

Critical Reflection

Following the KOFF roundtable on 30 June 2014

Ukraine 2014 – Civil Society Creating Space between Past and Future: informal follow up discussion

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Ukraine's Civil Society and the Challenges of State-Building

This paper is based on a lively discussion that took place on 30 June in Berne and involved human rights practitioners from Ukraine; namely: Bogdana Depo from the "Anticorruption Center ANTAC" (Kiev/Brussels), Maxim Butkevych from the "Social Action Center" (Kiev/UA), Natalya Kabatsiy from the „Comité d'Aide Medicale Zakarpattia CAMZ" (Uzhgorod/UA) and Konstantin Reutskyi from „Postup" (Luhansk/UA). Additionally present were representatives of the Swiss government, academia and NGO sector.

The Ukrainian crisis is not ebbing and is continuously taking new forms. What has started as a movement of civilian protest against a corrupt and ideologically ambiguous political elite in late 2013 has developed into an armed conflict in spring 2014, with people killed every day and tens of thousands of refugees in Ukraine and Southern Russia. The new government in Kiev finally mobilised in order to prevent a humanitarian catastrophe within the country. However, time is pressing, resources and knowledge are lacking, and the international community, including the European Union (EU) and the Organisation for Security and Cooperation in Europe (OSCE), do not seem willing to bring soon any substantial relief at a grassroots' level. A huge work remains for civil society organisations to fulfil the tasks left untended by the government, extinguishing the

fire and easing the most pressing humanitarian needs, and monitoring the human rights situation in and around the areas of conflict.

By doing so, civil organisations feel distracted from what they perceive to be their core task: now, that it has been made possible by "Maidan", civil society can and must play a crucial part in the political reform process, securing its place in a new, transparent and efficiently organised state of democratic Ukraine. However, as underfunded, dangerous and overloaded the working agenda of civil activists might be, it also provides a chance for empowerment. Without being entirely conscious about it, still looking for outside help and grumbling about the inefficiency of the own government, Ukraine's civil society – not the elite, but simple citizens confronted to everyday problems – digs its way out of the mess by its own means, and is about to achieve a strong and permanent voice at the table of the Ukrainian state and on the agenda of the international community.

Different layers of conflict

In order to better understand the difficult windings of Ukraine's recent history, it is important to first be aware of the different types or levels of conflict. The first and older layer in the geology of the Ukrainian crisis is a conflict between state and society. The "Maidan" movement, named after the central square in Kiev where the rallies took place, was formally created in November 2013 and assembled – and still assembles – civil

society organisations and individuals with different thematic focuses and various political backgrounds. Their fight on “Maidan” was mainly one for dignity, an eruption of popular anger about what was considered to be an inefficient, undemocratic and corrupt government that was no longer tolerated by its own population. This popular mobilisation has its roots in the past and steadily gained in force. Back in 2010, a popular movement tried to defend small and medium-size enterprises against the crushing tax burden that has been imposed by the State – it was brutally dispersed. At the same time, popular indignation increased, given the outrageous, only poorly hidden enrichment activities of senior officials. The unrest reached a new climax in 2012, in the aftermath of a cruel rape case in Southern Ukraine, where law enforcement officers were openly involved without being sanctioned by the government. It was thus the local population, mainly women, which forcibly stormed the local police station and called those responsible to account; the protests spread throughout the country. On the 21st of November 2013, President Yanukovich cancelled his intent to sign the planned EU-Association Agreement in favour of an accelerated integration with Russia, creating the last straw that broke the camel’s back. What came later – the formation, radicalisation and finally militarisation of the “Maidan” or “Euromaidan” movement finally resulted in the collapse of Yanukovich’s regime and in a process of political re-orientation under the auspices of a reform oriented, strongly pro-Western government.

That was when the second layer of conflict came to the forefront. Historically, there has never been a conflict between Eastern and Western Ukraine, and the parallel use of two main languages, Ukrainian and Russian, has not been an issue – as numerous examples of mixed families show. Since 2004, however, President Yanukovich’s “Party of the Regions” has increasingly worked towards a separation of Ukraine by constantly underlining the linguistic differences within the country. State-controlled Ukrainian, and partially also Russian media supported these efforts, having a considerable influence in the Crimean and in the Eastern districts of Donbas.

Nevertheless, most of the Ukrainian population perceives the separatist conflicts that erupted in

the east of the country with a concentration around the cities of Donetsk and Luhansk, to be driven by outside influence – much like the detachment of Crimea and its annexation by the Russian Federation in March 2014.

The conflict in Eastern Ukraine between Kiev’s loyal and pro-Russian forces has developed a very difficult dynamic, since a considerable part of the country is no longer controlled by the state, giving way to the arbitrary rule and lawlessness under auto-proclaimed local governments supported by armed elements from Ukraine and abroad. To document, let alone to criticise the behaviour of the local masters has become nearly impossible, as even taking a video on a smartphone can cost a life. Not only local “Maidan” activists, who have become favourite targets of abuse and discrimination, but also tens of thousands of simple citizens fled and still flee their homes to other places in Ukraine and Southern Russia – depending on where they have relatives and on which side of the propaganda machine they got their information from.

Originally, the pro-Russian militants in the separatist regions were in a minority and only had rudimentary organisational structures. However, at present they are supported by probably about one fifth of the population – be it out of conviction, out of fear or as a result from Russian and local propaganda. At the same time, several dozens of kilometres of the Russian-Ukrainian border are still out of Kiev’s control, freeing the way for a massive influx of fighters, arms and criminal elements from Russia, the nearby Caucasus and other parts of the post-Soviet space. Nothing but getting rid of the mass of arms and bringing control to the in-transparent and often criminal structures now in place in the separatist regions will be a major challenge for the new government, once a ceasefire has been reached and the border is again under control of the government.

It becomes clear, that Russia’s influence in this conflict is crucial, be it directly or in form of a passive toleration of criminal activities and a massive movement of weapons and armed volunteers. However, even if recognised, this “Russian factor” is difficult to be reversed, as it reached a considerable momentum; all the more that every move of Moscow proclaiming a de-

militarisation and referring the self-proclaimed local “governments” to their barriers create a setback of Putin’s popularity in Russia at a domestic level. Russia’s internal political debate over Ukraine is often played out at the expense of Russian civil society organisations, especially in the south of the country. Local non-governmental organisations (NGOs) which take care of refugees and show will for a dialogue with their Ukrainian counterparts have thus fallen victim to repression by state authorities as well as by armed supporters of Ukraine’s pro-Russian separatists.

Different types of dialogue

As Ukraine and its population are confronted with various types of conflict, the means and mechanisms to overcome them also look very different.

The first “layer” of national dialogue was initiated by “Maidan” and aims at the civil society’s participation in the domestic reform processes. There is a need to develop and systematise the inclusion of civilian actors in all fields of policy-making, for example when fighting the widespread - corruption. In Ukraine, “everybody owns everything and nobody feels responsible for anything”, which basically means that private and governmental entrepreneurs often hide behind non-transparent structures, escaping taxes but nevertheless exerting considerable influence on political and legal processes. The young, but highly efficient NGO “Anticorruption Action Center” (ANTAC), based in Kiev, wants to shed light on the opaque economic processes in Ukraine. In this purpose, they advise officials of the new government, bringing much-needed (international) expertise on technical issues like transparent budgeting or accountancy. Furthermore, they call for a dialogue of civil actors with the institutional units that are most involved in corruption, like law enforcement bodies, in order to open the “black box” of corruption – that was so far a social and political no-go – for public discussion. And thirdly, ANTAC does ad-hoc advocacy work among western states and international organisations in order to freeze the assets of Ukrainian oligarchs and bring them to justice.

A second type of national dialogue is about the reconciliation between different groups of society associated with the Ukrainian and the pro-Russian camps, whereas groups of refugees that left Eastern Ukraine for Russia and the NGOs that receive them also have to be considered. Putting an end to the armed conflict and starting reconciliation, especially among the population of the Eastern parts of Ukraine, is a question of high emergency, in order to prevent a sharpening of the humanitarian catastrophe and avoid the trap of an ongoing ethnisation of the conflict¹. Furthermore, it is crucial – though potentially very dangerous – to observe and document the ongoing violations of human rights on all sides of the conflict: this will help to deal with the violent past and avoid impunity in the future.

However, the immediate need of many NGOs to solve burning questions of survival and physical security pushes the different projects of national dialogue – between pro-Russian groups and Ukrainians, between state and society – in the background. Especially NGOs from the Eastern part of Ukraine that is partially under control of self-declared separatist “governments” underline that the immediate problems of survival and security have to be solved first; only then the civil actors can participate in dialogue. This “Security First” principle involves another, international “layer” of dialogue: together with the western states and strategic alliances, the Ukrainian government has to negotiate with Russia in order to mobilise Moscow’s support, without which it is not possible to secure the border and to demilitarise and clean the separatist zones from criminal elements. Positive in this regard is the role of the newly elected President of Ukraine, Petro Poroshenko. Although he has not yet reached an effective ceasefire agreement and fighting continues at a grassroots level, Poroshenko was democratically elected and is widely recognised, empowering him to play a moderating role at home, as well as in international negotiations.

¹ The same process of creeping ethnisation could be observed in Yugoslavia in the 1990s, resulting in a deadly war between Serbs and Croats that originally lived together in peace.

Possible entry points for international cooperation

Again, the time factor is important and the emergency of the situation has to be kept in mind when we discuss a possible contribution of the international community to bring relief and solve the different crises in Ukraine. Ukrainian NGOs perceive the reaction of western states and international organisations to be slow and inefficient. Instead of taking pragmatic steps (for example by urging the government in Kiev to actively seek solutions to the burning needs of the population), the EU and OSCE seem to be stuck in negotiations at a diplomatic meta-level, with little knowledge about and interest for what is going on on the ground (“negotiation-trap”). Nevertheless, some concrete support seems under way. An example of this is the joint

initiatives of the OSCE and the United Nations High Commissioner for Refugees (UNHCR) that should bring relief to at least humanitarian needs of Internally Displaced Persons (IDPs) and refugees.

A much larger bi- and multilateral effort, in terms of technical support and advice, will be needed in order to help the Ukrainian government and civil society to overcome the challenges of state-building and territorial disintegration, making the country’s way to peaceful and prosperous future. In this process it will be important not to forget about civil society organisations in Southern Russia, since they potentially play an important role in regional peacebuilding and reconciliation.

swisspeace

swisspeace is a practice-oriented peace research institute. It carries out research on violent conflicts and their peaceful transformation. The Foundation aims to build up Swiss and international organizations' civilian peacebuilding capacities by providing trainings, space for networking and exchange of experiences. It also shapes political and academic discourses on peace policy issues at the national and international level through publications, workshops and conferences. swisspeace therefore promotes knowledge transfer between researchers and practitioners. swisspeace was founded in 1988 as the Swiss Peace Foundation in order to promote independent peace research in Switzerland. Today the Foundation employs more than 40 staff members. Its most important donors are the Swiss Federal Department of Foreign Affairs, the Swiss National Science Foundation and the United Nations.

Center for Peacebuilding (KOFF)

The Center of Peacebuilding (KOFF) of the Swiss Peace Foundation swisspeace was founded in 2001 and is funded by the Swiss Federal Department of Foreign Affairs (FDFA) and 45 Swiss non-governmental organizations. The center's objective is to strengthen Swiss actors' capacities in civilian peacebuilding by providing information, training and consultancy services. KOFF acts as a networking platform fostering policy dialogue and processes of common learning through roundtables and workshops.

Critical reflections

In its *critical reflection* publications, swisspeace and its guest speakers critically reflect on topics addressed at roundtables. They both make a note of the arguments put forward during the roundtables and carry on the discussion in order to encourage further debates.