Susan Stewart
NGO Development in Ukraine since the Orange Revolution,
in: Juliane Besters-Dilger (ed.)
Ukraine on its Way to Europe
Interim Results of the Orange Revolution
Peter Lang Verlag, Frankfurt a.M. et.al. 2009, pp. 177-194
http://www.peterlang.com/Index.cfm?vID=58889&vLang=E

NGO Development in Ukraine since the Orange Revolution

Susan Stewart

Introduction[1]

The Orange Revolution focused world attention on Ukrainian civil society. Indeed, it at first appeared that the 2004 events cemented Ukraine's reputation as a European nation, since the country's pro-European choice was vividly and clearly manifested. While some observers concluded that civil society must be relatively well developed in Ukraine in order to generate the momentum necessary for the revolution, others pointed to a variety of factors leading to it, thus qualifying the role played by civil-society actors. Although research on the origins and consequences of the revolution is still ongoing, it is nonetheless appropriate to take stock of civil-society development since the event and to inquire into the achievements and difficulties of the NGO sphere in particular and the role of external actors such as the EU in its evolution.

This chapter will focus primarily on the role of non-governmental organisations (NGOs) for a variety of reasons. It is clear that these organisations are not identical with civil society as a whole, which is a much broader concept (see Schade 2002). NGOs are important because they are a) a relatively new component of Ukrainian civil society, b) intricately connected to external actors and c) in principle capable of participating in policy processes. We are primarily interested in exploring the political role NGOs can play in contemporary Ukraine, as the influence of civil-society organisations on the political sphere arguably represents one aspect of Europeanisation. Therefore, following a preliminary overview of the NGO sphere, the emphasis will be on those organisations that are or attempt to be involved in the political process, be it on a local or national level.

Although NGOs are a new development in Ukraine, they do have historical roots, which will be traced briefly in the first section of the chapter. Then an overview of civil society in the country will be presented, followed by an in-depth analysis of the activities and problems of politically oriented NGOs. This section will explore relationships with donors, the political and legal context for NGO development, and the internal evolution of the NGO sphere. Finally, we draw some conclusions regarding the role and contributions of NGOs in Ukraine since the Orange Revolution and their prospects for future development. The analysis is based on both Ukrainian and western investigations of civil society evolution in Ukraine, as

[1] I would like to thank Dr. Viktor Stepanenko for his invaluable assistance with the research which went into this chapter, as well as for his comments on a draft version of the text.

well as on a series of interviews with government officials, NGO activists and external actors in Kyiv in February 2008[2].

Historical Roots of Civil-Society Development in Independent Ukraine

The Ukrainian expert Antonina Kolodii argues that the roots of contemporary Ukrainian civil society can be traced back several centuries. She distinguishes among four types of civil society and places Ukraine in the category of "educated civil society" (*osvichene hromadians'ke suspil'stvo*), which she describes as typical for borderland countries (Kolodii 2002: 113). This type exists in a realm separate from the state, but is primarily limited to intellectual circles. Furthermore, she establishes four criteria according to which it is possible to consider Ukraine in the feudal era as having a proto-civil society: self-organisation; customary law; a sense of worth and independence of the individual as a member of a community; the ability to defend one's own interests (Kolodii 2002: 138). She also claims that regional differences, while somewhat less prominent prior to the 19th century, became extremely significant beginning with the rule of Catherine the Great in Russia and her influence over the eastern areas of contemporary Ukraine. During this period, and especially after the revolutionary events of 1848, both political and societal developments in Galicia and other western Ukrainian lands diverged widely from those in the east (Kolodii 2002: 140). By the end of the 19th century, western Ukraine had a developed civil society in European terms, including political parties and Ukrainian national societies (Kolodii 2002: 150). Potential foundations for both democracy and civil society, such as the Cossack tradition in eastern Ukraine, were repressed under Russian rule. Therefore there was less development of (proto-)civil-society organisations in the eastern regions.

In particular, the emergence of a Ukrainian national consciousness in the late 19th century contributed to the creation of a limited form of civil society through the establishment of small discussion groups (kružky), which gathered to debate on issues of nationhood and the situation of the Ukrainian people and language. While these groups were comprised of intellectuals, and thus not representative of the population at large, they added to a type of organisation that had at first been limited to the Masonic lodges (Kolodii 2002: 140). Furthermore, they later came to represent a larger segment of the population as the issue of Ukrainian independence became salient in the early 20th century, although conflicts over the relative importance of nationalist vs. socialist ideologies inhibited the influence of

[2] A total of 26 interviews were conducted, with a particular focus on the leadership of NGOs involved in the policy process and on European donors. The author would like to express her gratitude to all the interview partners for their time and effort, as well as for the literature they so generously provided.

most organisations (Subtelny 1988:306). Subtelny's analysis of the spread of national consciousness provides a nuanced explanation of regional differences. While such consciousness and the corresponding discussion groups were at first more developed in eastern (left-bank) Ukraine due to the Cossack heritage, they soon reached the limits of their activity within the repressive Russian regime. In Galicia, on the other hand, while the evolution of national consciousness was slowed by Greek Catholic conservatism, it was nonetheless able to proceed without serious hurdles and in the end overtook the left-bank developments (Subtelny 1988:242). Subtelny goes so far as to assert that these parallel, if uneven, developments led to interaction between nationally conscious eastern and western Ukrainians which can be construed as the beginnings of a "process of national integration" (ibid.)

During the Soviet period, there was a certain extent of "levelling", which made the conditions for the emergence of a full-fledged civil society after the collapse of the USSR more unified throughout Ukraine. Nonetheless, prior to this "levelling", the experiences of the populations in eastern and western Ukraine diverged widely, due to the fact that western Ukraine was annexed to the Soviet Union only after the Second World War while the eastern part was incorporated from the beginning of the USSR's existence. This implies different experiences with regime types and with state-society relations in the two regions[3], which can have consequences for attitudes toward civil society and the manner and speed of its formation or evolution in independent Ukraine.

Interestingly enough, interviews with contemporary NGO activists involved in multiple regions of Ukraine revealed that they observe clear differences in the approaches and the formation of civil society across regions. Most of the activists queried distinguished between the western regions on the one hand and eastern and southern ones on the other. The general consensus was that there was a stronger basis for civil-society organisations in the western areas, as well as a higher level of expertise among activists. This expertise had often been gained through contacts with organisations in neighbouring European countries, such as Poland. However, some activists believed that working with NGOs in the eastern and southern regions was easier because their leaders' relative lack of experience made them amenable to suggestions and eager to "get things right", whereas the western activists were less open to alternative approaches. On the whole, the

[3] This is a simplified presentation of developments. A more thorough treatment would take into account the differing experiences not only of eastern and western Ukraine, but also of sub-regions such as northern Bukovyna, Transcarpathia and Crimea (cf. Subtelny 1988: 380-482).

activists interviewed were in agreement that civil society in the regions remains relatively weak[4].

Clearly it is a difficult task to trace links between historical experience and today's developments. However, research by scholars such as Bennich-Björkman (2007) shows that it is possible to investigate such path dependencies productively in post-Soviet contexts. The aim here, though, is simply to point out that historical differences in civil-society development are to some extent mirrored by contemporary distinctions.

An Overview of the Civil-Society Sector in Contemporary Ukraine

The Orange Revolution spawned an interest in civil society in Ukraine, which has led to a series of reports describing and analysing the state and functions of civil-society organisations. While some of these resulted from efforts that began prior to the revolution, others took their impetus from the revolutionary events and the apparent misunderstanding of the capacity of Ukrainian civil society to bring about change. Thus one consequence of the Orange Revolution has been to stimulate research both within and outside Ukraine on the state of its civil society.

We take as a starting point reports by the Civicus Index and the Counterpart Creative Centre in Kyiv. The Civicus report is useful because it covers Ukrainian civil society as a whole, although since most of the data is from before the Orange Revolution, it is difficult to trace changes in civil society development since the events of 2004-2005. The Counterpart Centre focuses on NGOs in Ukraine, mirroring our emphasis here, and covers the period 2002-2006, making a comparison of the phases before and after the revolution possible.

In accordance with the broader Civicus Civil Society Index project, which monitors civil-society development worldwide, the Civicus report on Ukraine analysed civil-society development on the basis of four parameters: structure, environment, impact, and values. These were evaluated on a scale of 0 to 3, with 3 being the highest level of development. The resulting "diamond" revealed a fairly balanced type of civil-society development, with the "values" parameter the most advanced (1.9) and the "impact" parameter the least developed (1.4). The Civicus data were collected in 2003-2004 and include the initial stages of the Orange Revolution.

[4] For example, a report conducted by three respected Ukrainian NGOs concluded that "NGOs have a rather weak influence on the decision-making and political processes of oblast significance, one of the reasons being the closed character of local authorities and their isolation from any recommendations from the outside." (Ukraina: rik pislia vyboriv 2007).

With regard to structure, the diversity of civil-society participants was ranked extremely high at 2.7. Groups such as women and ethnic and religious minorities were quite well represented in the sector, while rural dwellers were rather severely under-represented (Kuts 2006: 29). On all other subdimensions the scores were between 1.4 and 1.7, with the main problems being in the areas of 1) breadth of citizen participation and 2) level of organisation, which took into account both organisation within the civil-society sphere and international linkages. One main conclusion concerning structure was that Ukrainians prefer to be involved in civil society outside organised bodies, which implies that our focus on NGOs below screens out a large proportion of the Ukrainian population[5].

The "environment" parameter was rated highest in terms of the socio-economic context (2,0) and lowest with regard to basic rights and freedoms (1.0) (Kuts 2006: 39). While human rights issues remained salient after the Orange Revolution, it is generally considered that some areas, such as media freedom, have improved significantly since 2004. The high score for the socio-economic context reflected the fact that Ukraine has not been suffering from severe economic crises, civil war, or extreme poverty. However, digressing briefly into the realm of the political context, it is important to point out that the inability of the Ukrainian political elite to form a stable government and ensure a functioning parliament in past years has severely impeded the opportunities for civil society to engage productively with actors in the political arena and to have an effect on political change, which brings us to the realm of impact.

The scores for the subdimensions of the "impact" parameter differed widely. While "influencing policy" and "empowering citizens" received a relatively high rating of 2.0, "holding state and private sector accountable" was rated 1.0, and "responding to social interests" received the lowest score, with 0.5 (Kuts 2006: 67). Even within these subdimensions there was a quite differentiated development. For example, the influence of civil society on human rights policy was assessed as high (3,0), while the impact on the national budgeting process was low (1.0) (ibid.). The score for holding the state and private sector accountable was divided starkly between influencing the accountability of the state (2.0) and of the private sector (0, i.e. no influence whatsoever) (Kuts 2006: 71). With regard to "responding to social interests", responsiveness was rated 1.0, while public trust in civil society was given a score of 0 due to very low levels of

[5] Since 1995 over 80% of the population has consistently reported not being a member of any civil-society organisation (Counterpart 2006: 32). As the Ukrainian sociologist Viktor Stepanenko (2008) points out, spontaneous actions and initiatives have been an important component of civil society in Ukraine in recent years (pp. 20-21). Nonetheless, he envisages the possibility that NGOs will become a foundation for a culture of more extensive social participation (p. 18).

trust in the press and political parties for example (Kuts 2006: 72-73). Viewing these data in conjunction with those regarding NGOs below, it would appear that one consequence of the Orange Revolution is a higher level of trust in civil society, even if its broader impact is still seen as quite low.

The "values" component of civil society covers a wide range of aspects, ranging from democracy and non-violence to poverty eradication and environmental sustainability. While commitment both to gender equity and environmental sustainability is high (2.5 and 3.0 respectively), the democracy and transparency arenas scored fairly low (1.5 and 1.3 respectively) (Kuts 2006: 57). The deficits in democracy and transparency were due to a relative absence of these two aspects within the civil-society sector. Individual civil-society organisations were often found to be lacking democratic internal structures and transparent financial reporting. While supporting democratic governance and transparent functioning of state structures, therefore, the civil-society sphere was often failing to apply these principles internally. Our interviews confirmed that external actors, including European ones, pay relatively little attention to internal NGO governance, meaning that the organisations have little outside impetus to concern themselves with democracy and transparency within the NGO.

When compared to countries that joined the EU in 2004/2007, Ukraine performs rather well according to the Civicus criteria. While lagging slightly behind with regard to the impact of civil society, Ukraine is comparable to or even better than at least one EU member state with regard to environment and values, and has a higher score than most on the "structure" parameter (Fioramonti and Heinrich 2007)[6]. This would seem to point to a fairly high degree of "EU-compatibility" in the civil-society sphere.

According to the Counterpart survey, 85% of the participating NGOs were registered as "civic organisations" in 2006, with the remaining 15% being in the "charitable foundation" category (Counterpart 2006: 21). The date of registration of the NGOs surveyed reveals a tendency toward steady growth in the sector over time. While only 17% of the NGOs had registered prior to 1996, since then there has been a fairly even increase in their numbers, with 25% having registered since 2003. While this does not take into account NGOs that were registered and later taken off the books due to inactivity, it nonetheless indicates balanced growth, rather than a boom either immediately prior to or directly following the Orange Revolution (ibid.). Although over 40,000 civil-society organisations are registered in Ukraine, most experts estimate that only about 10% of these are genuinely active (add source).

[6] The new member states evaluated were: Bulgaria, Czech Republic, Poland, Romania and Slovenia.

When asked to specify the sectors in which they are active, the top five answers given by the organisations were: children and youth (45%); resolving social issues (38%); human rights (31%); civic education (28%); and development of the NGO sector (19%) (Counterpart 2006: 22). This distribution does not represent a significant change from the previous years (2003-2005), implying that the revolution has not altered the emphases pursued by civil-society organisations. However, in terms of the types of activity engaged in, there has been one significant change. Whereas in 2002 only 16% of NGOs claimed to be involved in the lobbying and defence of the interests their organisations, in 2003 this figure shot up to 44% and has remained consistently high ever since (Counterpart 2006: 23). While it is difficult to interpret this trend, it would appear that a much higher level of awareness of the necessity to engage in defence of one's interests preceded and perhaps contributed to the Orange Revolution[7]. Other main types of activity were: training and consulting (41%); distribution of information (35%); educational activity (34%); and the provision of social services (31%) (ibid.). None of these parameters has changed significantly since 2003.

Almost half of the NGOs surveyed (47%) had a membership of between 11 and 50 people, while 25% had over 100 members and 16% 10 or fewer (Counterpart 2006: 32). These figures are relevant only for the 83% of NGOs that offer membership. They have not changed significantly over the past four years, although 42% of those surveyed reported an increase in membership over the 2005-2006 period (ibid.). In addition, many organisations relied in part on volunteer work, and students comprised over 50% of volunteers in all five years of the survey (Counterpart 2006: 33). On most parameters the material situation for NGOs improved. For example, while only 55% possessed a computer in 2002, this had risen to 81% in 2006. Access to e-mail and the internet increased from 47% to 75% in the same time period. However, office premises remained a problem. While those renting or owning their premises remained more or less stable, the percentage of organisations allowed to use premises free of charge fell from 40% to 30% (Counterpart 2006: 34).

The sources of NGO funding reveal why our interview partners included numerous external actors in the NGO sphere. Grants from international organisations were by far the greatest funding source between 2002 and 2005, comprising 32-38% of NGO income. Charitable contributions from business came in second, with 19-21%. Tied for third place were 1) the state budget, 2)

[7] Stepanenko (2008: 13) interprets this development as evidence of a "conceptual shift" in the NGO community, which resulted from the spread of knowledge and information about the normative functions of civil society. Thus, many organisations began to perceive themselves as defending and lobbying for the interests of certain groups.

membership dues and 3) charitable contributions by individual citizens, each averaging 10-12% (Counterpart 2006: 37). All funding sources remained relatively stable over the given time frame. More than half of the responding NGOs reported having a budget of less than 5,000 USD per year. Only 5-9% had more than 50,000 USD to work with annually.

With regard to contacts between NGOs and state structures, over 50% reported having such contacts on a weekly or at least monthly basis, with 17% reporting daily interaction (Counterpart 2006: 45). Nonetheless, 47-50% of organisations considered cooperation with government at the national, regional and local levels to be on a low level, while only 7% believed the level of interaction to be high. While a good third (34-36%) of organisations considered the inadequate professionalism of NGOs to be an important factor impeding better relations with government structures, most respondents (47-68%, multiple responses possible) believed that the state organs were either uninterested in, poorly informed about, or unaware of the benefits of working with NGOs (Counterpart 2006: 46-47). Perhaps the most interesting result was that there has been little change in these opinions since 2002 (Counterpart 2006: 47). This means that the Orange Revolution, in the view of leading NGO activists, did not bring about meaningful change in the potential for cooperation between non-governmental organisations and the state. While some documents have been issued, such as a "Concept for the Facilitation of Civil Society Development by the Organs of Executive Power" approved by the cabinet in November 2007, the political and societal environment makes implementation of such measures difficult. Nonetheless, the existence of such a document and the fact that civil-society activists were consulted during the drafting process are both encouraging.

The main problems facing NGOs in 2006 were: 1) financial assistance (79%), 2) training opportunities (56%), 3) equipment (52%), and 4) access to information (50%) (Counterpart 2006: 75). Almost half of the NGOs surveyed were concerned about the lack of interest of the business sector in cooperation with civil society organisations (Counterpart 2006: 76). This concern has risen significantly since 2002, which may imply an increased consciousness among NGO leaders of the potential of a relationship with the business sector. A slight decline in this concern at the end of the time frame (2006) could mean that interest from businesses has increased. This would dovetail with our interview results, which reflect a growing concern on the part of businesses with corporate social responsibility and with the possibility of improving their image both in the community and abroad, *inter alia* through support for certain types of civil-society organisations (see below).

In sum, while it is still difficult to draw definitive conclusions about the overall changes in civil society in Ukraine since the Orange Revolution, some trends in the NGO sphere can be observed. First, on the whole there has been relatively

little change in the sphere since 2004. For example, with regard to the financial viability of the sector, dependence on foreign funding is high, and is likely to remain so for the foreseeable future. In this sense Ukraine differs from many EU member states, which exhibit a higher level of state and private financing for civil society and therefore less external involvement. While the EU has had difficulty tailoring its support for civil society to the Ukrainian context, an increasing number of NGOs are nonetheless gradually becoming capable of applying for grants from the European Commission. Second, while the Orange Revolution initially raised public awareness of the potential of civil society, the assessment of the influence of NGOs on the broader society is low, and indeed has sunk dramatically since 2005 (USAID NGO Sustainability Index 2007: 237). Nonetheless, attitudes toward NGOs are largely positive. Third, the dialogue between government and civil society has not changed significantly, but there is growing interest in the potential role of the business sector as a donor for NGO activities. The next section will provide a more nuanced perspective on some of the changes that have occurred, even if these have been less intensive than expected by many civil-society activists and external observers alike.

Politically Oriented NGOs: their Achievements and Difficulties

This section will focus on those NGOs oriented toward the political sphere, either through an emphasis on policy analysis or via efforts to influence parts of the policy process. There are various reasons for selecting this focus. First, it appears to make sense in light of this volume's aim of exploring Ukraine after the Orange Revolution and its prospects for admission to the EU, including the cultural factors hindering or promoting this intention. One of the questions to be answered regards the extent to which politics has changed since the revolution, and one measure of this is the ability of civil society to influence the policy sphere. Thus it is necessary to focus on those NGOs that are attempting to do this. Second, surveys have shown that the idea of "civil society" is understood in Ukraine as linked to influence over policy decisions by societal actors. For instance, a nationwide survey undertaken by the organisation "Europe XXI" in November-December 2002 revealed that 57% of respondents defined civil society as "the influence of society (hromadskosti) on the formation and realisation of policy (vladnykh) decisions". A further 23% believed that civil society implied the monitoring of power structures (Koreni travy 2003: 12-13). These views suggest that it is important in particular to investigate the political-NGO nexus as something that is of concern to many Ukrainians. However, this does not imply that research on other aspects of civil society, such as service-provision organisations, is unnecessary. Furthermore, the results of our interviews suggest that the role of the business sector in civil society is growing and that this constitutes an important field for further exploration. In the following, however,

we concentrate on politically oriented NGOs and rely on our interview results in conjunction with the existing literature on Ukrainian civil society to examine the current activities and functions of this segment of civil society.

The interview results point to three major foci that are relevant for the NGO sphere in contemporary Ukraine: relations with (potential) donors; the political and legal context; and the internal development of the NGO realm. We thus discuss each of these in turn.

Relations with (Potential) Donors

The donor landscape and the relationship between donors and NGOs have become more complex over recent years. In the 1990s and the early 2000s the primary source of funding for many Ukrainian NGOs came from abroad. This was because democracy promotion through strengthening civil society became a priority for numerous western governments and international NGOs, especially in countries perceived to be undergoing a transition to democracy. At first, US assistance clearly dominated, but with time the EU and other European donors began to play a more prominent role. Furthermore, the political and economic elites in these countries rarely saw funding NGOs as their task, and those who did failed to make such funding a high priority. Often partnerships emerged between one foreign and one domestic organisation, meaning that funding was usually not particularly diversified within any given NGO.

Currently the situation looks somewhat different. A high percentage of funding for NGOs in Ukraine continues to come from foreign sources, but 1) some of these sources are disappearing or being reduced, and 2) other, domestic sources of funding are being developed. The most prominent departing donor is the UK Department for International Development (DFID). However, the DFID's departure is mitigated by at least two circumstances. First, some programmes or at least foci funded by the DFID will be continued under a new "umbrella", such as the European Commission or the British embassy. Second, the DFID had a relatively long and transparently organised exit phase. It was clear for a number of years that the DFID would be ending its work in Ukraine, since its involvement in a country ceases once certain economic parameters are in place, and Ukraine had been moving toward the fulfilment of these parameters for some time. Also, the DFID held discussions with its partner organisations in Ukraine about options to deal with its departure, so that strategies to replace or do without its funding could be devised prior to its exit. The departure of the DFID is only one example of a broader trend that is resulting in less foreign funding being available for the civil-society sector. Nonetheless, our interviews showed that many NGO activists hope the EU will become more active its support for civil society, e.g. by using the

assets and possibilities available within the framework of the ENP. The need for support was seen in both the financial sense and in the sense of lobbying the Ukrainian government for a more favourable legislative and political environment for NGO activities. The EU has had shifting priorities in its support of civil society, which currently include both community development and cross-border cooperation initiatives.

At the same time, the importance of the business sector as a potential donor for civil society in general and the NGO sphere in particular has increased in recent years. Experts and NGO activists attribute the growing willingness of business to finance projects relevant to the NGO realm to a growing preoccupation of both large and medium-sized enterprises with improving their image. This is seen as especially important for business magnates such as Viktor Pinchuk and Rinat Akhmetov, each of whom has established a foundation that finances a variety of social projects, from legal aid to HIV/AIDS assistance to higher education opportunities[8]. Interview partners pointed out that this phenomenon is not limited to wealthy businesspeople intent on improving their image in western circles, but also extends to regional economic actors who hope to make a good impression on a primarily Ukrainian audience. Thus, departments for corporate social responsibility (CSR) within medium-sized firms are on the rise, even if the understanding of CSR is more limited than among the western business community. More significant, however, is the fact, stressed by numerous respondents, that donors from the business sector are only willing to fund certain types of projects – those in the social sphere – which are most suited to improving their image, such as aid to the sick, support for poor children, etc. Due to the interwoven nature of business and politics in Ukraine, many businesspeople are affiliated with political structures and thus are reluctant to fund any projects that fulfil a "watchdog" function, such as election observation or monitoring of government. Some interviewees go further and complain that the business sector is primarily creating its own structures and funding them, rather than contributing to the development of Ukrainian civil society by supporting existing NGOs.

The role of government structures as donors in Ukraine continues to be quite limited. Although cooperation with local government has improved, nonetheless the amount of funding available remains low. Considering this fact in conjunction with the specific agenda of donors from the business sector and the reductions in foreign funding, the NGO sphere seems to be facing a difficult period with regard to financing. This is especially true because salaries in the NGO realm have risen substantially and, in order to compete with the banking sector and international organisations for qualified employees, NGOs must be able to offer competitive

[8] These are the Viktor Pinchuk Foundation and the Foundation for the Development of Ukraine. For more information see Hydzik 2006.

conditions. The future of many organisations seems to lie in further diversification of funding sources. Some larger and more established NGOs are contemplating applying for EU grants, while others plan to orient themselves more explicitly towards commissions from economic actors. Those NGOs engaged in cooperation with state structures expect that this relationship will continue and even intensify, but more for purposes of input into the policy process than for income generation.

The Political and Legal Context

The context conditions primarily mentioned by the interviewees concerned in particular those created by the Ukrainian state. Following the Orange Revolution, the expectation on the part of the NGO community was that the civil society – government dialogue would become easier and more productive, since several prominent civil-society activists (e.g. Vladislav Kaskiv of "Pora") had transferred to the political realm. In 2008, opinions on the results of this transfer were mixed. While a number of activists believed that the level of understanding of civil society's functions and of willingness to work with NGOs had indeed increased, most felt that not much had been gained by the transfer, or that a greater openness, while present on the part of individual actors, had not actually translated into genuine mechanisms of effective cooperation. Numerous advisory organs have been created at national and regional levels, which are attached to parliamentary committees or to ministries for example. Reports on their functioning were mixed; both quite positive and extremely negative examples were given. The dialogue with government was seen to have intensified since the revolution, but it is still accompanied by significant problems, including lack of experience on both sides in organising such a dialogue, as well as a lack of interest on the part of some political actors[9]. On the other hand, at least one political actor responsible for contacts with civil society complained that attempts at dialogue with activists did not lead to productive responses that could be fed into the policy process. Other politicians voiced concern about the professionalism and quality of NGO reports, the lack of politically independent organisations and the absence of mechanisms for establishing a regular dialogue, in particular with think-tank researchers (Partners in Cooperation 2007).

Another aspect of the institutional context is that serious problems with relevant legislation continue to hinder the work of Ukrainian NGOs. These include their status with regard to payment of taxes, as well as the possibility to market their services. Further complaints concerned a lack of transparency in dealings with

[9] For more information on cooperation between civil society and government, see Mižnarodnyi tsentr perspektyvnykh doslidžen' (2007), especially pp. 13-24, and (on government cooperation with think tanks) "Ukrainian Think Tanks…" (2007).

government and in particular regarding options for funding[10]. The process of offering tenders for government-financed projects was almost unanimously denounced as lacking transparency and as virtually inaccessible to most NGOs. This was only one example of a more general phenomenon of difficulty getting access to supposedly public information, for which (access) the legislative basis is currently inadequate. Nonetheless, a few positive examples of working with government (especially on the local level) were mentioned, and no organisation intended to cut off or reduce its contacts with government officials. Rather, the dialogue with government and NGO input into the policy process were viewed as learning processes in which both sides needed to work on improving available mechanisms and their implementation.

The hindrances in the political and legal spheres have also made it difficult for external donors such as the EU to develop effective strategies to support NGOs in Ukraine. The weakness of many Ukrainian NGOs, resulting in part from the problematic domestic context, prevents them from taking advantage of opportunities provided by the European Commission. After the Orange Revolution a more intensive dialogue between the EU and Ukrainian civil society began, but this has not yet translated into significantly more effective relations. This is in part because the EU, in addition to attempting to strengthen civil society, also wants to utilise Ukrainian NGOs to achieve the goals such as the ENP for Ukraine. This dual role envisaged for civil society by the EU is ambitious and difficult to attain in an environment that still contains many political and legal hurdles for NGOs to overcome (see also Stewart 2009). Thus, in the eyes of many Ukrainian civil society activists, the EU and other foreign donors need to play a stronger role as lobbyists for improved political and legal conditions for the development of Ukrainian civil society. Although support for civil society is included in the context of the ENP action plans for Ukraine, it has not been a significant focus of the dialogue between the EU and the Ukrainian government.

Internal Developments Among NGOs

There are essentially two types of development within the NGO sphere: those affecting individual NGOs and those concerning relations among NGOs, such as coalition building.

With regard to the evolution within individual NGOs, many interviewees mentioned that on the whole civil-society organisations had become more professionalised since the Orange Revolution. Apparently, a learning process has

[10] For a useful summary of the problems facing think tanks in particular, which are largely applicable to other NGOs as well, see “Non-Governmental Think Tanks…” (2007).

taken place, during which many organisations became first weaker then stronger. This is in large part due to the departure of some NGO leaders for the political realm, as mentioned above. This led to the collapse of some organisations, as well as to the consolidation of others, and exposed the frequent lack of depth within the leadership and in some cases the relative dependence on one charismatic figure. However, those organisations that remained (or emerged) have learned from these experiences and become internally stronger, although this process is not yet completed. Despite this concern with the internal sustainability of the organisation and its leadership, issues of governance within the organisation have not been a priority for the majority of NGOs.

Some external observers complained about the politicisation of NGOs and their perception that no organisation is truly "independent". Within the organisations this issue emerged in the form of needing to decide whether or not to cooperate with particular political forces. While some NGOs worked closely with a specific party or bloc, others explicitly opted to remain neutral and open to cooperation with all sides.

Many organisations had recently rethought their overall strategy or were in the process of doing so. While it is difficult to generalise about the interview results on this point, many respondents pointed to a strong trend toward local community development, both among donors and NGOs. They claimed to observe a growing desire of many individuals to get together to address issues that affect their everyday lives, such as the construction of a playground or the disappearance of parks and other green "oases" from their cities. In addition, the increasing importance of youth organisations was stressed by numerous respondents. These were presented for example as being uncontaminated by the "grant-eating" culture of the 1990s, during which numerous NGOs sprang up in response to the multitude of grants offered by external donors. (This phenomenon was also then capitalised upon by the Ukrainian government to "demonise" NGOs as carrying out foreign agendas rather than representing the interests of segments of Ukrainian society.) In contrast to these trends, the focus on European integration, while present in various NGOs, was not particularly popular. Reasons given for this lack of popularity were that this niche (support for European integration) has already been occupied by certain political forces within the government, and that it is uncontroversial as there is no real "counter-movement" working against such integration.

With regard to relations among NGOs, for a variety of reasons coordination in general and the building of coalitions in particular were seen as difficult by domestic and external actors alike. Many respondents stressed the unwillingness of NGO activists to give up their own status or leading position through cooperation with other groups. While some interviewees granted that coalitions

were formed when this was required by external donors, others characterised these as “pseudo-coalitions” and emphasised that real coalitions came into being only on thematic lines. Coordination was seen as possible to the extent that the participating NGOs were genuinely interested in the exchange of information. The human rights sphere was frequently mentioned as one in which there had been effective coordination leading to genuine input into the policy process. Thus success stories do exist, but the Ukrainian context does not currently encourage the building of productive coalitions. This may be further hindered by the relative lack of successful coordination among external donors, which leads to a certain duplication of efforts. Most respondents, both domestic and foreign, believed that the existing formats for exchange of information among external donors were superficial and unproductive, and stressed the importance of informal communication for the emergence of useful cooperation mechanisms.

Conclusion

Some tentative conclusions can be drawn regarding a) the main changes in the NGO sphere since the Orange Revolution and b) the current situation of the NGOs and their future prospects in the context of the further development of Ukraine’s relations with the EU.

With regard to developments after the Orange Revolution, the main finding is that there has been relatively little change, especially considering the expectations of civil-society actors during and immediately after the events of late 2004 and early 2005. In particular, the entrance of certain prominent civil society activists into the political sphere did not bring positive consequences for the dialogue between NGOs and state structures to the degree hoped for. Nonetheless, there have been some slight and gradual improvements, on which NGO activists hope to build in the future. Nor was there a boom in external funding as a result of the role played by Ukrainian civil society during the revolution. In fact, some external donors began to organise their departure or reduce their involvement, while there was some increase in domestic donor involvement (especially the business sector) in certain areas, such as assistance for vulnerable social groups. The looming decrease in foreign funding as well as increased costs for Ukrainian NGOs meant that the question of financing was of greatest concern for a large majority of organisations. Although the EU is continuing and arguably intensifying its support for Ukrainian civil society, it was acknowledged by most interlocutors that the complex and bureaucratic nature of EU grant procedures still posed too great a challenge for many smaller, less experienced NGOs. In addition, the EU’s expectation that Ukrainian NGOs would serve both as democratising agents and as supporting actors to achieve ENP goals has turned out to be overly ambitious in the current environment. However, another consequence of the Orange

Revolution was an overall strengthening of the NGO sphere, which had to cope with the loss of part of its leadership and was therefore forced to confront and address certain structural weaknesses that had previously been ignored. While this led to some processes of consolidation of organisations, it does not seem to have heightened the willingness of NGOs to build coalitions, and most are still reluctant to do so. On the whole, the state of development of Ukraine's civil society does not differ greatly from that of some new EU member states, which provides grounds for optimism.

Although the current situation is rather precarious for some NGOs, most of the active ones appear to be muddling through rather successfully by exploring a variety of funding sources, remaining flexible in their approach while retaining clearly defined foci of expertise and enjoying a high level of commitment of a small group of activists. The civil-society landscape in Ukraine is becoming more complex, with the involvement of business increasing, different types of activism (community-based, youth-oriented) emerging and external donors potentially playing less of a role. This development is in line with the overall political and economic evolution of Ukraine, which has been gradual but more or less steady. Despite the attractiveness of other sectors, NGOs have been able to retain some committed activists, although the situation in most of the regions is reportedly much bleaker than in Kyiv. Thus while no breakthroughs in the area of civil society development are to be expected, the contours of the NGO sphere are becoming clearer and simultaneously more complex, and the overall state of civil society is taking on its own particular character, defined by the specific combination of domestic and external factors in contemporary Ukraine.

References

Bennich-Björkman, Li 2007. "The Cultural Roots of Estonia's Successful Transition: How Historical Legacies Shaped the 1990s", *East European Politics & Societies* 21, pp. 316-347.

Counterpart Creative Centre (Tvorchyi Tsentr Kaunterpart) 2007. *Stan ta dynamika rosvytku neuriadovykh orhanizatsii Ukrainy: 2002-2006 roky*. Kyiv.

Fioramonti, Lorenzo and Heinrich, V. Finn 2007. *How Civil Society Influences Policy: A Comparative Analysis of the CIVICUS Civil Society Index in Post-Communist Europe.* A CIVICUS/ODI Research Report, http://handicap-international.fr/bibliographie-handicap/6SocieteCivile/Connaitre_influencer/civicus.pdf, last accessed on 1 October 2008.

Hydzik, James 2006. "The Observer's 'Persons of the Year' 2006", in; The *Ukrainian Observer*, Issue 227, http://www.ukraine-observer.com/articles/227/973, last accessed on 2 October 2008.

Kolodii, Antonina 2002. *Na shliakhu do hromadians'koho suspil'stva. Teoretychni zasady i sotsiokul'turni peredumovy demokratychnoi transformatsii v Ukraini*. L'viv: Chervona Kalyna.

Koreni travy. Hromadians'ke suspil'stvo v Ukraini: stan ta perspektyvy rozvytku 2003. Kyiv: Europe Foundation XXI.

Kuts, Svitlana, with assistance from Lyuba Palyvoda 2006. *Civil Society in Ukraine: "Driving Engine or Spare Wheel for Change?"* CIVICUS Civil Society Index Report for Ukraine**.** Kyiv.

Mižnarodnyi tsentr perspektyvnykh doslidžen' 2007. *Publichna polityka dlia hromads'kykh orhanizatsii: Praktychni rekomendatsii ščodo orhanizatsii robit u sferi publichnoi polityky*. Kyiv: Optima.

"Non-Governmental Think Tanks in the Present-day Socio-political Context: Problems and Challenges" 2007, in: *National Security and Defence* No. 6 (90), 24-34 (no author).

"Partners on Cooperation with Non-governmental Think Tanks" 2007, in: *National Security and Defence* No. 6 (90), 43-53 (no author).

Schade, Jeanette 2002. *„Zivilgesellschaft" – eine vielschichtige Debatte*, INEF Report 59 (Institut für Entwicklung und Frieden der Gerhard-Mercator-Universität Duisburg).

Stepanenko, Viktor 2008. Hromadians'ke suspil'stvo v Ukraini: Demokratychni orientyry ta real'na praktyka, an unpublished analytical report in the framework of the "Democracy Audit" project.

Stewart, Susan 2009. Zivilgesellschaftliche Demokratieförderung der Europäischen Union: Estland, Makedonien und die Ukraine im Vergleich, in: Erdmann, Gero and Kneuer, Marianne (eds.), *Externe Faktoren der Demokratisierung*. Baden-Baden: Nomos, pp. 261-282, forthcoming.

Subtelny, Orest 1988. *Ukraine: A History*. Toronto: University of Toronto Press.

Ukraina: rik pislia vyboriv. Monitoring rehioniv 2007. Prepared by the Laboratory of Legislative Initiatives, the Civic Network "Opora", and the Committee of Voters of Ukraine. Available at http://www.parlament.org.ua/docs/files/8/1200058184_ans.pdf, partially in English, last accessed on 19 September 2008.

"Ukrainian Think Tanks as an Element of Civil Society: Social Status, Influence, Cooperation with Partners" 2007, in: *National Security and Defence* No. 6 (90), 10-23 (no author).

USAID (United States Agency for International Development) NGO Sustainability Index, http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/, last accessed on 2 October 2008.