible initiatives during Euromaidan were Auto-maidan³⁷ – a movement of car-owners, who developed a special form of protest by using their cars to provide protesters with help or even to protect the barricades from the police; Euromaidan SOS³⁸ – an initiative that gathered information on people who needed help (missing, detained, injured, etc.) – after the protests it turned into an initiative that helps people who fled from Crimea and the warzone in eastern Ukraine; an initiative of lawyers who offered free legal assistance; a medical service consisting of volunteer medics,³⁹ and the Civic Sector of Euromaidan⁴⁰ – mostly young people representing NGOs, who not only volunteered at Maidan, but also provided expertise to international organizations that tried to influence developments in Ukraine, and produced regular updates in English about developments in the

34 Cf. PryvatBank, *Kto pomogaet armii Ukrainy – infografika PrivatBanka* [Who Helps the Ukrainian Army: PriyvatBank infographics], at: <http://privatbank.ua/news/kto-pomogajet-armii-infografika-privatbanka/?&nomob=1>.

35 Support took many forms, including financial contributions, donations of clothing, food, medicines, etc, and participation in voluntary activities. For more details, see: *Fora Demokratichni initsiatyvi, 32,5% ukraintsiv osobysto perekazaly svoi koshty na rakhunky ukrainskoi armii. Seliany vidznachylys vyshchoiu dobrochynnistu, anizh miski zhyteli* [32.5 per cent of Ukrainians personally transferred funds to the accounts of the Ukrainian army. The rural population was more generous than city dwellers], at: http://dif.org.ua/ua/commentaries/sociologist_view/32anizh-miski-zhiteli.htm.

36 See the results of the public opinion poll carried out by the Kyiv International Institute of Sociology and Zerkalo Nedeli [Mirror Weekly] in December 2014, *Narod y Vlast* [People and Power], at: <http://opros2014.zn.ua/authority>.

37 Cf. <http://www.facebook.com/automaiddan>.

38 Cf. <http://www.facebook.com/EvromaidanSOS>.

39 Cf. <http://www.facebook.com/Medsluzhba2013>.

40 Cf. <http://www.facebook.com/hrom.sektor.euromaidan>.

country. A large number of people were also involved in translating important texts into various languages, monitoring foreign media, and so on – all on a voluntary basis. These are just a few examples of the many civic initiatives that were active during the protests.

The link between protest activities and civil society is not entirely straightforward. One can agree with Lucan Way, who argues that during the protests Ukrainian civil society was effective in the role of the “traffic cop” – it directed and facilitated the protest activity that emerged. When civil society is effective in this role, the protests are more likely to receive the resources they need to last and to influence political outcomes. Yet, according to Way, Ukrainian civil society was rather weak in the role of the “dispatcher” or mobilizer – it was not capable of bringing people onto the streets or mobilizing other forms of pressure.⁴¹

There is a clear difference between the role of civil society in the Orange Revolution, including post-Orange Revolution developments, and now. First, civil society was not the driving force behind the 2004 protests, which were primarily led by the political opposition. Moreover, unlike the situation in 2013, the protests in 2004 did not come as a surprise – both the political opposition and civil society prepared for them in advance, as they had anticipated the fraudulent vote. Thus, one of the most prominent groups at that time, the PORA civil society initiative, was in close contact with similar groups from Georgia (Khmara) and Serbia (Otpor) for some time before the protests started. Second, after the successful immediate outcome of the Orange Revolution – a free and fair vote that resulted in the election of the opposition candidate Viktor Yushchenko as president – civil society failed to sustain the pressure on the political elites in order to push for changes to the system and for reforms. So many civil society leaders joined the new authorities that there was a fear that civil society was losing its ability to exert pressure on the state. Trust in the new authorities was so high that civil society gave them a free hand and did not provide the necessary pressure and checks from below.

This contrasts strongly to the Euromaidan protests. For one thing, Euromaidan started spontaneously, and the political opposition played a marginal role. In fact, during the three months of active protests from November 2013 to February 2014, the political opposition was not able to set the agenda, but had to react and follow the mood in the street. Civil society, by contrast, was quick to organize the necessary infrastructure to support Euromaidan and to co-ordinate the donation of funding, food, clothes, and medicines from ordinary people. Moreover, after Euromaidan, civil society took a very different approach from that which prevailed after the Orange Revolution. It demonstrated a strong sense of responsibility for developments in the country and was quick to begin pushing for reforms, as elaborated above.

41 Cf. Lucan Way, Civil Society and Democratization, in: *Journal of Democracy*, 3/2014, pp 35-43.

External Actors – A Source of Support and Additional Leverage in Pushing for Reforms

External actors have always played an important role in shaping and supporting civil society in Ukraine. Until recently, the major functions of external actors with respect to Ukrainian civil society were financial support and capacity building. Significant support has been provided by the US (through USAID, the National Endowment for Democracy [NED], the National Democratic Institute [NDI] and the National Republican Institute [NRI]), the EU and its member states, the Council of Europe, the United Nations Development Programme (UNDP; the latter often funded by the EU to implement projects in Ukraine) and the International Renaissance Foundation (although a Ukrainian foundation, it is a part of the international Open Society Foundations network funded by George Soros). One can argue that without this external support, which has been the major source of funding for Ukrainian civil society since independence, Ukrainian civil society would not have become what it now is.

The role of external actors, primarily the EU, has changed since the European Neighbourhood Policy (ENP) was launched or, more specifically, since the EU-Ukraine Action Plan was signed in February 2005.⁴² The latter event coincided with the successful immediate outcome of the Orange Revolution – the inauguration of a president elected by means of free and fair elections. With the signing of the EU-Ukraine Action Plan, the EU presented Ukraine with a list of proposed reforms ranging from democracy and the rule of law to audio-visual policy and technical standards. The document was heavily criticized for being merely a lengthy “shopping list”⁴³ that fails to set priorities. Nevertheless, this was the first time that the EU had set Ukraine any kind of “homework”. Although the Action Plan and its successor document – the Association Agenda⁴⁴ – were largely ignored by Ukraine’s political elites, they became important points of reference for civil society and guided the actions of mid-level bureaucracy.⁴⁵ Finally, the EU-Ukraine Association Agreement, which the Ukrainian Verkhovna Rada and the European Parliament are expected to ratify during 2014, opens the door for Ukraine’s

42 Cf. EU Neighbourhood Library, *EU-Ukraine Action Plan*, at: <http://www.enpi-info.eu/library/content/eu-ukraine-action-plan-0>.

43 Cf. Karen E. Smith, The outsiders: the European neighbourhood policy, in: *International Affairs* 4/2005, pp. 757-773.

44 Cf. European Commission – External Relations, *EU-Ukraine Association Agenda*, adopted by the EU-Ukraine Cooperation Council on 23 November 2009, at: http://www.eeas.europa.eu/ukraine/docs/2010_eu_ukraine_association_agenda_en.pdf.

45 Cf. Kataryna Wolczuk, Implementation without Coordination: The Impact of EU Conditionality on Ukraine under the European Neighbourhood Policy, in: *Europe-Asia Studies* 2/2009, pp. 198-207. See also Iryna Solonenko, European Neighbourhood Policy Implementation in Ukraine. Local Context Matters, in: Erwan Lannon (ed.), *The European Neighbourhood Policy’s Challenges*, Brussels 2012, pp. 345-379.

large-scale Europeanization.⁴⁶ The objectives indicated in these documents and reinforced by statements made by various EU actors largely coincide with the reform objectives advocated by civil society. In this way, the EU indirectly empowered civil society and strengthened its role in the domestic reform process.

The EU has also directly engaged Ukrainian civil society in dialogue. In recent years, almost no official visit from the EU has taken place without a meeting with civil society organizations. Such meetings provided the EU with alternative information on domestic developments in Ukraine, but also signalled that the EU was willing to break the government's monopoly in the EU's dialogue with Ukraine. One prominent example was the meeting that followed the EU-Ukraine Summit in December 2011, at which José Manuel Barroso, the President of the European Commission, and Herman Van Rompuy, the President of the Council, met local civil society organizations for the first time, signalling that civil society plays a political role. Similarly, during the Euromaidan protests and afterwards, almost all visits by Catherine Ashton and other EU representatives were accompanied by separate meetings with civil society representatives. This practice of treating civil society as a partner that provides alternative information but helps to promote the same reform objectives, has become established.

When it comes to funding civil society, the EU has developed a diverse range of instruments. For instance, through the Non-State Actors and Local Authorities in Development programme (NSA-LA), the EU allocated 2.9 million euros to Ukraine for the period 2011-2013. Through the European Instrument for Democracy and Human Rights (EIDHR), the EU allocated 3.6 million euros to Ukraine in the same period.

On top of that, the EU launched new instruments to support civil society, such as the Civil Society Facility, which aims to support the capacity of CSOs to engage in reforms, and the European Endowment for Democracy. The latter specifically targets non-registered initiatives and has already supported 16 initiatives in the areas of the media, social activism, and advocacy in Ukraine since it was launched in 2013.⁴⁷ With these instruments, the EU's support for civil society in its neighbourhood, including Ukraine, has almost doubled.

The EU provides further support to CSOs in Ukraine via other international organizations. These include the Council of Europe and the UNDP. The Council of Europe administers "Joint Programmes", which are funded by the EU. They are the locus for expert meetings and capacity-building activities. They target not only public actors with a key role in the human rights situation, such as judges, but also CSOs and journalists. The UNDP has been

46 Ukraine will have to transpose up to 80 per cent of the *acquis communautaire* into its national legislation, which is expected to lead to profound reforms.

47 For more information, see the list of projects with detailed descriptions at: <https://www.democracyendowment.eu/we-support/?country=15>.

running the “Community Based Approach to Local Development” project since 2008. This project mobilizes local communities to undertake collective action, such as launching a school bus service to reach remote villages or reconstructing a school using energy-saving technologies. The value of the project is that it shows how local problems can be solved locally and at relatively low cost when people from a community get together. Over 15 million euros was spent during 2008-2011, and 17 million euros has been committed for 2011-2015.⁴⁸

Yet, it is important to note that funding for civil society constitutes only a very small proportion of EU funds allocated to the Ukrainian state. A study conducted by the Open Society Institute – Brussels back in 2011 showed that only 0.3 per cent of total EU funding allocated to Ukraine supports civil society organizations.⁴⁹ Even after new instruments doubled the amount of support provided to civil society, as noted above, it is still less than one per cent of the total. The EU’s real leverage thus seems to be less in funding, but more in a different capacity – as a partner and an important point of reference for civil society.

External democracy promotion through civil society has been criticized for leading to the emergence of “political service providers” – elitist NGOs funded by Western donors, but alienated from their constituencies.⁵⁰ There might be some truth to this, yet it is exactly this kind of civil society that now constitutes the core group promoting reforms in Ukraine. Due to Western funding, which, among other things, enabled Ukraine to draw upon the experience of successful post-Communist transformation in Central and Eastern Europe, these NGOs – or rather think-tanks – have accumulated important expertise that, once channelled into networks such as the Reanimation Package of Reforms, provide for strong advocacy.

Conclusions: Civil Society in Ukraine as a Driving Force for Reforms and a Helper of the Weak State

Looking back at developments in Ukraine since November 2013, one cannot miss the crucial role that civil society and citizens’ activism have played. Under different conditions, the decision of the Ukrainian leadership to suspend preparations to sign the Association Agreement would not have met

48 For more information, see the project’s website, at: <http://cba.org.ua/en>.

49 Cf. Open Society Institute – Brussels, *Assessment of the 25 May 2011 Joint communication from HR/VP Ashton and the Commission, “A New Response to a Changing Neighbourhood”*, June 2011, p. 1, at: <http://www.opensocietyfoundations.org/sites/default/files/2011-06%2520OSI-B%2520Assessment%2520of%2520Joint%2520ENP%2520Com.Final.pdf>.

50 Cf. Irene Hahn-Fuhr/Susann Worschech, *External Democracy Promotion and Divided Civil Society – The Missing Link*, in: Timm Beichelt/Irene Hahn-Fuhr/Frank Schimmelfennig/Susann Worschech, *Civil Society and Democracy Promotion*, Basingstoke 2013, pp. 11-41.

with any resistance. This was, for instance, the case in Armenia in September of the same year. Had that been the case, Yanukovich would have been able to consolidate his power even more and win a second term in 2015. A strong case can thus be made that civil society and citizens' activism in Ukraine accelerated the pace of change in the country.

Clearly a great deal of progress has been made by Ukrainian civil society since the Orange Revolution. One aspect of this concerns relations with the state, the broader society, and external actors. The new governments appointed after the Euromaidan protests have demonstrated a greater willingness to co-operate with civil society and to take its expertise on board. The situation with the parliament is mixed. Although a number of new faces entered parliament following the early elections in October 2014, it is still dominated by politicians from the old regime. And while it has managed to adopt some key laws advocated by civil society, resistance to overhauling the rules of the game is still strong. There is more trust in civil society among the broader society, while thanks to the protests and external aggression, the separation between civil society and the broader society has become blurred – many more people have become involved in informal civic networks and voluntary activities or have become donors. International actors are increasingly perceiving civil society as a partner, not merely a recipient of funding. The other aspect is the evident change in civil society's self-perception. It is no longer the kind of civil society that trusts the democratically elected authorities to do the job, as was the case after the Orange Revolution, but has become a driving force for reforms on its own account. Not only does civil society set demands and articulate expectations, it builds coalitions with reform-minded MPs and members of the government and exercises oversight.

Apart from natural evolution in the course of the past decade, there are two further likely reasons for the growth of Ukrainian civil society. First, the lesson of the Orange Revolution was learnt: Without strong mechanisms of societal control and pressure, the chances that policy-making will be transparent and serve the well-being of the society are low. Second, Yanukovich's rule paradoxically made an important contribution to the consolidation of civil society, which took a central role in the Euromaidan protests and post-Euromaidan developments.

Civil society today is challenging the foundations of the social contract that prevailed throughout Ukraine's post-independence transformation and persisted after the Orange Revolution. According to this contract, the state did not provide for public welfare, but allowed "state capture" by a small circle of people with privileged access to public resources. In this situation, society did not receive the expected benefits from the state, but tried to survive despite the state through avoiding taxes and supporting corruption. These days, Ukraine's civil society is trying to promote a rather different ethos, one in harmony with the famous words of US President John F. Kennedy: "Ask not what your country can do for you; ask what you can do for your country."

While the bulk of the Ukrainian population still prefers to live according to the old rules, a new type of citizen has emerged alongside them, and this gives great hope for the future.