

I. Analysis: Civil Society Pre-Elections Policy Advocacy

This analysis studies factors that influenced the civil society agenda in the run-up to the 2019 presidential election in Ukraine. It studies the activities and environment in which civil society has been functioning in 2018 and the beginning of 2019 and defines influencing factors for formation of agendas for presidential candidates. The analysis discusses why the agendas were necessary, why there were multiple agendas, and to what extent the agendas are in line with the needs of citizens and agendas of the presidential candidates. The analysis is based on a range of resources including desk research, interviews conducted with USAID/ENGAGE partners over 2018 and into 2019, an analysis of grant applications, event materials, and analytical materials produced by the USAID/ENGAGE activity.

Overview of Reforms 2018-2019

In the Ukrainian political arena, election years have traditionally been unfavorable for reforms. The attention of the politicians is focused on campaigning and they do their best to divert the attention of citizens through newsbreaks, emergencies and subsequent shifts of attention to emotionally charged issues, and fake promises. In 2018, Ukraine has entered an especially prolonged election season which will be over only in 2020 after local elections. Already since the beginning of 2019, both Ukrainian civil society and political elites were preparing for the new multiple elections seasons. The CSOs were initially to defend hard-fought reform achievements of previous years, by 2019 they were also challenged to fight for personal security and struggle for unity simultaneously. The incumbent authorities prepared with a populist agenda, swiftly delivering on multiple long-awaited reform promises, while at the same time cementing their power in government. Yet, traditional techniques of protracted reform discourse, media control, a political theatre of emotional

rollercoasters and legislative red herrings turned out to be insufficient to ensure continued grip on power.

By the time of the presidential elections were called, the Government of Ukraine made important inroads in delivering to several of its Mid-Term Government Priority Action Plan announced two years ago³. Those reform priorities in the areas of pension system, education, healthcare, public administration, privatization of state-owned enterprises, and land reforms met only partially the reform priorities of civic society and Ukraine's international partners.

Businessmen and investors agreed on the necessity of privatization of state-owned enterprises and land reform; however, they also placed urgency on energy sector reform, anti-corruption, and justice sector reform.⁴ Since the beginning of 2018, civil society has been focusing on pressuring the authorities for progress in anti-corruption reform, public administration reform, electoral reform, decentralization, energy-sector, justice sector and environmental policy reforms.⁵

Given the reforms progress in 2018, the most representative CSO coalition in the country the Reanimation Package of Reforms (RPR) prioritizes complex issues in national security, rule of law (including human rights, anti-corruption, judicial and law enforcement reforms) and public administration reforms (electoral, public service and decentralization reforms).⁶ The international partners of Ukraine echo the voice of RPR, demanding anti-corruption, energy and defense sector as well as public administration reforms.⁷ They also do not cease to stress the need for protection of rights and investigation of crimes against CSO activists which emerged as a dire problem in the end of 2017 and has been hanging over CSO activities like Damocles' sword since.⁸

The year started with significant progress in privatization and reform of governance of state-owned enterprises, namely adoption of the law on privatization and a regulation, defining new rules for the appointment of heads and independent supervisory boards of large state-owned enterprises.⁹ It makes possible participation of foreign state-owned investors, online privatization via the portal "privatization.gov.ua," auctioning of small state-owned enterprises through Prozorro.Sales, introduces supervisory boards and makes external audit mandatory for the enterprises fully-owned by the state. This legislature increasing government transparency. Nevertheless, is an example of a general trend for 2018: progressive action in response to a so called "sandwich maneuver": joint

³ Cabinet of Ministers of Ukraine (2017). Mid-Term Government Priority Action Plan to 2010. <https://www.kmu.gov.ua/ua/diyalnist/programa-diyalnosti-uryadu/serednostrokovij-plan-prioritetnih-dij-uryadu-do-2020-roku-ta-plan-prioritetnih-dij-uryadu-na-2017-rik>

⁴ Vyshlynsky H. (2018). Which Ukraine do we want to see in 5 years? *Ukrainska Pravda*. <https://blogs.pravda.com.ua/authors/vyshlynskyj/5b922b32ec6f0/>

Centre for Economic Strategy (2018). Corruption and distrust to judiciary have been ahead of the rating of investment obstacles for 3 years in a row. https://ces.org.ua/foreing_investor_survey_results_2018/

Karmazin A. (2019). Expectation for Ukraine Reform Priorities in 2019. US-Ukraine Foundation. <https://www.usukraine.org/expectations-for-ukraine-reform-priorities-in-2019/>

⁵ Reanimation Package of Reforms (2018). Experts, government officials and international partners discussed reform priorities and the role of civil society in pre-election period. <https://rpr.org.ua/news/priorytetni-reformy-ta-rol-hromadskosti-v-peredvyborchij-period-obhovoryly-eksperty-uryadovtsi-ta-mizhnarodni-partnery/>

⁶ Reanimation Package of Reforms (2019). Will the next President become a reformer? – discussion results. <https://rpr.org.ua/en/news/will-the-next-president-become-a-reformer-discussion-results/>

Reanimation Package of Reforms (2019). Roadmap of reforms for 2019-2023. <https://rpr.org.ua/en/news/roadmap-of-reforms-for-2019-2023/>

Reanimation Package of Reforms (2019). RPR presented public agenda for the Parliament. <https://rpr.org.ua/en/news/rpr-presented-public-agenda-for-the-parliament/>

⁷ Rusheva V. (2019). Brussel wants Ukraine to follow through in its promised reforms, *New Europe*. <https://www.neweurope.eu/article/brussels-wants-ukraine-to-follow-through-on-its-promised-reforms/>

⁸ Coalition for the protection of civil society (2018). News digest "Activists are not targets": September-October 2018. <http://cs-coalition.org.ua/novyny/zbirka-novyn-aktyvisty-ne-misheni>

⁹ Vox Ukraine (2018). A Handful of Optimism: the I quarter of 2018 witnesses a slightly faster pace of reforms. <https://voxukraine.org/en/a-handful-of-optimism-the-i-quarter-of-2018-witnesses-a-slightly-faster-pace-of-reforms/>

pressure of CSOs and Western partners¹⁰, followed by half-hearted implementation, refraining from crucial ones until ultimately yielding the firm external pressures. In this case, government launched the privatization of small enterprises, however, IMF continues demanding the sale of a number of large-state owned enterprises including 'Centrenergó'¹¹, second-largest energy supplier in Ukraine.

In financial sector reform, international financial lenders of Ukraine pushed the envelop. Parliament adopted important developments making banks more transparent through broader information disclosure and creating a Credit Register of the National Bank of Ukraine, allowing banks to have access to borrowers' credit history. In the second quarter of 2018, the banks continued their progress on meeting international standards, including harmonization of prudential requirements for banks with the EU legislative provisions and Basel Committee recommendations.¹² The most important achievement, however, was the adoption of the Law "On Currency and Currency Transactions", which lays legislative groundwork for currency liberalization and free movement of capital.¹⁸ By end of 2018 Ukraine made significant modernization of the Ukrainian financial sector, based on the requirements of IMF and the EU-Ukraine Association Agreement.¹³

Summer-autumn 2018 brought to bear advancement in additional fundamental reforms. Due to simultaneous pressure from the CSO and international community, the "Law on the High Anti-Corruption Court" was passed and the new composition of the State Central Election Commission was approved.

The establishment of the High Anti-Corruption Court and the selection process of its judges is considered a major step forward rooting out corruption. In spite this new institution was considered a flagship anti-corruption project of the incumbent President, the successful follow-through would not have been possible without constant pressure from the CSOs and Western partners of Ukraine.¹⁴ They were advocating to empower the Public Council of International Experts with a strong say in nomination of judges, but political maneuvering from the side of the presidential administration aimed at taming its impact on selection of justices.¹⁵ CSOs, on the side of the international experts' body, widely popularized and draw public attention when the effectiveness of the Public Council's work was facing political obstruction.¹⁶ Against all political odds, the active participation of international experts in the selection of justices helped to exclude more than forty candidates from final selection.¹⁷

Notwithstanding this success, anticorruption reform remains to be an ongoing fight for Ukrainian civil society. 2018 saw many backlashes, from failure of the National Agency for

¹⁰ Jarábik B., de Waal T. (2018). Ukraine Reform Monitor: March 2018. Carnegie Endowment for International Peace. <https://carnegieendowment.org/2018/03/27/ukraine-reform-monitor-march-2018-pub-75909>

¹¹ Mekhed N. (2018). Price for gas, privatization, State Fiscal Service reform: under which conditions will Ukraine get IMF money?, *Deutsche Welle*. <https://www.dw.com/uk/ціни-на-газ-приватизація-реформа-дфс-під-які-вимоги-україна-отримує-гроші-мвф/a-46821948>

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¹² Vox Ukraine (2018). The pace of reforms in the second quarter: worse than ever. <https://voxukraine.org/en/the-pace-of-reforms-in-the-second-quarter-worse-than-ever/>

¹³ Cabinet of Ministers of Ukraine (2018). Reform and development of financial sector. <https://www.kmu.gov.ua/ua/diyalnist/reformi/ekonomichne-zrostannya/reforma-ta-rozvitok-finsovogo-sektoru> ¹⁴

Liemenov O. (2018). Oleksandr Liemenov: in search of Anticorruption Court format. <https://rpr.org.ua/news/oleksandr-ljemenov-u-poshukah-formatu-antykruptsijnoho-sudu/>

¹⁵ Yurchyshyn Y. (2018). Yaroslav Yurchyshyn: 100 amendments an hour and 1 "for later". <https://rpr.org.ua/news/yaroslav-yurchyshyn-100-pravok-na-hodynu-i-odna-na-potim/>

¹⁶ Reanimation Package of Reforms (2018). Without ensuring the transparency of the competition, trust to HACC is impossible: RPR supports the claims of CSOs to HQCJ. <https://rpr.org.ua/news/bez-zabezpechennya-prozorosti-konkursu-dovira-do-vyschoho-antykruptsijnoho-sudu-nemozhlyva-rpr-pidtrymuje-vymohy-hromadskyh-orhanizatsij-do-vkks/>
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<https://rpr.org.ua/news/bez-zabezpechennya-prozorosti-konkursu-dovira-do-vyschoho-antykruptsijnoho-sudu-nemozhlyva-rpr-pidtrymuje-vymohy-hromadskyh-orhanizatsij-do-vkks/>
<https://rpr.org.ua/news/bez-zabezpechennya-prozorosti-konkursu-dovira-do-vyschoho-antykruptsijnoho-sudu-nemozhlyva-rpr-pidtrymuje-vymohy-hromadskyh-orhanizatsij-do-vkks/>
<https://rpr.org.ua/news/bez-zabezpechennya-prozorosti-konkursu-dovira-do-vyschoho-antykruptsijnoho-sudu-nemozhlyva-rpr-pidtrymuje-vymohy-hromadskyh-orhanizatsij-do-vkks/>
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<https://rpr.org.ua/news/bez-zabezpechennya-prozorosti-konkursu-dovira-do-vyschoho-antykruptsijnoho-sudu-nemozhlyva-rpr-pidtrymuje-vymohy-hromadskyh-orhanizatsij-do-vkks/>
<https://rpr.org.ua/news/bez-zabezpechennya-prozorosti-konkursu-dovira-do-vyschoho-antykruptsijnoho-sudu-nemozhlyva-rpr-pidtrymuje-vymohy-hromadskyh-orhanizatsij-do-vkks/>
<https://rpr.org.ua/news/bez-zabezpechennya-prozorosti-konkursu-dovira-do-vyschoho-antykruptsijnoho-sudu-nemozhlyva-rpr-pidtrymuje-vymohy-hromadskyh-orhanizatsij-do-vkks/>
<https://rpr.org.ua/news/bez-zabezpechennya-prozorosti-konkursu-dovira-do-vyschoho-antykruptsijnoho-sudu-nemozhlyva-rpr-pidtrymuje-vymohy-hromadskyh-orhanizatsij-do-vkks/>

Prevention of Corruption to adopt a National Anticorruption Strategy for 2018-2020 in the first half of 2018,¹⁸ to reinstatement the director of the State Fiscal Service despite embezzlement charges.¹⁹ The year has also been marked by the scandal around the director of the State Anti-Corruption Prosecutors' Office, which resulted in charges against him²⁰, conflict of SAPO with National Anticorruption Bureau (NABU)²¹, politically charged appointments of NABU auditors²² and uncovering of a huge corruption scheme in the defense sector with involvement of numerous state actors, including representatives of anti-corruption institutions.²³ It is also hard to call the launch of the State Bureau of Investigations a success, due to problems with its functioning since inception.²⁴ In the same weak institutional environment came the Constitutional Court's spring verdict ruling illicit enrichment unconstitutional and offering effective amnesty for those involved in pending corruption cases.²⁵ This decision conceptually took away crucial powers from the newly created anti-corruption institutions to deliver justice over alleged corruption practices.

As all anti-corruption investigations are reviewed in court, anti-corruption reform is tied to judicial reform. This realm presents a clear difference of perception of authorities with that of civil society. While the President declared victory in this sphere²⁶, civil society²⁷ and citizens²⁸ speak about its failure. CSO representatives dominate the so-called Public Integrity Council, which is empowered to weigh in during the nomination of Supreme Court justices. The failure to exert effective control over the nomination process previously, members of the Council unanimously suspended their further participation in qualification assessment causing delays and deferrals also in the new composition of the Council. Attempts at mediation between the High Qualification Commission of Justice and the Public Integrity Council failed and the Council formed in December included only part of those CSOs which took part during its predecessor Council.²⁹ The battle between CSOs and the rigid judicial branch continued into 2019 during the Judges, Attorneys and Researchers Convents where, according to CSOs' accounts, Supreme Court justices were picked even before the selection procedure ended.

¹⁸ Kalmykov D., A. Marchuk, M. Khavroniuk (2018). Fighting corruption by touch, or why Ukraine still does not have an Anticorruption Strategy for 2018-2020. Centre for Policy and Legal Reform.

<http://pravo.org.ua/en/news/20873157-fighting-corruption-by-touch,-or-why-ukraine-still-does-not-have-an-anticorruption-strategy-for-2018-2020>

¹⁹ Radio Free Europe (2018). Ukrainian court reinstates Nasirov after he was charged with embezzlement.

<https://www.rferl.org/a/ukrainian-court-reinstates-nasirov-after-he-was-charged-with-embezzlement/29650470.html>

²⁰ Polianska Y. (2018). "Kholodnytskyi records": what heads of SAPO and NABU mentioned and refrained to comment on, *Radio Freedom*. <https://www.radiosvoboda.org/a/29145560.html>

²¹ International Centre for Policy Studies (2018). Internal policy of Ukraine: results of 2018 and forecast for 2019.

<http://icps.com.ua/en/studies-icps/internal-policy/internal-policy-of-ukraine-results-of-2018-and-forecast-for-2019/>

²² Rzhetska L. (2018). TI lawyer about the lawsuit against Poroshenko: non-transparent first NABU audit is the basis for next ones, *Deutsche Welle*. <https://www.dw.com/uk/юристка-ті-про-позов-до-порошенка-непрозорий-перший-аудит-набу-підгрунття-для-наступних/a-44426167>

²³ Hromadske International (2019). Investigation Links Ukraine's State Agencies to Defense Corruption.

<https://en.hromadske.ua/posts/investigation-links-ukraines-state-agencies-to-defense-corruption>

²⁴ 24 TV Channel (2019). Scandal, conflict and problems of creation: SBI submitted a report for the first time.

https://24tv.ua/skandal_konflikti_ta_problemi_stvorenniya_derzhavne_byuro_rozsliduvan_vpershe_vidzvituvalo_n1133857

²⁵ NABU (2019). All cases as of facts of illegal enrichment are terminated due to the decision of the Constitutional Court. <https://nabu.gov.ua/en/novyny/all-cases-facts-illegal-enrichment-are-terminated-due-decision-constitutional-court>

²⁶ Censor.Net (2018). Supreme Court should become an example for other courts – Poroshenko.

https://censor.net.ua/ua/news/3102336/verhovnyi_sud_maye_staty_prykladom_dlya_inshyh_sudiv_poroshenko_foto ²⁷

Maselko R. (2019). Results of Poroshenko's judicial reform: to renew Nasirov and suspend Suprun, *Ukrainska Pravda*. <https://blogs.pravda.com.ua/authors/maselko/5c645df553949/>

²⁸ Ilko Kucheriv Democratic Initiatives Foundation (2018). How Ukrainians fight corruption: public opinion.

<https://dif.org.ua/article/yak-v-ukraini-boryutsya-z-koruptsiyu-dumka-gromadyan>

²⁹ Sukhov O. (2018). Watchdog says judicial reform talks have collapsed, cleansing of judiciary failed. *Kyiv Post*.

<https://www.kyivpost.com/ukraine-politics/watchdog-says-judicial-reform-talks-have-collapsed-cleansing-of-judiciary-failed.html>

The Constitutional Court's independence was also at stake in at the turn of the year. To strengthen the independence of the Court, in December 2018, some MPs with active assistance of CSOs filed a constitutional petition to overrule a standing rule of the Ukrainian Parliament.³⁰ The article states that, in order to participate in a competition to the Constitutional Court, a candidate – besides meeting the eligibility criteria – would need the support of a parliamentary caucus. But the Court itself was unable to protect its own independence by not reviewing the petition.

Healthcare reform was gaining momentum up until the presidential race began. Healthcare reformers reached important milestones, which a year ago seemed unrealistic. Thanks to intensive pushing for the implementation of the changes in primary health care and with the help of the campaign ‘Doctor for Each Family’, as of March 2019 almost 27 million patients had an opportunity to contract with their family doctors through the new e-Health system.³¹ In the realm of pharmaceutical procurement, the state-owned procurement company completed its first bids.³²

Yet, the reform faces a number of challenges, both in the realm of implementation and its political environment. Implementation suffers from insufficient computerization and outdated equipment issues in the regions, lack of training to practitioners, risk of redundancies in the e-Health registers.³³ Political challenges include the fact that since the present healthcare reform is a flagship project of the incumbent administration, populist or revisionist newcomers if obtained power after the presidential and parliamentary elections, may withhold, change course or reverse the present reform trends.

In view of the upcoming elections, advocacy for electoral reform by civil society proved crucial. The appointment of new members of the Central Election Commission was a result of CSOs over two years battle. And the new electoral law turned to a new phase. In December the relevant parliamentary review commission completed many months of work on reviewing comments and amendments to the text and the document is now reportedly ready to be approved.³⁴

The overview of reforms in 2018-2019 proves that Ukrainian civil society has been providing their input and catalyzing the progress in numerous reforms, dealing with the number of challenges in the reforms’ realm at the same time. The year was marked by necessity for constant monitoring, unity in advocacy and fast reaction. The powerholders managed to move the reforms agenda forward in many spheres, but prioritized their political interests, and instead of devolving power, preserved control over crucial spheres of public life.

Civil Society Before the Electoral Tsunami: Caught In A Vice

In the run-up to the presidential elections, several dynamics influenced civil society effectiveness in safeguarding the integrity of the electoral process, promoting informed vote, and pushing for the candidates towards desired reforms. Of these, the most concerning were exogenous pressure: intensified rhetorical and physical attacks on activists, investigative journalists.

Summarizing the latest wave of discrediting CSOs and physical harassment of activists, the Human Rights Information Center reports 53 physical attacks against civil society activists in all regions of Ukraine by autumn 2018.³⁵ Law enforcement was negligent in bringing perpetrators to

³⁰ Centre for Policy and Legal Reform (2019). Experts appeal to the Constitutional Court to protect its independence.

<http://www.pravo.org.ua/ua/news/20873482-eksperti-zaklikayut-ksu-zberegti-svoyu-nezalegenist>

³¹ E-Health Portal (2019). Statistics. Declaration registration dynamics (graph). <https://portal.ehealth.gov.ua/#statistic>

Ukraine (2019). First auctions of the State Enterprise “Medical Procurement of Ukraine”: assessment of results.

<https://www.kmu.gov.ua/ua/news/pershi-aukcioni-dp-medichni-zakupivli-ukrayini-ocinka-rezultativ>

³³ Public consultations in the regions during ZimYTY tour of USAID/ENGAGE partner NGO Centre UA.

And workshop “Health Reform in Quarter III, 2019: Understanding and Communicating”, 21-22.03.2018, organized by the USAID Health Reform Support Project, National Health Service of Ukraine and Ministry of Health of Ukraine

³⁴ Ukrainska Pravda “Vybory Vybory” Project (2018). Election Code is ready to be approved in principle.

<https://vybory.pravda.com.ua/news/2018/12/13/7149807/>

³⁵ Human Rights Information Centre (2018). Human rights defenders presented the attacks on Ukrainian civil society activists in a form of a map. Retrieved from:

³² Cabinet of Ministers of

justice, which sent a clear message to CSO activists not to meddle in local political-economic affairs.³⁶ In addition, during the fall, political threats were taken a notorious turn, reminiscent of the Euromaidan era, when some members of the Parliament filed a new iteration of bills that would threaten CSOs undisturbed functioning. The bill would have required CSOs, just like back in 2014, to submit income declarations, and exposes them to additional administrative and reporting burdens.³⁷

Within civil society, fault lines along Kyiv and the rest of the country, internal squabbles and advocacy fatigue posed hurdles to overcome before the electoral races began. The state of regional and local civil society differs dramatically from that of Kyiv. The majority of sub-national CSOs pushing local and regional reforms work predominantly in two tracks, technocratic support or issue advocacy. Outside of Kyiv, the success of reform advocacy is significantly dependent on the scope of donor support including in the formation of the advocacy agenda.³⁸

The national reforms agenda in 2018 through the beginning of 2019 has been largely focused on adoption of the framework legislation or cancelling thereof. Further implementation often stops at the national level. Subnational advocacy organizations lack access points and thus influence on national decision-making. They have, on the other hand, much closer ties with local constituents. They more often address issues important for their communities. Regional CSOs place more focus on issues reflecting the needs of local citizens and are expected to result in tangible changes in the communities. For instance, while on the national reforms' agenda, reform of communal services is not among the top priorities, but many regional reforms roadmaps, developed by regional RPR coalitions, tackle it. Also, given their limited access to resources but the necessity to address problems of a region holistically, regional CSOs began presenting unified advocacy strategies and voices. They complement their individual capacities by sharing data with each other, divvy up roles in addressing a given issue.

In contributing to national reforms, when a new legislation overhauls old structures at the grass-root level, regional CSOs play a more active role. In advancing decentralization, CSOs are actively taking part in the process through well-tested and new engagement mechanisms. They host public consultations, introduce participatory budgets, take a constructive role in drafting community development programs, and introduce and promote e-democracy instruments.³⁹ They also take more active part in delivering local services, and if decentralization progresses with its current pace, it has the potential to demonstrate an important opportunity for local and regional CSOs' financial sustainability.⁴⁰

National advocacy groups and coalitions during fall 2018 showed signs of reform fatigue. A case in point is judicial reform, where despite profound CSO participation including through oversight mechanisms such as the Public Integrity Council, has so far failed by the account of most observers. From the ignorance of decision-makers, CSOs' concluded that efforts were worthless, therefore stopped futile advocacy efforts.⁴¹ As one of the activists said: "the advocacy campaigns are

<https://humanrights.org.ua/material/napadi-na-ukrajinskih-gromadskih-aktivistiv-pravozahisniki-predstavili-u-vi-gljiadi-mapi>

³⁶ Roache M. (2018). Kateryna Handziuk: Ukraine activist, 33, dies from acid attack, Al Jazeera News. Retrieved from: <https://www.aljazeera.com/news/2018/11/kateryna-handziuk-ukraine-activist-33-dies-acid-attack-181104232419232.html>

³⁷ Ravchev O., Pyrlyk H. (2018). Foreign agents: instrument for countering Russian aggression or threat to civil society?, *Hromadske Radio*. Retrieved from: <https://hromadske.radio/publications/inomezni-agenty-instrument-protydyi-rosiyskiy-agresiyi-chy-zagroza-gromadyanskomu-suspilstvu>

³⁸ Hryshchenko M. (2018). State and conditions of development of city NGOs and initiatives in Mariupol, Kramatorsk and Slaviansk. Donbas Studies. <https://donbasstudies.org/stan-ta-umovi-rozvitku-miskih-nuo-ta-initsiativ-v-mariupoli-kramatorsku-slov-yansku/>

³⁹ Yablonsky V. et al (2018). Civil society in Ukraine: modern practices and development challenges. <https://dif.org.ua/uploads/pdf/6208713345c5c1bf1e52d87.86722131.pdf>

⁴⁰ Tiahlo K. (2018). Provision of social services: cooperation of NGOs and local self-governance bodies. <https://gurt.org.ua/news/recent/43120/>

⁴¹ NGO "All-Ukrainian Association "Automaidan" (2018). Automaidan will not take part in formation of the new Public Integrity Council. Retrieved from: <http://www.automaidan.org.ua/06112018.html>

effective if addressed to someone, yet, we cannot find anyone among the decision-makers who cares.”⁴²

Such stress and tension caused by the external environment reflected in repositioning of CSO relations. Some long-term alliances broke up followed by the formation of new ones. In early fall, the Reanimation of Reform Package was at the point of a break-up.⁴³ The crisis was a culmination of a slow but steady decline of perceived effectiveness. Several emblematic members felt disappointed by the growing internal bureaucracy, personal cleavages, interpretation of the political-economic context of the country. After a protracted internal reform strategy development process, the coalition was able to survive by means of changing its business model. In March 2019, it became a formal union with a more formalized structure and more restrictive membership.⁴⁴

Reforms Agenda for the President: Pieces of a Puzzle

By the end of 2018 it became evident, that the incumbent administration was not planning to solve a number of pressing issues in judicial, environmental, national security, energy and other crucial areas, at least until the results of elections were announced. The slowly crippling economic growth⁴⁵ and improved businesses environment were helping the country on the macroeconomic level but for the everyday lives citizens economic prosperity remained a farfetched goal. Ukrainians cope with very direct consequences of increasing inflation and price increase of communal services. These tangible hardships for most Ukrainians painted a dire economic situation,⁴⁶ and the course of European integration, an otherwise important determinant of voters’ choice could not counterbalance perceived and real poverty of households.

In view of the above, civil society organizations needed to use the window of opportunity for forcing the acting administration to tackle the pressing issues and initiate the dialogue with other candidates, so that irrespective of the election results, CSO priorities remain on the table. The CSO representatives repeated the same message: election season is not a time for innovation. They stated goal was to preserve the so-far reform achievements and prevent backsliding. CSOs fleshed out their expectations along thematic lines: an anti-corruption agenda was developed by anti-corruption activists, human rights defenders raised questions on human rights issues⁴⁷, an ecology agenda was developed by mostly grass-roots CSOs⁴⁸ and a “Manifesto” of women’s rights organizations was publicized.⁴⁹ All of those were developed as instruments of direct advocacy, with the goal to stress cardinal reform needs on the agenda of a newly elected President.

This was also the logic behind the anti-corruption agenda⁵⁰ announced in January 2019. Agreed by CSOs at the beginning of the new year, they rolled out their agenda when the opportunity for reaching out to the candidates directly presented itself. The agenda included only four points which were strategic for advocacy purposes. Having only four points allowed a candidate to merit

⁴² Discussion during meeting with CSOs working judicial reform sphere

⁴³ USAID/ ENGAGE (2018) Reanimation Package of Reforms Crisis Memo.

⁴⁴ Reanimation Package of Reforms (2019). RPR general meeting approved plan for transformation into public union. Retrieved from: <https://rpr.org.ua/en/news/rpr-general-meeting-approved-plan-for-transformation-into-public-union/>

⁴⁵ Heliukh M. (2018). Reforms 2018 in Ukraine: economic growth, hryvnia stabilization, market liberalization and other achievements, *UA.News*. <https://ua.news.ua/reformy-2018-v-ukrayini-zrostannya-ekonomiky-stabilizatsiya-gryvni-liberalizatsiya-rynku-ta-inshi-dosyagnennya/>

⁴⁶ Ilko Kucheriv Democratic Initiatives Foundation (2018). Monitoring 2018: main tendencies of public opinion shift. <https://dif.org.ua/article/monitoring2018-osnovni-tendentsii-zmin-gromadskoi-dumki>

⁴⁷ Human Rights Information Centre (2019). Press conference “10 hard questions to presidential candidates”. https://humanrights.org.ua/material/preskonferencijia_10_nezruchnih_pitan_kandidatam_u_prezident

⁴⁸ Ecology Agenda for the Presidential Candidates of Ukraine (2019). http://www.ecology2019.org.ua/?utm_referrer= ⁴⁹ Public Alliance “Political Action of Women” (2019). “Manifesto” of women’s rights organizations.

<https://www.facebook.com/GromadskyiAlyans/photos/a.329078317736563/329082611069467/?type=3&theater>

⁵⁰ The Anti-Corruption Agenda for candidates who run for the President of Ukraine (2019). <http://anticoragenda2019.org.ua/en>

attention to each and, agree and pledge support to – some or all – of them. CSOs aiming to advance justice sector reform adopted similar opportunistic tactics.⁵¹

The “Manifesto” of women’s rights organizations was developed by most prominent advocacy experts of Ukrainian women’s movement. It gained fast support of Ukrainian CSOs: by March it was reportedly signed by 150 organizations. The trigger for women’s rights CSOs calling of the candidates was an unprecedented attack on the women’s rights movement during a conservative forum cherishing traditional roles of women.⁵² Women’s rights activists were viewing their campaign as only half-baked for it came too late in the presidential race.

An important development towards stronger grass-roots CSO activism the way the ecological agenda was drafted. It was championed not by Kyiv-based CSOs but was scaled from the grass-roots by CSOs concerned with local environmental problems. For they believed the Kyiv elite was not concerned whatsoever with sustainable development, they took initiative to unite and raise a set of issues that are crucial for environmental protection of the country. Despite being a lengthy and technocratic document, their agenda gained traction and several candidates pledged their support to it should they be elected to the post.

Human rights defenders employed a somewhat different and innovative tactic to raise issues of their concerns. Their agenda of “10 hard questions” were drafted at the spur of the moment and – as the name suggests – were formulated in question format. Human rights groups were self-critical of their effort given their list addressed a variety of problems, unlike their anti-corruption counterparts. However, the benefit of expression of views through questions, rather than prescriptions, human rights defenders believed, was that it set the tone for dialogue and deliberation around human rights problems. And instead of accepting ready-made solutions by anyone, by signing the human rights agenda, a candidate only would confirm existence of the problem leaving their policy answers sufficiently vague not to alienate potential voter groups.

While most CSO efforts were organized around particular policy themes, two prestigious CSO coalitions chose to combine a set of topics connected loosely only under the general umbrella of European reforms. A group of historically influential CSO leaders formed a coalition of so-called Election Council of Ukraine to echo a set of much needed reforms, and the Reanimation Package of Reforms produced a comprehensive policy roadmap, an advocacy tool analogue with their past policy promotion collections.⁵³

The agenda of the Election Council was the first address presidential candidates. It was drafted by close to thirty civil society leaders. Their goal was to initiate discourse and force candidates to discern on nuanced solutions on critical reforms, such as: constitutional fundamentals, protection of human rights, foreign policy, defense and security strategy. They also “surveyed” the candidates with pointed queries, albeit in a highly technocratic fashion, stressing the need to conclude incomplete reforms. A presidential candidate, by answering the “survey” was envisioned to inform voters of their policy-oriented promises. Similarly, CSOs of the Reanimation Package of Reforms hoped that candidates would act as policy-makers and discuss in substance and depth the proposed reforms. Both aimed to host public debates with presidential candidates but were only partially successful, for candidates themselves largely ignored those invitations, sending at times only their representatives.

CSO advocacy to inform and educate voters, for the most part, proved to be effective. Candidates adapted their programs to reflect CSO demands and provided more concrete sectoral policy answers. These CSO agendas were publicly affirmed by several of the lead presidential candidates. CSOs were less effective, however, in targeting voters directly with their communication. The data of the USAID/ENGAGE Civic Engagement Poll on Ukrainian awareness about types of CSO organizations demonstrates that the products, developed by CSOs reach only a certain

⁵¹ Justice Reform Agenda for the Presidential Candidates of Ukraine (2019). <https://pravosuddia2019.org.ua/en>

⁵² Obozrevatel (2019). Forum of Family in Kyiv united the politicians. <https://www.obozrevatel.com/ukr/society/forum-simi-u-kievi-obednav-politikiv.htm>

⁵³ Haran O. (2018). Election Council UA: Agenda for the next President of Ukraine. <https://blogs.pravda.com.ua/authors/haran/5bf8420cb421b/>

percentage of Ukrainian voters. Moreover, some issues, such as judicial reform, have been struggling to reach out to a broader range of stakeholder groups. CSOs detachment from citizens' concerns was especially notable since the reform agendas promoted by activists concerned issues of livelihoods the least. CSOs with their policy advocacy attracted the attention of media, turning journalists' attention to the priorities of civil society overall, an optimistic outlook for sustainable civil society policy advocacy for the years to come.

In the next phases of the election season – during parliamentary and local government races ahead – pressure on civil society may mount further given the fierce competition for power at both the parliament and municipalities. CSOs will likely have to continue to be on the defensive in both to preserve their hard-fought playing field and to prevent reform backsliding. In view of the yet coming elections, Ukraine's civil society will need to exhibit razor-sharp focus on critical issues to keep Ukrainian policy-makers on track of a set of complex social and political transformations. With depleted resources and continuous attacks, it remains to be a question whether civil society is up to the task.