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*To what extent do NGOs play a  
role in the building of the Ukrainian  
nation during the Orange revolution  
(2004)?*

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## Chapter 1. Introduction

*'It must be considered that there is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle, than to initiate a new order of things. For the reformer has enemies in all those who profit by the old order, and only lukewarm defenders in all those who would profit by the new order, this lukewarmness arising partly from fear of their adversaries, who have the laws in their favour; and partly from the incredulity of mankind, who do not truly believe in anything new until they have had actual experience of it.'* (Machiavelli, 1950: 21)

*My research will scrutinize the phenomenon of the Orange Revolution as well as the connection between the Revolution and transformation on the way to building the state in Ukraine with respect to nation building and the place of NGOs participation in it.*

*The situations which eventuated after the presidential elections (2004), brought to the dissatisfaction among the people, living in Ukraine, with the old regime (old order), and flew out into a revolution. In order to reveal the problem of the caused discontent, I aim to interpret and enucleate the nature and spirit of the revolutionary Ukraine at that time (2004) when wishes and desires of people to live in a good-governed democratic state exceeded the rule of totalitarian order. Furthermore despite all possible obstacles placed in the way to democratic transformations and state-building without despotism and cruelty, several observers have noted that the so-called "Ukrainian people (42.1% of the Ukrainian population)" (Stepanenko, 2006) did not stop before the threat of possible bloodshed as the main fighting idea was to save Ukraine from the total misrule and disorder caused by corrupt authority and officials. Additionally, I will focus on the playing role of NGOs in the formation of the civil society in Ukraine. The important issue of the democratic transformations of the country, as I seek to show in this thesis, lies in the relationship between building of the strong civil society and Ukrainian nation as the last one was often violated during the time span from its independence (1991) until the beginning of the Orange Revolution (2004). Hence, Orange Revolution brought new order in the "great power", causing the drastic alterations in the field of democratic reforms and waking up the people's belief in resolute fortitude on the way to building the democratic state and strong civil society. Moreover, I will investigate the situation of the society in Ukraine and challenges it faced during the revolutionary period.*

*Finally, the research will arrive at a conclusion concerning the Orange Revolution and its role in building a nation within a democratic state. The inference of the investigations seems of great importance as Ukraine now is often conceived to be on its way to building a sturdy nation, a momentous driving force of this appears a strong democratic state that is organized around democratic principles.*

## **1.1 Background**

### **The Orange Revolution, civil society and nation-building in Ukraine**

The Orange Revolution (2004), it is often argued, has begun a new epoch in Ukrainian history wherein the Ukrainian nation proved its power and wishes to breathe again and break the old undemocratic system flail, which kept Ukraine confined since soviet times. This significant event is of great importance for Ukraine as it changed the course of history of the country. Scholars have stressed that starting from the proclamation of its Independence in 1991 till the Orange Revolution in 2004, Ukraine has gone through serious political transformations. Since 1991 the country was ruled by the President Leonid Kravchuk “who brought only chaos in the country” (Åslund, McFaul, 2006: 11). After he was replaced by Leonid Kuchma (1993), who led Ukraine even to worse mood; and, consequently, by the end of 1999 “the country seemed stuck in the morass of corrupt state monopoly trading” (Åslund, McFaul, 2006: 13). Corrupted practice became widespread as the president violated law continuously and “resorted to old communist-style telephone orders” (Åslund, McFaul, 2006: 16). Several scholars have noted that unfortunately Kuchma with his oligarchic surroundings were not concerned “with steady decline in the gross domestic product, but were worried about their possible loss of power” (Åslund, McFaul, 2006: 14). The only “credible economic politician to be found” was Viktor Yushchenko skilfully running the central bank of Ukraine for seven years. He managed to “raise the annual revenue turning the deficit of the budget in 1999 to a surplus in 2000 as well as reduced the state’s foreign debt” (Åslund, McFaul, 2006: 13). As the result of this, Ukrainian economy raised up in 2000 comparing to the previous years. The after-effect of this resulted in a break of old spurious system of ruling as well as creating the “free-market economy principally with private ownership” (Åslund, McFaul, 2006: 14).

Observers have furthermore noted that the next important step in the political history of the country was the parliamentary elections in March 2002 where “Viktor Yushchenko leaded a broad coalition in an electoral block of liberal, nationalist, rightiest parties running against Kuchma and his oligarchic regime” (Åslund, McFaul, 2006: 15). Among the opposition, there were “Our Ukraine”, “Yulia Tymochenko Bloc”, “Socialist Party” and “Communist Party”. Besides, “Our Ukraine” and “Communist Party” were apart in their views and consequently “bribery and corruption broke the majority of opposition” (Åslund, McFaul, 2006: 15). Consequently, the new parliament turned to be “more oligarchic that ever” (Åslund, McFaul, 2006: 15). Hence, Ukraine was expecting for the new Presidential elections in 2004.

The question arises whether the fact that the Orange Revolution actually happened signifies the force of a large proportion of the Ukrainian nation or whether it might be considered as a struggle of the people for building a strong civil society. Several observers have stressed that civil society is a challenging problem for Ukraine and have identified it as one of the causes of the prolonged character of the Ukrainian democracy building process after the collapse of the Soviet Union. Therefore, the issue of democracy building as well as the topic of civil society faces huge challenges nowadays. Taking the particular case of democracy building in Ukraine, the question arises – what does it mean to be democratic state, especially on the terms of decades of totalitarian rule? According to Tilly “regime is democratic to the degree that political relations between the state and its citizens feature broad, equal, protected and mutually binding consultations” (Tilly, 2007). Additionally, Robert Dahl stipulates five process-oriented criteria for democracy. Here he presupposes: “effective participation, voting equality, enlighten understanding, control of the agenda, and inclusion of adults” (quoted from Tilly, 2007 by Dahl). It turns out that adults means the full rights of citizens taking part in the decision making process. This issue will be further explored in the next chapter.

It is argued in this thesis that the Orange Revolution further generated the democratization process of Ukraine and the development of civil society after the collapse of the Soviet Union. Authors have stressed that there was “no civil society in the former authoritarian Soviet Union” (Stepanenko, 2006). Tyranny and despotism destroyed it. As it is argued by Isajw (2004) “civil society can exist only when societal self-organization functions independently of the state though cooperating with the state, and the public opinion is expressed through the free media influencing the decisions of

the state”(Isajw, 2006). Scholars have noted that civil society is often a driving force in the struggle against authoritarian regimes, like the one that Ukraine had before the Orange Revolution. Consequently, civil society plays a significant role in democratization process and promotion of reforms within the countries of post-soviet space.

The plentiful debates existing around the issue of civil society in post-communist states, argue about the strength or weakness of this sector. Hence, Ukraine is not an exception. Starting from country's independence in 1991, the discourse on civil society generally comprises two opposite positions. The first one points out that civil society in post-communist Ukraine was/is weak, and the other one declares it was/is strong and resilient (Stepanenko, 2006). The above-mentioned issue of civil society is interconnected with the notion of democracy as the democracy is closely linked with the existence of energetic civil society, which influences the decision-making process in the country. As Padgett (1999) sums up the issue, “association was initially ascribed a key role in democratic transition” and that “civil society reconstitutes itself through a profusion of an associational activity accompanying democratization.”

And yet, as Stepanenko has stressed, Ukrainian civil society today is characterized by the presence of non-democratic elements; having no empowerment which is distinguished as powerless, having no means of voice yourself, contest, oppose; comprising poor social activity and, consequently, it can be perceived as violated, abused, kept small, damp and destroyed. Unstable civil society is defined by weak NGOs, “atomized and often isolated from a larger society mainly because they are not yet self-sustainable” (Stepanenko, 2006). Nevertheless, if Ukraine is to be democratized, the NGOs should perform the function of merger, consolidation of citizens, society and the state as well as act like a tool for achieving individual, collective and state goals, initiate improvement of social life.

Taking into consideration the time frame from 1991 till 2004, the civil society issue was hardly brought up at all (Stepanenko, 2006). Its development was very problematic after the collapse of the Soviet Union. For example, the problem of ethnic minorities in Ukraine appears to be a challenging one since it goes hand in hand with ethnic violence, whereas civil society cannot tolerate it and can only exist under the rule of law. When the rule of law is not functioning, then one can define civil society as weak and torpid. The frailty of civil society in Ukraine can be illustrated by unwillingness or unawareness of citizens how to defend their interests. The most significant one that

Stepanenko mentions is low participation of Ukrainians in political activities because of the widely shared opinion of impossibility to influence politics and “lack of trust from the broad public to civic and political organizations” (Stepanenko, 2006). Another important issue is an unawareness of citizens how to create associations or unions which can be essentially helpful in resistance to monopolistic actions of the state in different spheres (social problems, housing issues, price regulation etc.) As Stepanenko states “according to monitoring data, in their free time Ukrainians prefer to watch TV (83% of the respondents do it at least once a week), go to visiting or welcome guests (88% pointed to this as a part of their weekly routine), have just a rest doing nothing (41%), participate in public activity (less than 4%)” (Stepanenko, 2006).

The weakness of Ukrainian civil society is often considered to be a result of the tendencies taking place in modern Ukrainian politics. Referring to the political elite, several observers have noted that it is beneficial for them to keep people controlled by providing them specially created information to raise desired public reaction. However, oppression in the establishing of civil society is caused by lack of information, which people could use to find out how their voice can be significant. In Ukraine barely 20% of population knows their rights are and the way to protect them. Scholars have stressed that, today, Ukraine faces a challenge to enhance the freedom of, and access to public information. “The actions of many government authorities in Ukraine are neither public nor transparent and policies are not developed in consultation with the general public” (Zaharchenko, Holdar, 2000). Furthermore, it has been argued that “some authorities are not enthusiastic in widening public involvement – a new practice in Ukraine” (Zaharchenko, Holdar, 2000). Additionally, many government officials “lack the knowledge and expertise required to make public hearings an effective and helpful tool for policy making activities” (Zaharchenko, Holdar, 2000).

Several observers have pointed out that the practice of forcing the citizens to vote for a particular candidate became popular between rich political parties demanded from the people to take photo of their ballot paper with the mark in front of favoured candidate and in return they pay up to 20\$. This example constitutes the absurdity of ‘democracy’ in Ukrainian way, in other words a perverted one. Such were typically discovered during the Presidential elections in 2004 in the eastern part of Ukraine, Parliamentary elections 2006 and early Parliamentary elections 2007 and in this way they witness that civil society is being kept weak and controlled. Freedom of speech, for instance, is under control. Scholars have stressed that, in 2004, this situation was highly



problematic, because of mass media being in private property and consequently the provided information represented only political force interests supported by the owner. Especially this problem was very keen in times of the Orange revolution (fall 2004). The most significant case happened after the second round of presidential elections (2004) when one of the biggest national TV channels “Inter” arranged the ceremony to congratulate Victor Yanukovych as a winner, while the results were not announced officially. That was all a matter of control violating the freedom of speech.

Many scholars note, that the momentous peak of the nontransparent Ukrainian power in an independent Ukraine was the murder of the Ukrainian journalist Heorhiy Gongadze<sup>1</sup>, who had objective and scrupulous view on the political situation in Ukraine, investigating the corruption and politically sensitive issues in Ukrainian politics. This serves as a bright example of the putting all possible obstacles in the way to democratic transformations and building the strong civil society in a country.

Moreover, several scientists consider no less striking problems in the development of the Ukrainian *language* in the *nation building process*. It is important to emphasize that language plays a key role in self-identification as it is potentially a symbol of one’s distinctiveness. For Anderson (1999), language is viewed as a “crucial element in the construction of nations” (Anderson, 1999). Hence, it is worth stressing that the most painful question is an oppression of Ukrainian language in the Eastern part of Ukraine and Crimean Republic when in 2003 year 36 Ukrainian schools were closed in favor of schools with Russian language of education. Moreover, according to the official information provided by radiosvoboda<sup>2</sup> “pro-russian activists demand to close the only one Ukrainian gymnasium in Simferopol, trying to disrupt the studying process”. Such attempts often take place in the Eastern and Southern parts of Ukraine, which threaten with the preservation of law and order.

NGOs are linked with civil society issue, as they must play a significant role in building the nation and propagate the language. According to Stepanenko, “NGO network can be considered an important structural dimension of a civil society” (Stepanenko, 2006). However, unfortunately, Ukrainian NGOs turned out as small in size, fragmented organizations, often unable to influence effectively the policy processes in the areas of its activities. They easily fall under the influence of various private interests or the authoritarian control of government officials. Nanivska argues,

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<sup>1</sup> <http://www.kyivpost.com/nation/45750>

<sup>2</sup> <http://www.radiosvoboda.org/content/article/969264.html>

“NGO sector in Ukraine is small” (Nanivska, 2001). Consequently, active sharp discussion on the role and place of civil society and NGOs remains a topical issue. Being so interweaved, one has to differentiate what is civil society and how does it work. To clarify this, it is possible to characterize the notion of a *civil society* like a system of coordinates, where the problems are solved by consensus and where even the weakest voice is heard and taken into account when making decisions. It is formed as a result of citizen’s self-organization for Human Rights protection and realization of a variety of interests, and being created by their respective institutions and organizations, which provides a combination of individual and common interest. Citizens’ self-organization is one of the necessary conditions of formed civil society. Accordingly, the power of country population to self-organization can serve as a sign by which one can judge about the possibility of development of civil society in this country.

*NGOs participation in public policy making process.*

It is importantly to mention that the cooperation between NGOs and political parties is actually quite natural, because they used to be citizens associations. NGOs must keep the mechanism of regular consultations with party leaders, involve in lobbying activities at the central and local legislative power. Regarding from this, combination of their efforts, based on certain principles could be extremely useful for strengthening civil society. Non-governmental organizations (NGOs) should make a significant impact on methods of political parties, namely to interact with politicians, who belong to political parties on issues that concern NGOs; rely on the media in bringing issues of concern to NGOs, to political parties, consult political parties with their latest development policies and programs.

Before the coming elections, some public organizations both civic organizations and those which do not have in their statutes goals to support a political party are starting to agitate and work actively. This is more like making money on the merits. In addition, there are NGOs that are members of the party or youth wing parties. Therefore, considering the leading public organizations, one should clearly distinguish between the organization, which are formally public, but actually their activity is political, and community organizations, which specialize in their activities, gradually converted to business. It turns out from the above mentioned that the real separation of political parties and public organizations is required so that to the last mentioned could create powerful and mighty third sector, which is an indispensable institution and constituent of civil society.

It turns out from the above-mentioned, that NGOs could potentially play a momentous role in implementing the principles of democratic governance through the promotion of participation in political processes, taking part in political education, speaking for the reporting and transparency of the political process, unmasking corruption among politicians, ensuring fairness and openness of the electoral process.

## **1.2 The research**

Current research is framed in terms of research questions that according to Punch (2006) lead to an effective model of the research process (Punch 2006: 16). Since the topic of civil society is quite broad, this paper investigates it from a so-called “governance perspective”. According to Stoker, “governance signifies a change in the meaning of government, referring to a new process of governing; a new method by which society is governed” (Stoker, 1998). Additionally Stoker refers governance “to the development of governing styles in which boundaries between and within public and private sectors have become blurred” (Stoker, 1998). To put differently, the governance perspective, as it is used in this master thesis, presupposes the interaction of multiple actors influencing each other. As my research is aimed at investigation of the governance phenomenon, I will elucidate the peculiarities of governance issue in Ukraine, concerning how NGOs play a role in decision making processes in nation-building trajectories. Moreover, I will show the connections between the civil society and nation-building process in the country.

Further, since civil society is a general concept, which embraces a wide array of questions and issues, the master thesis dwells upon the NGOs development in Ukraine and I will analyse civil society as a sphere through which the Ukrainian nation could be built.

### **1.2.1 The research questions**

The *central research question* is formulated as follows: “To what extent do NGOs play a role in the building of the Ukrainian nation during the Orange revolution (2004)?”

In accordance, the *research sub-questions* are subsequently developed as:

1. To what extent does the Orange Revolution influence nation building in Ukraine?

Orange revolution was the crucial moment in Ukrainian history, which brought to significant changes in the country. The Ukrainian nation could not resign to the existed tyrannical regime and control from the side of government and authority. In consequence of unwillingness of the people (*42.1% of the Ukrainian population*) (Stepanenko, 2006) to stay “slaves” for the power, the revolutionary movement burnt among the people calling for the unifying the nation against the corrupt totalitarian regime and the government’s resignation. Hence, the new spirit of revival sprung out and the day of 22 November 2004, the beginning of a “chain reaction” of mass manifestations against a brutal violations upon the procedure and results of the presidential elections in Ukraine, is “cheered as the birthday of a civil society and of a political nation in the country” (Stepanenko, 2006).

2. What role did NGOs play in the Orange Revolution in the project of nation-building – NGOs promoting nation-building?

Before Ukraine’s independence in 1991, public participation in civil society organizations was very low and the mechanisms and procedures of citizen participation did not work due to the absence of clear idea about the role of societal organizations in public policy process. During the “Soviet period so called “public engagement” took place, however public meetings and demonstrations were controlled by the state, Nanivska (2001) notes. In contrast, during the Orange Revolution period the situation changed completely and public was entirely engaged in the transformation of the old nation-ruining system and bent their supreme efforts in regenerating the common Ukrainian national unity. In its turn, NGOs played a crucial role in both revival and rebuilding the nation indispensable to promote the democratic principles among the public.

### 3. What are the peculiarities of the process of self-organization in post-soviet Ukraine?

After the collapse of the totalitarian Soviet State and proclamation of the Independence of Ukraine in 1991, “basic democratic rights including freedom of speech, freedom of information, the right to associate, etc. were recognized in the newly independent Ukraine” (Zaharchenko and Gilbreath Holdar, 2000). Consequently “the national law “On the Unions of Citizens” was adopted in the newly independent Ukraine in 1992 and became a catalyst for the rapid growth of civil society organizations” (Zaharchenko and Gilbreath Holdar, 2000). Additionally, another law was adopted by the Ukrainian government 16.06.1992 about “Associations of Citizens” regulating the “procedure of exercise of citizens' constitutional right to free association.”<sup>3</sup> Therefore, people could have an opportunity to form organizations and associations that were free, open and uncontrolled by the state.

### 4. Role of democratic transformations in creation of a strong civil society.

The momentous and important explosion of the majority of the Ukrainian population activism during the Orange Revolution period inspires the researches to investigate the issue of post-communist transformations in the post-Soviet region Ukraine in particular. “The “chain reaction” of mass manifestations against a brutal procedure and results of the presidential elections is already cheered by some reporters as the *birthday* of the civil society in a country” (Stepanenko, 2006). However, civil society faces certain challenges due to the lack of developed modern traditions and practices as well as historically stable democratic institutions enabling systematic public political and social engagement. These challenges put enormous obstacles on the way to democratic transformations such as “emergence of private commercial activity alongside the official state apparatus, increase in organizational activity in the private economy sector, regime change, political and economical reforms” (Padgett, 1999).

### 5. What are the problems nation-building faces today?

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<sup>3</sup> Law of Ukraine of 16.06.1992 № 2460-XII On Associations of Citizens

Discrystallized Ukrainian identity as well as certain estrangement on the mental level of the Ukrainian regions are the main obstacles on the way to transformation of the Ukrainian society. The nation-building process has, of course, a deep historical character and results in an incompleteness of cultural as well as spiritual and political process' in Ukraine. Thereto one can relate the absence during a long historical period of time the development of the Ukrainian state, which at the end has almost stopped the state-building tradition as well as its political elite enabling to build its own state and restore its nation. Nevertheless, the problem of political elite as well as the social-economic one result in nation-wide problem.

It appears, for 18 years of the Independence since the collapse of the Soviet Union, that the Ukrainian government has not issued any act regarding the revival of the nation, which turns to be a serious gap in the activity of the government in the process of assisting the revival of the nation. Also, many NGOs involved in nation-building activities have stressed that Ukraine faces a language problem caused by political emulations. Furthermore, it has been widely noted that the problems of division of Ukraine into two parts and the difficulty of developing into a modern nation-state are serious, while 'political games' on cultural differences have typically become a habitual instrument in political technologies during the election periods.

### **1.2.2 Position of the research within the body of literature**

In general, the study sits in line with the main trends in the literature on civil society and democratization and nation-building in Ukraine, seeking to generate and extend these trends by means of clarifying the main notions and concepts as well as bringing them to the main answer for the research question. However, the investigation adds novelty into the existent research on civil society organizations activity in post-communist states in that it explores the NGOs role in post-revolutionary context (Ukrainian Orange Revolution in this case).

As to civil society activity in independent Ukraine, Ukrainian scientists translate findings and developments of foreign scholars and explain its importance in democratization process. Some authors adjust international scientific works-out to

indigenous context and suggest ways in which it could serve as an auxiliary to push reforms forward and provide effective policymaking.

For instance, Korzhenko and Nikitin in their article (Korzhenko and Nikitin) promote development of new principles of cooperation between local authorities and civil society organizations as a methodological background for good governance in Ukraine. Other academics investigate the role of civil society in decision making process in the country (Levchenko; Isajw, 2004); civic ethos in the framework of corrupted sociality (Stepanenko, 2006); development of the NGO sector in Ukraine, its financial support and sustainability (Maksymenko, 2006); dialogical (dialog with citizens and civil society) model of public administration (Nikitin); governance in light of globalization and public administration (Radziyevskyy); European standards of good governance and ways of its implantation into executive branch activities of Ukraine (Aver'janov, Derets, Puhtetskaja, 2006a, 2006b).

My research is of particular interest as it brings the freshness in the study of nation building process. The phenomenon of renewing the nation turns to be challenging in Ukraine. During the years of Ukrainian independence, almost nothing was done from the side of the state to promote nation in the country. The fact confirmed by the absence in the Ukrainian legislation any law concerning the development of the Ukrainian nation. However, such scholars as Kuzio and Goshulyak, investigated the issue of nation building in post soviet countries. Importantly, my investigation is based on the interdependence of nation building process with the existence of a strong civil society. However, nation building process still faces some peculiar problems nowadays. Additionally, I proved in my investigation that the nation building process is dependent on the governance process. Consequently, the relations of civil society actors within the governance process are demonstrated.

### **1.2.3 The structure of the research.**

In order to provide comprehensive answers to proposed research questions, the investigation is structured accordingly.

Chapter 1 presents the introduction to the research disclosing the main investigation problem, its peculiarities and particularly parts which are needed to be explored sufficiently in order to find out the answer to the question. Furthermore in my

research briefly are discussed problem statement following with the literature review, research questions with their elucidation; research strategy as well as the structure of research.

Chapter 2. In order to acquire a deep understanding of the topic under investigation and provide clear theoretical background necessary for conducting further analysis, the Chapter provides theoretical framework consisting of theories and concepts utilized in the project. It touches on the governance issue – the shift from government to governance, appearance of different societal actors in public policy making – with a special attention to civil society organizations and specifically NGOs. Various scientific viewpoints regarding the concepts of civil society and NGOs are analyzed here.

Chapter 3 provides methodology of current research, in particular, the research strategy, the research method, procedure of data collection and consequently the technique according to which the data is analyzed. Here I am conducting the qualitative investigation with intertwining of the data collection, analysis and the main theory.

First, the historical analysis is conducted since the roots of the complications within NGOs development in Ukraine lie back in the Soviet Union and Ukrainian history, existing political regimes, etc. For this matter, media resources, scientific outputs of domestic and international academics, as well as compare domestic and international statistics on NGOs are used.

Further follows the analysis of Ukrainian legislation (documentary analysis) directed towards NGOs in the independent Ukraine including the post-revolutionary period. The problems and challenges NGOs face today are revealed through legislative shortcomings as well as governance gaps in Ukraine. The role of the NGOs in the Revolution is to be disclosed by means of making inferences from the already done investigation on self-organization peculiarities in Ukraine as well as on legislation gaps towards NGOs.

Chapter 4 embraces directly the analysis of my research. Here it provides decisive inferences and answers to the research sub-questions of the thesis. The answers of the research questions are provided by means of conducted analysis of such notions as NGOs, nation-building process in Ukraine as well as the interdependence of different actors taking part in the governance process in the country. This chapter provides the conclusion regarding the existence of civil society and its cooperation with the government in order to provide good governance process in



Ukraine. The interconnections of civil society actors is scrutinized and demonstrated in a scheme. Notwithstanding, the main democratic principles such as accountability, responsibility, transparency, responsiveness, participation are shown with regard to building the nation within a strong civil society. Additionally, the connection between the Orange Revolution and nation-building process is lightened from the perspective of democratic transformations as well democracy building process in Ukraine.

Chapter 5 renders the answer to the central research question as well as made conclusions of the current research. Besides that, the chapter provides inferences on connections of research results and theory and carries further recommendations concerning civil society organizations development in Ukrainian state.

## **Chapter 2. Orange Revolution, Nation-Building through democratic transformations, and civil society**

*This chapter provides a theoretical framework consisting of theories and concepts utilized in the project in order to generate and evolve scientific background according to which the role of NGOs on formation and functioning of civil society in Ukraine as well as nation-building process during the period of Orange Revolution are analyzed. Specifically, the following issues of democratization process, state-building, nation-building process are expounded and the connection between the Orange Revolution and nation-building process is clarified.*

*In order to reveal the concept of strong civil society and NGOs under the rule of law, I analyze them from the perspective of democratic transformations taking place during the revolutionary period in Ukraine. Furthermore, I arrive at sufficient framework of interconnection between democratic transformation principles and building of strong nation in a country under the influence of the revolutionary events in 2004. Hence, the civil society concept is examined, particularly, its appearance, evolution, and topicality until nowadays. Since the scientific debates around civil society issue are quite intense, but there is still no common agreement about its definition and content, various scientific viewpoints are generated and analyzed.*

*Taking into consideration the ideal character of the notion of civil society, the role of NGOs on its strength and democratic transformation influencing the nation-building process in Ukraine, the scientific roots of the concepts are explored in order to reveal their primary scientific meanings, evolution and notion of strong nation. Furthermore, the paper investigates the nature of democratic principles implemented after the revolution.*

*Consequently, the chapter arrives at constituents of causal connection between the quality of civil society and NGOs participation in nation-building process during the Orange Revolution, which is further utilized as a fundamental theoretical background against which the methodological basis is derived for subsequent analysis of Ukrainian civil society in the project of nation-building process taking place within the democratic principles.*

### **2.1.1 The concept of revolution.**

According to Arendt, “the aim of revolution was, and, always has been, freedom” (Arendt, 1999: 11). Additionally, revolutions “did not exist prior to the modern age; they are among the most recent of all major political data” (Arendt, 1999: 11). In line with mentioned, Walt defines revolution as a “destruction of an existing state by members of its own society, followed by the creation of a new political order” (Walt, 1996:11).

Consequently, revolution creates a new state “based on different values, myths, social classes, political institutions, and conceptions of the political community” (Walt, 1996:12). Furthermore, Walt distinguishes two different types of revolutions, “first, mass revolutions (revolutions from below), and second, elite revolutions (revolutions from above)” (Walt, 1996:12). Consequently, in mass revolutions the old regime is swept away by means of active political participation of individuals or groups of individuals that were “marginalized or excluded under the old order” (Walt, 1996:12). In contrast, in elite revolutions, the regime is being changed by the state elite, “who become convinced that the old order can no longer exist” (Walt, 1996:12).

My investigation highlighted the mass revolution in Ukraine caused by the groups of individuals, who were not satisfied with the old regime. Consequently, the mentioned dissatisfaction burnt into a wide range of revolutionary protests. According to Arendt, “the theory of revolution can only deal with the justification of violence, because this justification constitutes its political limitation” (Arendt, 1999:19). It turns out that “violence plays a predominant role in revolutions” (Arendt, 1999:19).

Arguing about revolutionary ideology, Walt believes that “revolutionary states cause war by deliberately trying to export their ideological principles to other countries” (Walt, 1996:8). Furthermore, Walt states that interpretation of revolutionary policy is especially popular among the revolutionary state’s opponents. Additionally, He states that “During the French revolution Edmund Burke argued that England was at war with an armed doctrine, just as U.S leaders blamed the expansion thrust of Soviet foreign policy on the revolutionary ideology of Marxism-Leninism” (Walt, 1996:7). In line with standing, Walt believes that “war is seen as a direct result of a revolutionary regime” (Walt, 1996:7).

Walt concludes that revolutionary states behave with restrained and are as often the victims as the initiators of aggression. Walt states that “French foreign policy was

fairly passive from 1789 till 1792; Soviet Union generally avoided significant conflicts or international commitments until the eve of World War II" (Walt, 1997:7). An important issue to mention is revolutionary personality. Here it goes about the personality of revolutionary leaders, who "tend to be self-confident, ruthless individuals who have risen to power precisely because such personal traits are valuable assets in revolutionary situations" (Walt, 1996:10).

Considering the specific process, by which revolution occurs, vary, but nearly "all the revolutions exhibit certain common features" (Walt, 1996:20). Here it means the administrative and coercive capacities of the weakened state by a combination of "internal and external challenges" (Walt, 1996:20). Second important feature lies in the explosion of political activity. To recapitulate, the activity conducted by the individuals, marginalized under the old regime. Furthermore, the revolution activity produces some temporally damage, however its harm effecting the state for a short term.

Walt states, "in a revolution, the old ruling elite is replaced by individuals committed to different goals and infused with a radically different worldview" (Walt, 1996:22). Additionally, he argues, "when a revolutionary movement takes power, therefore, its ideology shapes both the preferences of the new regime and its perceptions of the external environment" (Walt, 1996:22). Therefore, successful revolutions are rare. "because even weak and corrupt states usually control far greater resources than their internal opponents" (Walt, 1996:22).

Arendt states that "the word *revolution* originally means *restoration*" (Arendt,1999:43). Furthermore, the revolutions of the eighteenth and seventeenth centuries intended to be restorations. Now we may perceive revolutions as the attempts of destruction of the existing state regime, followed by a creation of a new order. Consequently, in a case with Ukraine, the Orange Revolution can be perceived as a attempts of the people (groups of individuals taking part in the revolution) to destroy the old order in order to bring the new one.

### **2.1.2 The Orange Revolution**

‘Razom nas bagato! Nas ne podolaty!’ (‘Together, we are many! We cannot be defeated!’) – this song was spread rhythmically through the hundreds of thousands of Ukrainians that filled Kiev’s Independence Square during late 2004. “Emerging from a sea of orange, the mantra signaled the rise of a powerful civic movement, a skilled political opposition group, and a determined middle class that had come together to stop the ruling elite from falsifying an election and hijacking Ukraine’s presidency” (Karatnycky, 2005). Therefore, on the 22 November 2004 the Orange Revolution has begun.

The name “Orange” comes from the colour of Yushchenko campaign in the summer of 2004 (Åslund, McFaul, 2006:3). At the outset of the Orange Revolution, Ukraine was ruled by three main rich oligarchic groups, which had close connections to the former President Leonid Kuchma. Furthermore, the mentioned oligarchic clusters owned Ukrainian mass media, functioned in Parliament and enjoyed the benefits from the governmental advantages and benefits (Åslund, McFaul, 2006:9).

According to Gunning and Holm (2006), the “Orange Revolution may hardly be perceived as an act of nihilistic destruction of the rule of law because it was triggered by a denial of one of the most fundamental constitutional rights – a right for free and fair vote” (Gunning and Holm (2006: 266). Protesting crowds of people demanded radical changes to the existed political totalitarian regime. Notwithstanding, the revolution was not a surprise, as the people were not satisfied with the old totalitarian regime. However, the enigma of the revolution enclosed a peaceful movement “without bloodshed” (Åslund, McFaul, 2006:9).

Another important issue of the old regime in Ukraine was the connection between Ukrainian President and the oligarchs, many of them served as the presidential advisors or took senior positions in the presidential administration. Next we can see in Plato’s statements that “in an oligarchy two things may happen to spark a revolution: the first being the ruler and their offspring grow to be weak rulers and too sympathetic, the second is that the number of poor grows larger and suffer exploitation at the hands of those in power over them (quoted from Hacker, 1961:64).

Additionally, Hacker identified revolution with a “fundamental shift in thought”<sup>4</sup>. In other words it can be clarified as a move or change in believes which may result in a

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<sup>4</sup> <http://jroberts.blogs.com/letters/2007/11/platos-revoluti.html>

change in power in a short period. Consequently, it is clearly notable and understandable that, due to economic and political instability, corruption in all spheres, moral panic among the Ukrainian citizens, dissatisfaction with the tyrannical regime, absence of rule of law brought to the new fighting inspiration against disorder in all fields of living among the population. Resulting from this, the revolution (2004) took place in Ukraine giving a convincing answer to the fundamental question: *Can the Ukrainian nation build a modern independent democratic state?* Presence of million people in Independence Square in Kyiv, “the streets and squares across the country, their patriotism and tolerance, peace and decent character of protest, respect for the rule of law proved that Ukrainian nation is alive and citizens showed responsibility and ability to determine democratically their own fate and destiny of the country”<sup>5</sup>. The main Square of the country made Ukrainian citizens to see themselves and their country in a new way, its history and future.

It is often mentioned by observers of the Orange Revolution that by the autumn of 2004, the duration of independence and the integrity of the Ukrainian state were the only visual grounds for optimism in assessing the future. It is worth mentioning that during all the recent Ukrainian history, the country has never existed so long. The Ukrainian People’s Republic authorities (Central Council and Directory) existed for two years, the Ukrainian Hetman Skoropadsky<sup>6</sup> State and West Ukrainian People's Republic only up to 7 months each.

The fact of lasting stability in Ukraine can be explained only by the will of the overwhelming majority of citizens living in an independent Ukrainian state. By that time 14 years of independence witnessed that, the results of the referendum on 1 December 1991 were not coincidence. The process of the Ukrainian political nation formation continued, however held in very difficult conditions.

Although during the most critical moments in its political development (the declaration of Independence, the adoption of the Constitution, the presidential elections in 2004), Ukraine makes a choice for independence and democracy. This fact favorably distinguishes it from the most post-communist countries, which development is, similar to Ukraine, marked by linguistic and ethno-religious divisions in society. Many of them, unlike Ukraine, are seeking a way to establish internal stability through authoritarian

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<sup>5</sup> <http://statti.blogspot.com/2004/12/orange-revolution-through-eyes-of.html>

<sup>6</sup> [http://www.absoluteastronomy.com/topics/Pavlo\\_Skoropadsky](http://www.absoluteastronomy.com/topics/Pavlo_Skoropadsky)

regimes and limitations of democracy. The Orange Revolution created new opportunities for national unity.

Furthermore, the year of 2005 has opened a new stage in modern Ukrainian nation-building process, which requires an adequate evaluation. On the one hand, Ukraine has long-term historical trends that are acting under the new conditions of strengthening the country as a stable nation state. On the other hand, the Ukrainian authorities and Ukrainian society facing the problems that has generated new political environment and which are making serious challenges for the further consolidation. Nowadays, significant room for a new social compromise remains in Ukraine. It is difficult to predict and analyze all the factors that influence the formation of a national consensus. They can be either elections to Parliament or the implementation of political reforms, winning of the Ukrainian athletes or successful artists. However, the aim of the political, economic, social and humanitarian strategies of the country does not only lie in achieving the short-term goals, but also in working on the strengthening the unity of the country and national consolidation.

### **2.2.1 Nation-Building through democratic transformations**

In the twenty-first century, in the era of global capitalism after the collapse of Soviet communism, a post-Soviet nation cannot be legitimately built without democratic transformations within the country. When we discuss nation-building today in a post-Soviet setting, then, we must also discuss democratic transformations. Democratic transformation is still something different from democracy: democratic transformation is the movement from a non-democratic (like Soviet) state to a democracy. Charles Tilly (2007) in his book *Democracy*, states that “democracy ...a certain class of relations between states and citizens, and democratization and de-democratization will consist of changes in those sorts of relations” (2007: 12). Furthermore Tilly argues about the degree of democracy as the “extend to which the state behaves in conformity to the expressed demands of its citizens”. Additionally he states about the concepts of democratization and de-democratization meaning extends to which the “conformity is increasing or decreasing”. Hence it turns out that the country keeps a democratic style of governance when the political relations between the state and its citizens bear the feature of broad, equal, protectoral mutual consultations while in de-democratization

style of management the connection between the state and the citizens is narrow, unprotected and less binding.

According to Green, “the changes, through democratic transformation, mean the changes towards more democratic form of community” (Green, 1999:35). Furthermore, he argues about the main features of democratic transformations as “mutual respect, cross cultural conversation, practical cooperation, and democratic peace” (Green, 1999:47). Considering the fulfillment of the democratic principles within the democratic transformation process, I address to Green, where he states “democratic transformational process needs to develop broadly useful models for collaborative social inquiry, contributing to social transformational process; creating of effective, value-reflective tools of democratic social inquiry and citizen-to citizen communication for real communities to use in their transformational process” (Green, 1999: 49).

Robert Dahl stipulates five process-oriented criteria for democracy, they are:

- *Effective participation*, which means the participation of all the members of the association concerning some particular policy;
- *Voting equality*, every member must have equal opportunity to vote and all voters must be counted as equal;
- *Enlightened understanding*, which presupposes the equal opportunity for learning about the relevant alternative policies and their likely consequences;
- *Control for the agenda*, meaning that all the members must have the exclusive opportunity to decide how and what matters are to be placed in the agenda;
- *Inclusion of the adults*, here adults mean the citizens must have all the rights implied by the first four criteria (quoted from Tilly, 2007:9).

Furthermore, Dahl’s principles such as “free, fair elections, freedom of expression, alternative sources of information, associational autonomy, and inclusion of citizens” (quoted from Tilly, 2007:10) turn to be the main principles, which have to be observed in a democratic state.

Consequently, in an undemocratic state such notions as nation-building and civil society cannot exist when the rule of law; human dignity; social equality and respect for the individual within a community; and majority rule are not observed. All these principles are the values of the European Union.



### 2.2.2. The issue of democratic legitimacy

Notwithstanding, over the past years “many authors have claimed that the EU suffers from a so-called *democratic deficit*” (Vries and Rosema, 2007). Here it goes about the question of legitimacy of the power, distinguished according to Beetham and Lord (1999) legitimate to the extent, that the power is exercised accordingly to the “established rules (legality); the rules are justifiable according to socially accepted beliefs about the rightful source of authority as well as the proper ends and standards of government; positions of authority are confirmed by the express consent of affirmation of appropriate subordinates, and by recognition from other legitimate authorities (legitimation)” (Beetham and Lord, 1999). Therefore, the power in a country must be legitimate. Hence, “power is legitimate where its acquisition and exercise conform to established law” (Beetham, 1991). Furthermore, Beetham argues the following power can be said to be legitimate to the extent that:

- It conforms to established rules
- The rules can be justified by reference to beliefs shared by both dominant and subordinate
- There is evidence of consent by the subordinate to the particular power relation” (Beetham, 1991).

Accordingly, the first level of the power legitimacy corresponds to the established rules. Beetham calls the rules “rules of power”. Furthermore, the “rules may be unwritten, as informal conventions, or they may be formalized in legal codes or judgments” (Beetham, 1991).

The opposite of legitimacy is *illegitimacy*. This means the “breaking of the power rules” and when it has a constant character, it refers to “chronic illegitimacy” (Beetham, 1991). The second level of the legitimacy of power refers to justification, which means, “Power has to be derived from a valid source of authority (true of political power), those who come to hold power, must have the qualities appropriate to its exercise” (Beetham, 1991). If the rules are not justified to the established beliefs, they will lack legitimacy or “legitimacy deficit” (Beetham, 1991). The third level of legitimacy “involves the demonstrable expression of consent on the part of the subordinate to the particular power relation in which they are involved, through actions, which provide evidence of consent” (Beetham, 1991). Furthermore, consent turns to be “distinctively modern

component or condition of legitimacy” (Beetham, 1991). At this level, the opposite of legitimacy can be called “delegitimation” (Beetham, 1991). Accordingly, the power to be legitimate, three conditions are required to be observed.

**The table 1** demonstrates three dimensions of legitimacy according to Beetham

<b>Criteria of legitimacy</b>	<b>Form of Non-legitimate Power</b>
Conformity to rules (legal validity)	Illegitimacy (breach of rules)
Justifiability of rules in terms of shared beliefs	Legitimacy deficit (discrepancy between rules and supporting beliefs, absence of shared beliefs)
Legitimation through expressed consent	Delegitimation (withdrawal of consent)

Moreover, Beetham states that “legitimate power or authority has the right to expect obedience from subordinates, even where they may disagree with the content of a particular law; and subordinates have a corresponding obligation to obey” (Beetham, 1991). In sum, the movement towards democracy in the process of democratization implies that power becomes legitimate.

### **2.2.3 Ukraine-Building through democratic transformation**

It is important to stress that when the acquired power is “lawful” it is not enough to call it legitimate as it is acquired under the rule of law. Consequently, it turns out another significant concept considering to what extent the rules to be justifiable according to beliefs current in society. The following problem of democratic or legitimacy deficit arises from the above-mentioned issue which plays an important role in building of democratic state without non-democratic elements in it.

If we take Ukraine as an example, it is now on its transformational way to the implementation of democracy with the restoring of its original identity, which was diminished for a long Soviet time. Until now this problem is still striking. Taking into

consideration the eastern part of Ukraine, which can be characterised as the “area with weak identity” (Kuzio, 2001, b) and during the late Soviet times, it played no role in the national democratic movement and served as “bastions of support for Sovietophile political parties” (Kuzio, 2001, b). But in contrast the areas that have “robust national identity (western Ukraine) followed similar patterns to central - eastern Europe in removing communism at an earlier stage and endorsing political and economic reforms”(Kuzio, 2001, b).

Furthermore, according to Andrew Wilson (2000) “the Ukrainian still left inhabits the Soviet version of Ukrainian identity” (Wilson, 2000). However, compatible is the argument that “nationalism and reformism is coherent to Ukraine” (Shulman, 2005). Moreover some scholars affirm that “ethnic Ukrainians, Ukrainian speakers, are residents of Western Ukraine are more supportive of democracy and the market than ethnic Russians, Russian-speakers, and those living in the eastern and southern regions of the country” (Shulman, 2005). Additionally this phenomenon can be attributed to the “greater support for Ukrainian nationalism to the stronger democratic roots of Ukrainian culture in comparison with Russian or to the western Ukraine’s stronger historical ties with Europe” (Shulman, 2005).

Nowadays the problem of the division of Ukraine into two parts is of great importance as it poses a threat of a split in the Ukrainian society into two parts, “one of them supporting Russia, longing to the common union with it, re-establishment of Soviet-style planned economy and another part, which is pro-western one, supporting radical economic reforms, private property, democratisation, the revival of Ukrainian language and culture as well as the entry of Ukraine into the EU and NATO” (Shulman, 2005). Consequently, the plentiful debates are being spread around the question of Ukrainian identity, arguing about Ethnic Ukrainian national identity with the based nation around Ukrainian core, which is Ukrainian culture and language distinguishing the main features of the nation. From the other hand Eastern Slavic national identity assuring about the bicultural nation founded in the perceived common inheritance and culture of both Ukrainians and Russians. These two perceptions of the distinguishing characteristics of the Ukrainian nation form two national identity groups. Here it is of great importance to stress that, “Ethnic Ukrainians are historically and culturally individualistic and freedom-loving people” (Shulman, 2005). Furthermore, Shulman states “Ukrainians have much more in common culturally and historically with Europe.”

Consequently the supporters of this identity are in favour to democratization and marketisation of Ukraine because “the proposed group is seen as having significant historical experience and cultural compatibility with democracy and individualism” (Shulman, 2005).

Since in Ukraine “the Verkhovna Rada<sup>7</sup> made an enormous contribution to the formal creation of the state, but its own institutional capacity was a patchy and uneven process” (Whitmore, 2004:4). The parliament has to play a crucial function in a process of democratization, such as “constitution-making, conflict-management, consolidation via the reproduction of democratic consent” (Whitmore, 2004:4). Furthermore, Verkhovna Rada turns to be a “central site in terms of law-making, oversight of the executive as well as central oversight of state-building and democratization” (Whitmore, 2004:5). Consequently, parliament is an ubiquitous institution and it’s “existence is seen as one of the prerequisites of a functioning democracy” (Whitmore, 2004:6).

One of the most important steps in the democratization process in Ukraine was the Action-Plan *Ukraine-EU* adopted by the Cabinet of Ministers of Ukraine 12/12/2005<sup>8</sup>. The document presupposes the assisting in the integration of Ukraine into the EU. Furthermore, Ukraine and EU will work together to implement the Action Plan. According to the agreed EU Common Strategy on Ukraine, the European Union acknowledges Ukraine's European aspirations and welcomes its European choice.

Another important step on the way to democratic transformations is the cooperation between Ukraine and NATO. During the Summit of the states and government leaders of NATO in July 1997 (Madrid) “the chiefs of NATO and the president of Ukraine Leonid Kuchma<sup>9</sup> signed the Charter on the Special Partnership between NATO and Ukraine” (Mitrofanova, 2005). Furthermore, on 23 of May 2002 “Ukraine officially proclaimed its intension to enter NATO” (Mitrofanova, 2005). However, in July 2004 “under the president’s decree a mention of the countries preparation for membership in NATO and EU was excluded from the countries military doctrine” (Mitrofanova, 2005). Therefore, a new stage of cooperation between Ukraine and NATO has started in April 2005 “with the beginning of the intensified dialogue concerning the intention of Ukraine to become a NATO member, based on the results of Vilnius Ukraine NATO Commission Session” (Mitrofanova, 2005).

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<sup>7</sup> <http://portal.rada.gov.ua/control/en/index>

<sup>8</sup> [http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=994\\_693](http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=994_693)

<sup>9</sup> [http://en.wikipedia.org/wiki/Leonid\\_Kuchma](http://en.wikipedia.org/wiki/Leonid_Kuchma)

The Minister for Foreign Affairs of Ukraine (during 1998-2000 and 2005-2007) Borys Tarasyuk<sup>10</sup> states that “the integration of Ukraine into the European Union is the movement of the state towards real standards of functioning democracy and a civilized socially-oriented market economy”<sup>11</sup>.

Consequently, the attempts of Ukraine to the European integration through democratic transformations taking place inside the country. After the proclamation of its independence, resulting from the referendum held in Ukraine in (1990) showing the total wish of all the Ukrainian population to become an independent democratic state with its own language, territory, culture, coats of arms, anthem, traditions and language. Since that time Ukrainian nation continue the main tenets of the nation-building project. Furthermore, if the country wants to save its sovereignty and “maintain itself as an independent state, it has to continue nation-building policies that seek to mould a national identity different to its neighbours (principally Russia), with its own ‘unique’ history that helps to create a sense of difference” (Kuzio, 2001, a).

Important aspect of creating difference for the ‘Self’ in relation to the ‘Other’ is “language as it is one of the distinguishing elements of the nation” (Kuzio, 2001, b). The language issue faces a certain challenge in Ukraine nowadays due to the “widely spread thought among the Russian speaking population about the ‘superior’ position of the Russian language above the Ukrainian one” (Kuzio, 201, b). They perceive the Ukrainian language as ‘provincial’ or ‘peasant’ one. Consequently, one can accept the knowledge of Ukrainian language as a “test of patriotism” (Kuzio, 2001, b).

Furthermore, the adopted law of Ukraine on Ukrainian language<sup>12</sup> in 1991 defending the Ukrainian language within the Ukrainian state as well as the law on State Anthem of Ukraine<sup>13</sup> in 2003 affirms the right step of Ukrainian policy towards the building of Ukrainian nation after the proclamation of its independence.

### **2.3.1 NGOs and democratic transformation**

In a democratic state NGOs should play a significant role in policy process. Nowadays various NGOs act at different levels beginning from the community one and

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<sup>10</sup> [http://en.wikipedia.org/wiki/Borys\\_Tarasyuk](http://en.wikipedia.org/wiki/Borys_Tarasyuk)

<sup>11</sup> [http://www.ea-ua.info/news.php?news\\_id=553&news\\_show\\_type=1](http://www.ea-ua.info/news.php?news_id=553&news_show_type=1)

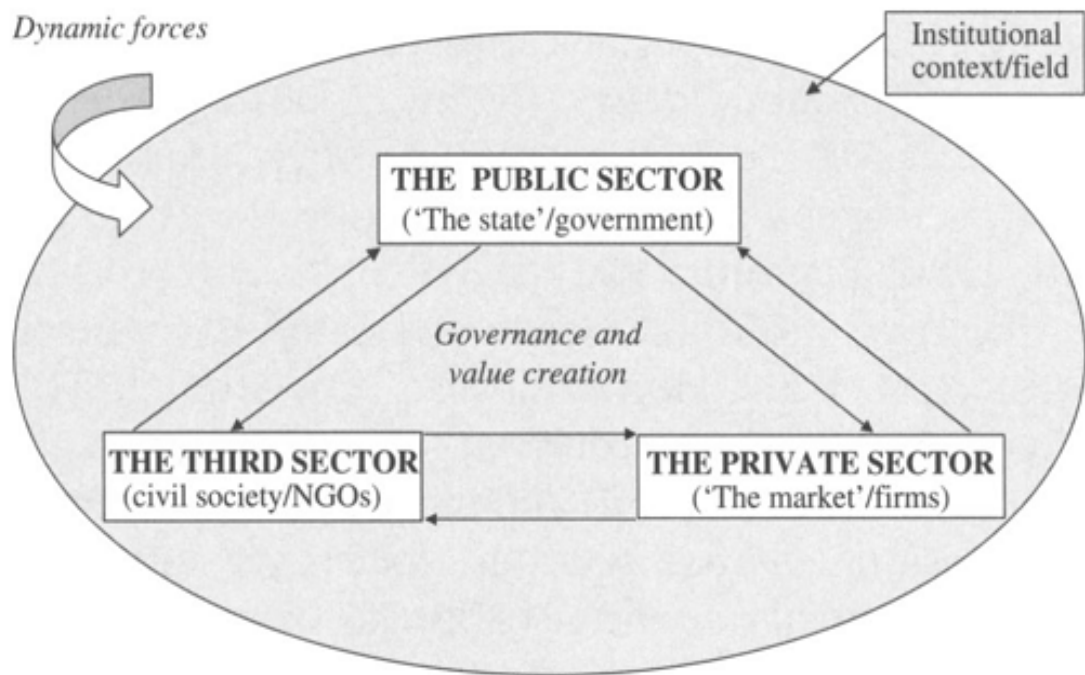
<sup>12</sup> <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=8312-11>

<sup>13</sup> On the State Anthem of Ukraine, March 6, 2003 <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=602-15>

reaching the international one. For more clear understanding the issue and mission of NGOs, I consult Teegen, Doh and Vachani (2004) and in their "The importance of nongovernmental organizations (NGOs) in global governance and value creation: an international business research agenda" they define NGOs as "self-governing non-profit organizations playing a critical role in governance as well as engaging in society and promoting social benefits" (Teegen et al, 2004).

The civil society issue is closely intertwined with the NGOs activity as the last one serves as an indispensable constituent of the *third sector*. Brown et al (2000) define civil society as an "area of associations and action independent of the state and the market in which citizens can organize to pursue purposes that are important to them individually and collectively"(quoted from Teegen et al, 2004). Every single person feels more comfortable and favourably while communicating and incorporating with each other sharing certain interests and common feelings. Every societal organization is "shaped by dynamical forces that allow individuals broader opportunities to coalesce with like-minded others" (by Pharr, 2003, quoted from Teegen et al, 2004). Civil society is characterised by the unifying of people into certain associations sharing common ideas, needs necessary for promotion of collective ideas on a voluntary basis as well as citizens engagement into public activity process which can influence the decision making process in a country. Every individual included into a certain *interest group* aspires to achieve some aims which are not easy to achieve acting alone, but when in a group, it is possible to influence the power and get the necessary result. As it was wisely argued by Habermas (1989) "invoke rights of public debate around common concerns" (quoted from Teegen et al, 2004 ).

Dynamic forces of both the public and private forces on the way to democratic transformation play a crucial role in the governing of the country. Teegen et al (2004) demonstrates the interdependence and interconnection between different actors that interactively relate to civil society in **figure 1** placed below.



**Figure 1 The public, private and third sectors within society**

(According to Teegen et al 2004)

Not less important issue of civil society lies in social movement phenomenon. It takes place when a common gain obtained by collective activity of individuals bringing to emerging social change. Coming back to historical facts concerning social movements either religious, ethnic or cultural, the last ones were addressed to governments in order to respond on certain public demand or need, but often such movements were suppressed. Resulting from this, citizens' mistrust began growing against governmental institutions which were supposed to protect their interests, hence it gave birth to new movements, but this time they were more organized and influential. Furthermore the movements brought to emergence of new forming with involving structurally "free standing presence within a new institutional environment termed as an NGO" (Teegen et al, 2004).

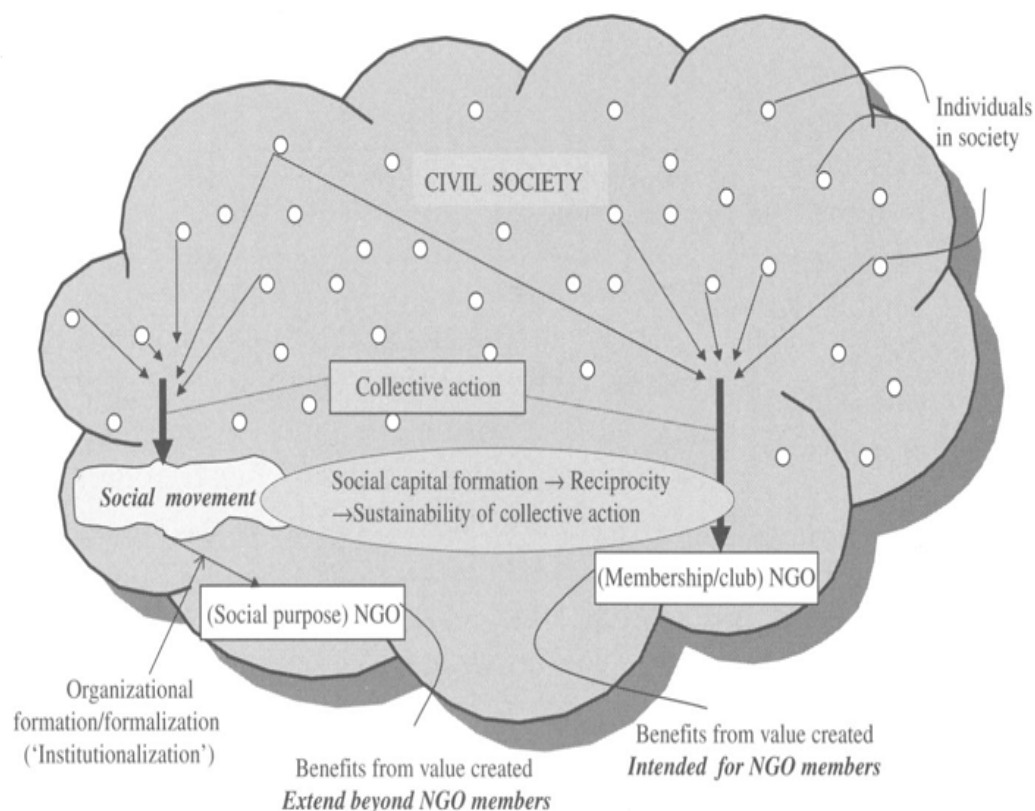
In line with written above, it is importantly to mention that the term *NGO* dates from 1950, when the United Nations stamped the expression. According to United Nations (2003) the term *NGO* means any "non-profit, voluntary citizens group which is organized on a local, national or international level. Task oriented and driven by people with the common interest, NGOs perform a variety of services and humanitarian

functions...Some are organized around specific issues, such as human rights, the environment or health” (quoted from Teegen et al, 2004).

In the past few decades, the NGOs have expanded tremendously (Ossewaarde et al, 2008). Their number is increasing constantly. Furthermore, its existence is explained by its function as they are “presented to be the solution to many social and administrative problems” (Ossewaarde et al, 2008). Moreover, “they would complement, substitute or countervail state or market organisations, hereby compensating for market or state failure” (stated by James, quoted from Ossewaarde et al, 2008). Hereby NGOs can “function as “third parties”, located in between or opposing the state and the market” (Ossewaarde et al, 2008). Notwithstanding not less important issue about the implementation of the necessary functions of NGOs, one should not forget about the NGOs legitimacy, as it is one of the indispensable constituent of its main mission.

NGOs play a significant role in policy process. In line with standing, NGOs should be transparent and accountable to the public as it acts as the generator of the public wishes and needs to the government. Besides, a true partnership must exist between the civil society actors where NGOs play the first violin. Mutual respect and accountability as well as agreements between the actors taking part in self-organization process are necessary preconditions for good governance in the country. Furthermore, (Teegen et al, 2004) describe the importance of non-governmental organizations in governance. According to them, the collective action of multiple actors in execution of governance in a country is of great importance. The following **figure 2** demonstrates the effective cooperation between the different actors engaged in civil society while executing the governance in the country. Only with the help of collective action, actors can fruitfully collaborate which enables the governance to be performed appropriately.





**Figure 2** (according to Teegen et al, 2004)

This figure demonstrates the movements between the two different groups of NGOs. According to Teegen et al (2004), there are two groups of NGOs. First one is social purpose NGOs including environmental groups and human rights organizations. The main actors here are individuals, private foundations, governments and multilateral institutions that provide funding support (donors). They are accountable to the clients they serve. Another group is membership/club NGOs. By joining forces, members of club NGOs can improve their own utility and they promote material, social or political interests of their own members. Unions, business associations as well as church groups are the examples of club NGOs. Consequently, with the help of collective action in the civil society in a country, Ukraine in particular, the process of self-organization can occur under the rule of law and observing the democratic principles. In line with mentioned, the sustainable development of civil society organization with the cooperation of its actors can provide the background for unimpeded evolution of nation. Hence, the building of nation cannot take place when the main democratic norms are not observed.

### 2.3.2. The issue of NGO legitimacy

The most common forms of legitimacy of societal actors (NGOs) are “collective belief in the legality and official status of international law – including international declarations like the United Nation Declaration of Human Rights and the EU ‘s Constitutional Treaty” (Ossewaarde et al, 2008). Hence, the NGOs legitimacy depends on the international legal systems as well as international rules and norms. According to Ossewaarde et al (2008), the issue of *cognitive legitimacy* is of great importance while arguing about NGOs legitimacy in general. The above-mentioned concept has its effect on people’s collective thinking and their needs of legal protection, health, employment or infrastructure. Besides, the governmental national systems shape the mentalities of its citizens accordingly to the interests of the certain organizations. Therefore, cognitive legitimacy depends on the “technical expertise of its professionals (doctors, lawyers, and economists) to address national needs as well as conformance to the expectations of the public” (Ruef and Scott, 1998, quoted from Ossewaarde et al, 2008).

Therefore, NGOs would be cognitively legitimate when they conform intellectual knowledge and technical expertise to their stated mission (Townley et al, 2003, quoted from Ossewaarde et al., 2008). Hence, “organisations such as Greenpeace provide technical expertise to address health problems or environmental issues” (Ossewaarde et al., 2008). Additionally Ossewaarde et al relate to the NGOs legitimacy the concept of *output legitimacy* showing the extend of the materialisation of the objectives of the NGOs. Transparency and accountability here are of main importance.

Arguing about NGO legitimacy, one can not deny the problematic situation concerning national sovereignty for NGOs “since NGOs are quite dependent on the nation-state” (Ossewaarde and Heyse, 2007). As it is further stated by Ossewaarde and Heyse “NGOs need a nation-states because they provide a source of survival” (2007). Furthermore, NGOs can function only funded by private and public grantors. Moreover, Nation-states serve as important grantors of humanitarian aid NGOs. Besides, another significant feature in the mission of humanitarian NGOs lies in supporting the “losing party in a conflict, which is often not the government” (Ossewaarde and Heyse, 2007). Resultantly, NGOs can be accused in not supporting the government but the losing side. Nevertheless, NGOs cannot cooperate independently from the nation-state, as they need the assistance and funding from the state in order to exist. Consequently, another problem appears resulting from the so-called “dependent relationship” of NGOs

and the state, which faces the imminent danger of being manipulated politically by the state. Accordingly, the above-mentioned problem may bring the loss of trust of the citizens in perceiving the NGOs as “politically neutral defenders of human dignity” (Ossewaarde and Heyse, 2007).

Considering the “ideal” model of public-private relations, one should keep in mind that the “constructive relationships are possible when both parties share common objectives” (Hrabovska, 2008). Putting into other words strong mutual connections and cooperation is possible when positive social agenda observed in a country as well as NGOs are acting affectively. At the same time NGOs must serve as an “instrument of civil society, the NGO sector accepts the role of watchdog over the policies and practices of government in the interest of the consumers, its services and the wider public” (Hrabovska, 2008). Not less important issue is the issue of the good governance principles of transparency and accountability of NGOs to the public.

In line with standing, Nikitin considers “the new model of public governance, aiming at participation of public in decision making process” (Nikitin). To put differently, he calls the new model of governance “communicative one” (Nikitin). Additionally, Radziyevskyy perceives the “notion of *governance* as the formation of a new special governing type the essential part of which is reflected in a pattern “governing without government” (Radziyevskyy).

### **2.3.3 Civil society and good governance**

In a non-democratic state there can be no civil society: only in a democratic society can there be a civil society and hence a role for NGO’s in democratic decision making. After the collapse of Soviet communism, in the era of global capitalism, non-participation or non-cooperation in democratic decision making processes cause a serious legitimacy deficit. NGOs are, therefore, included in democratic decision making processes if they comply with so-called good governance principles. These principles are responsiveness, responsibility, accountability, transparency and participation.

According to Papadopoulos (2003), *responsiveness* is about substance, accountability is about process. Furthermore, Papadopoulos states, “accountability regards the throughput that permits citizens to express their views on police outputs” (Papadopoulos, 2003). In other words, the authority should give the public the

opportunity to look and check what is done about some certain issues in policy process. Moreover, accountability and responsiveness are of great importance in good governance processes, as being accountable, authorities should perform effectively their duties as well as they have to work for public good and benefits. For democratic transformation, it regards “the changes, through democratic transformation, mean the changes towards more democratic form of community” (Green, 1999:35). Here it presupposes transformations as “mutual respect, cross cultural conversation, practical cooperation, and democratic peace” (Green, 1999:47).

*Responsibility* is of significant importance when considering it from the governance perspective. According to Stoker (1998) “governance draws our attention on a shift in responsibility both on state and private sectors” (Stoker, 1998). Here it means that responsibility is taken up by private sector as well as by non-profit organizations. Hence, involvement of different forms of partnership presupposes the responsibility of each actor of governance process. Furthermore, a “shift in responsibility finds institutional expression in blurring of boundaries between the public and private” (Stoker, 1998) and this brings to the twofold responsibility of both sides of the governance actors. Furthermore, responsibility appears one of the main features of democracy in a country. Government is responsible before the citizens for the actions it performs. However, civil society should be responsible for the wishes and demands for the state. Only with cooperation and responsibility, the democratic transformations are capable within the country.

*Transparency* regards the transparence of public authorities’ activities as well as the open access to free independent mass media. Moreover, free access to information presumes easy capacity of both civil society and the media to access information concerning the public administration management. Transparent policy-making presupposes availability publicly the information regarding services at all levels including local and regional authorities. Independent mass media plays a first fiddle in transparency principle. Its role is momentous in governance process as it created and distributes information about governmental bodies’ performance, which results in the fairer policy process.

*Participation* presumes involvement of different actors in governance process. To put differently, it means “self-governing networks of actors” (Stoker, 1998). Furthermore, the need for cooperation between actors interested in public decisions “is a key aspect of the management of interdependence” (stated by Mayntz, 1997b, quoted by Stoker,

1998). Different actors and institutions “gain the capacity to act by blending their recourses, skills and purposes into a long-term coalition” (Stoker, 1998), which consequently brings to achievement of some policy goals.

Transparency and participation appears to be main conditions of democracy in the country. Moreover, participation of different actors (citizens, NGOs, government) in the governance process guarantees the successful decision making process and providing the democratic way of living within a country. Hence, all the principles are of great important for leading the fruitful managing process of the country.

### **2.3.4 Civil Society in Ukraine**

Considering the situation in Ukraine, “before the independence of Ukraine there was no modern history of public participation in civil society” (Zaharchenko, 2000). Mechanisms of citizens’ participation “did not work” during the Soviet time (Zaharchenko, 2000). Furthermore, Zaharchenko characterizes Ukrainian NGOs as “often ineffective in their activities” (Zaharchenko, 2000). The same opinion is shared by Hrabovska, who states, “the position of the Ukrainian government towards NGOs can be described as “quite favorable” (Hrabovska, 2008) concerning NGOs working in the field of environmental protection and social welfare position. Other types of NGOs are not in favorable position in the country.

However, Nikitin believes that “civil society in Ukraine, development of which is far from completion, already has enough capability to contest itself in the governance field” (Nikitin). Nowadays “any political force, any powerful politician cannot ignore the potential capabilities of the civil society” (Nikitin). Moreover, “Ukraine needs a new development of of the cooperation model between authority organs and the civil society” (Korzhenko and Nikitin). Furthermore, a new concept “*good governance* developed in the late 80<sup>th</sup> - beginning of 90<sup>th</sup>” (Korzhenko and Nikitin). The emergence of this concept was caused due to some particular reasons, such as “poverty evaluation in the developing countries, the necessity of acceleration of the integration of the former socialist countries of the central and eastern Europe, and after the countries of the former Soviet Union into the European and the world political-economic arena” (Korzhenko and Nikitin). Additionally, the concept *governance* presupposes

“cooperation between the government with the societal organizations” (Korzhenko and Nikitin).

In line with standing, Aver'janov, Derets and Puhtetskaja investigate the *good governance* agenda, which presupposes managing public affairs in a transparent, accountable, participatory manner following the rule of law” (Aver'janov, Derets, Puhtetskaja, 2006a, 2006b). Additionally, Azmat and Coghill (2005) state about *good governance* as “more inclusive, democratic and participatory process” (Azmat, Coghill, 2005). Here it means the state remains no longer the sole actor in making decisions and delivering services although it remains of central importance. Furthermore, “*good governance* requires balancing and managing the changing relationship between the state, markets and civil society” (Azmat, Coghill, 2005).

The effectiveness of governance lies in fruitful partnership between the state and the civil society, where “NGOs should play a significant role in educating, training and creating awareness within a private sector” (Azmat, Coghill, 2005) about the rights of the citizens and the role in managing the decision process.

Korzhenko and Nikitin investigate the concept of *good governance* in relation to Ukraine. They highlight the main governance concepts necessary to be implemented in order to be practices on a wide scale of governing the country. They identify the following governance principles namely *participation; fairness; decency; accountability; transparency; efficiency*” (Korzhenko and Nikitin). These principles form the “basis for change in the mechanism of executive power of Ukraine and strengthened democratic tendency of this mechanism, however, on the other assist in further improvement of the organized system of executive power” (Korzhenko and Nikitin).

Notwithstanding, for the last several years after the Independence of Ukraine (1991), the Ukrainian government has declared “its willingness to involve NGOs into the decision-making process” (Hrabovska, 2008). Hence, public administrations as well as non-state actors are seeking the ways to collaboration between them. On the other hand, they have different approaches to the collaboration, which often brings to misunderstanding and facing the problem of mutual distrust.

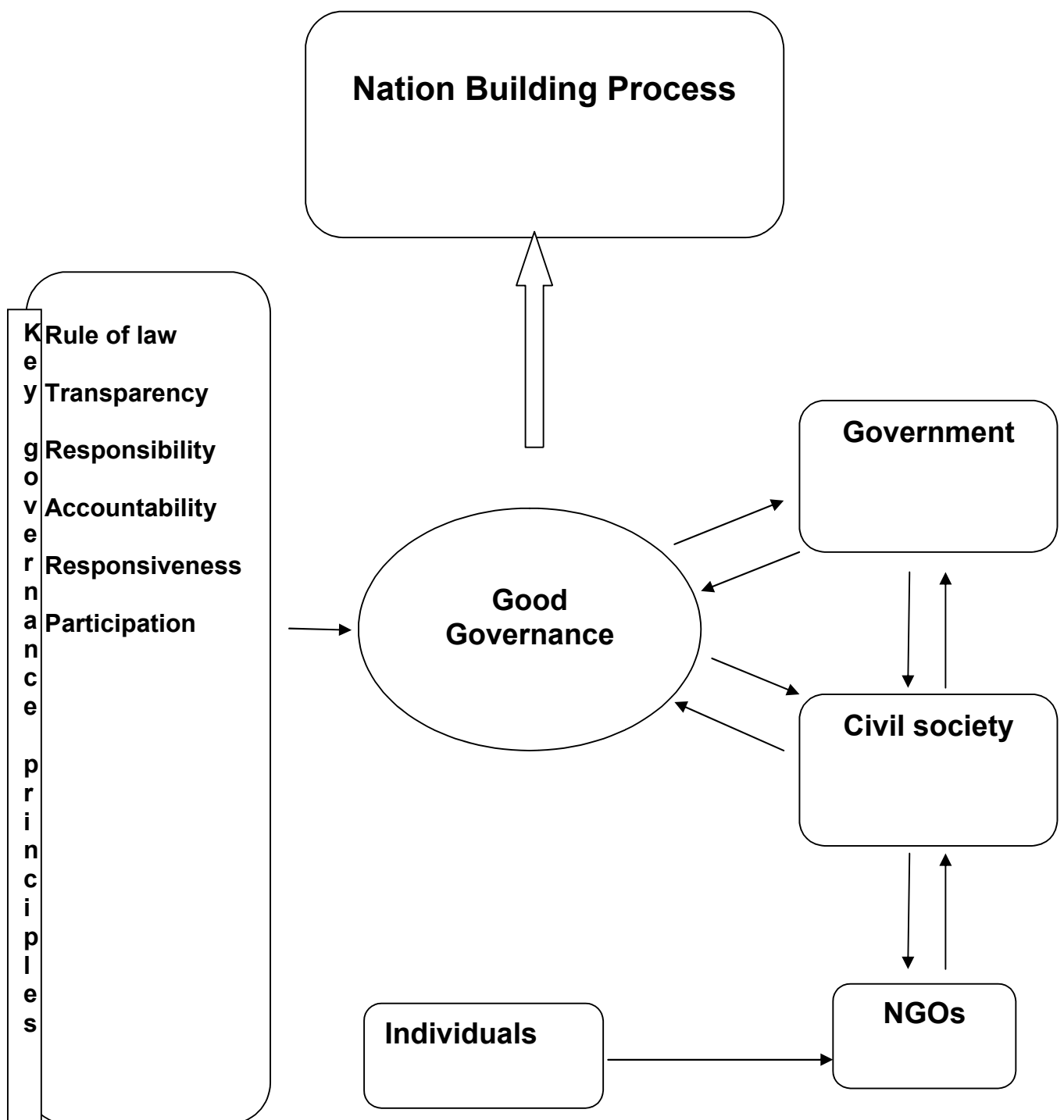
## 2.4 Conclusion

The concepts introduced in this chapter shed light on how nations can be built in the contemporary world through civil society activities that conform to good governance principles. The following **figure 3** demonstrates interconnection between the concepts introduced in this chapter. Here we see that *good governance* is itself dependent on the cooperation between the government, civil society and NGOs. The last sphere is theorized in this chapter as consisting of individuals who belong to non-governmental organizations. The implementation of the main democratic principles in the process of democratic transformation – the movement towards democracy – is of great importance for executing the *good governance* process. Hence the close link between good governance principles and democratic norms. In my thesis I use them interchangeably.

It must be repeated that nation-building today cannot take place without the existence of a strong civil society. A stable civil society cannot exist when the main democratic principles of good governance are not fulfilled. Hence, figure 3 shows the relation of the *good governance* to the nation building process with regard to implementation of the key good governance principles and the engagement of both civil society organizations and the government into a democratic decision making process.

Since governance process depends on cooperation of government and civil society, the reciprocal connections are reflected between them. Consequently, both actors (civil society and government) are reciprocally connected to governance. This interdependence shows the linked circle necessary to guarantee the governance accomplishment. The relations between civil society and NGOs are mutual also, because governance process is possible under the condition of cooperation.

Figure 3. Nation Building Process through Good Governance



One-sided connection between the individuals and NGOs can be explained by the fact that NGOs consist of separate individuals or certain groups of people belonging to the organization. In other words, they form NGOs. In line with standing, for the governance process to take place effectively, the main key concepts of good governance must be followed when executing the decision making process. Moreover,



the key principles serves as the indispensable counterparts of good governance process. As the main question of my investigation is nation-building process, maximum attention must be paid while investigating this issue. The big thick arrow pointing the nation-building process means the necessity of good governance in the country for ensuring the development of a nation. Any nation cannot take place without existence of a strong civil society, without a help of which the good governance is impossible to happen. Consequently, for building the nation, all the elements reflected in the figure 3 are necessary to be present and act effectively.

### **Chapter 3. Research methodology**

*The aim of this chapter is to present the research method used in the thesis in order to give answers to research questions as well as describe the operationalization of the theoretical concepts to analyze the data collected. The chapter is built out in several steps. First, the research strategy is discussed for collecting and analyzing the data. Next, the research method is presented in line with conducting of documentary analysis by means of content analysis of legal acts representing policy aimed at building the civil society in Ukraine as well as involvement of NGOs in public policy process are provided. Third, the procedure of desk research is explained and related to a further collection of data from sources like newspapers and websites. Fourth, the procedure of how I want to collect and analyze Ukrainian legislation is narrated. Finally, the data analysis and the operationalization of my key concepts – the good governance principles – into concrete items or words that I expect to find in the documents collected is explained.*

#### **3.1 Research strategy**

The term “methodology” derives from the new Latin *Methodologia* meaning a set of rules employed by a discipline, in other words set of principles in a particular field. Addressing to Merriam (2004), he distinguish methodology like “plan of collecting, organizing and integrating data in order to reach the final result.” Furthermore, Merriam subtly indicates the process of qualitative research defining its every step. Additionally Merriam knows that “research steps tumble over each other as one collects and analyzes data; interviews and plans the next encounter; describes and interprets” (Merriam, 1998). Additionally Merriam uses metaphors and analogy uncovering the dexterity of the qualitative research.

According to Leedy and Ormrod (2001), qualitative research is typically used to answer questions about the complex nature of phenomenon, often with a purpose of describing and understanding the phenomenon from the participant’s point of view. It seeks a better understanding of complex situations and often exploratory in nature (Leedy and Ormrod, 2001). Punch (2006) defines qualitative data as “documents,

dairies and journals, other written materials as well as non-written ones such as audiovisual materials and artefacts” (Punch, 2006).

The current study is a qualitative research, exploratory in nature. Generally, it sits in line with the main trends in the literature, seeking to generate and extend these trends. However, the research is new in the sense that it investigates nation building on the post-soviet terms in a revolutionary context. This combination of factors makes the study challenging and new. Since present investigation is dealing with a phenomenon of nation building in the context of revolution, it has been framed in terms of the corresponding research questions. Therefore, it is of crucial importance to elaborate the appropriate research strategy and subsequently arrive to the choice of the research method. At the same time, my research investigates the main characteristics and features of democratic principles and transformations of the country on the way to building the nation as well as strengthening of civil society of Ukraine. The mentioned featured aimed to be the objects of my study as well as they turned to be explanatory in general.

Hence, the value of the research is its emphasis on the connection between nation building process and a democratic revolution in post-soviet state. Thus, the study aims to use the theoretical framework developed using scientific sources of literature in order to comprehend substantive Ukrainian phenomena. The literature is reviewed, analyzed and incorporated as the study progresses.

To sum up, the present paper is an empirical research, “which signifies an in-depth examination of a single instance of the social phenomenon” (Babbie 2007: 298); particularly the case being studied is Ukrainian nation building in the post-revolutionary context. Consequently, the research is done in a qualitative way. Additionally, the content analysis is conducted and the policy documents are analyzed. Further, the secondary data is utilized covering the qualitative method of the done research.

Additionally, it enables me to arrive to the main answer of the research question of the thesis, concerning the impact of NGOs on nation-building process in Ukraine during revolutionary period (2004). Notwithstanding, the connection between democratic changes in the country after the Orange Revolution with the civil society state needs to be worked out. A set of documents addressing the policy of rebuilding of civil society and Ukrainian nation elaborated further in the operationalization section.

### 3.2 Research Method

Considering the research method, one should take into consideration the formulation of the research method by Grix (2004) who argues that research methods are the “procedures and techniques for collecting and analyzing data” (Grix, 2004). In other words, they serve as the instruments of performing scientific study. The current research presupposes conducting of documentary analysis requiring appropriate sources that are written documents and texts providing me with the accurate information. To investigate the task, the historical and content analysis of the documents relevant to the subject used as well as ex post facto-research conducted.

According to Lincoln (1980) “documents appears case studies of events, programs, settings and situations however they do not all concern with the same phenomenon” (Lincoln, 1980). Furthermore, Lincoln states that the “content analysis is rule-guided, the rules and procedures for the process of analysis have to be explicitly formulated and the selection criteria clearly defined” (Lincoln, 1980). Additionally, content analysis is used for making a scientific analysis of communications messages (Lincoln, 1980). Babbie (2007) defines content analysis as “the study of recorded human communications, such as books, websites, paintings and laws” (Babbie, 2007:320).

In order to answer the first and second questions, that are to understand the context of Revolution and the role of NGOs in the process of nation building, I am going to conduct the historical analysis of the secondary data, which enables me to discover the scope of the investigated issues, and derive conclusions from them for mentioned points. Babbie (2007: 322) says that I can derive this data by “utilizing historical analysis of sociologists, or political scientists.” Therefore, I use the historical analyses of several scientists as secondary data. This data includes the following articles:

Åslund, A., McFaul, M (2006) Revolution in orange: the origins of Ukraine's democratic breakthrough; Isajw, W. (2004) Civil Society in Ukraine: Toward a Systematic Sociological Research Agenda; Karatnycky, A (2005) Ukraine's Orange Revolution; Karatnycky, A (b) (2007) Ukraine's Second Chance; Kuzio, T (a) (2001) Transition in Post-Communist States: Triple or Quadruple?; Kobzar, A.S., (2006) The European Union as a Factor in the Democratization of Ukraine. New Perspectives on Contemporary Ukraine: Politics, History and Culture; Kuzio, T (b) (2001) Identity and Nation-Building in Ukraine: Defining the ‘Other’; Maksymenko, O. (2005) Development

of the NGO sector in Ukraine, 2002-04: Hanging patterns of ensuring financial support and achieving sustainability; Nanivska, V (2001) NGO Development in Ukraine; Shulman, S (2005) National Identity and Public Support for Political and Economic Reform in Ukraine; Stepanenko, V. (2005) Orange Revolution; Scientific Problem, Mood and Behavior of People; Stepanenko, V. (2006) Civil Society in Post-Soviet Ukraine: Civic Ethos in the Framework of Corrupted Sociality?; Teegen, H., Doh, J.P., Vachini, S (2004) The importance of Non-Governmental Organizations (NGOs) in Global Governance and Value Creation.

For answering my third and fourth questions regarding the process of self-organization in Ukraine and democratic transformations in creation of a strong civil society, I conduct what Babbie calls the content analysis, which requires a qualitative (nonnumerical) approach to the research. Furthermore, considering the content analysis and its basic characteristics concerning the theoretical relevance to the theoretical framework, the first one (content analysis) is used in order to define the main concepts of analysis (like good governance, accountability, transparency, etc.) for facilitating searching them in the Ukrainian legislation data. For the purpose of conducting the content analysis, the operationalization of the good governance principles is worked out in the operationalization subsection, defining key concepts and their meaning for the purpose of facilitating search of them in the documents that I have selected to find answers to question three and four.

In order to answer the fifth question, which concerns problems of nation building today, I conduct the analysis of the secondary data, that is the analysis of the sociologists' or political scientists. These are the same articles that I use for answering my first two research questions.

### **3.3 Desk research and further data collection**

In addition, I execute a desk research which is based on collection of the secondary data, which is relevant for finding answers to all five research questions. The most important sources of the data are libraries, online databases of Ukrainian laws and the Internet. The data itself comprise legislation (existing legislation and legislation under preparation, experts opinions, etc) and policy documents; published reports of

governmental, non-governmental institutions; professional newspapers, magazines and official governmental statistics.

In order to define the proper data, I took into account the time span 2004 - 2008. In order to give an answer for the first and second questions regarding the influence of the Orange revolution on nation building process and the role NGOs play in the mentioned phenomenon, I need to conduct utilize the documentary historical analysis of the Ukrainian and foreign scientists. Furthermore, the documentary analysis that I execute is directed towards NGOs status today, to find out whether NGO's play a role in decision making processes. In this part of the research, its problems and challenges are lighted out through a focus on the legislative texts and their possible shortcomings as well as problematics of governance (possible violations of good governance principles) in Ukraine. Thereby, I wish to discover the role that NGOs actually play in good governance process in Ukraine.

Data is furthermore collected from the official websites of Ukrainian newspapers and organizations that promote nation-building process and the 'revival' of the Ukrainian culture and language in the country. According to the official data of Ministry of Transport and Communication of Ukraine, there are 2,861<sup>14</sup> nationwide newspaper publications in Ukraine (in 2007). Among these, 2086 are being published in Kyiv (the capital of Ukraine), the rest 775 constitute regional publications. Among them, I chose to analyze six out of the apparently available 2,861 newspapers. These newspapers are known to actively promote Ukrainian language, cultural values, traditions and history. They are the informational-political newspaper "Ukrayina Moloda"<sup>15</sup>, independent informational recourses as "Dialogue UA"<sup>16</sup>, "FoRum"<sup>17</sup>, youth non-governmental newspaper "Art-Vertep"<sup>18</sup>, "International Renaissance Foundation"<sup>19</sup>, historical newspaper "Nezboryma natsiya"<sup>20</sup>, non-governmental newspaper "Maidan"<sup>21</sup>. I analyzed the newspaper archives covering the period 2004-2008.

Furthermore, I collect information about NGO activity concerning nation-building in Ukraine. According to the official data of the Ministry of Foreign Affair of Ukraine<sup>22</sup>, in

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<sup>14</sup> <http://www.mintrans.gov.ua/en/news/2007-08/7418.html>

<sup>15</sup> <http://www.umoloda.kiev.ua/>

<sup>16</sup> <http://dialogs.org.ua/>

<sup>17</sup> <http://ua.for-ua.com/>

<sup>18</sup> <http://artvertep.dp.ua/>

<sup>19</sup> <http://www.irf.kiev.ua/>

<sup>20</sup> <http://nezboryma-naciya.org.ua/>

<sup>21</sup> <http://maidan.org.ua/>

<sup>22</sup> <http://www.mfa.gov.ua/mfa/ua/282.htm>

1991 In Ukraine there were near 300 NGOs, 1996 – more than 12000, in 2000 year the quantity of NGOs exceeded 27000. Additionally, each year the number of NGOs grows every year. The Ministry of Foreign Affairs informs about the following non-governmental organizations mission which consist in promoting the so-called historical memory of Ukrainian people and the forming of a national consciousness. Among them are all Ukrainian association “Prosvita”<sup>23</sup> named after Taras Shevchenko; the national association of writers of Ukraine<sup>24</sup> (voluntary creative organization of the authors, poets, playwrights and interpreters of Ukraine). In 1990, the association of writers of Ukraine was the center of public-societal movement for independence in Ukraine. In line with standing is the National Association of Painters of Ukraine<sup>25</sup> - which is the public organization of professional artists and art critics. Another important organization is the Ukrainian Peace Council<sup>26</sup>. The aim of this NGO is to consolidate the peace and harmony in Ukraine. The Ukrainian Youth Organization<sup>27</sup> is all Ukrainian public organization unifying Ukrainian youth on a voluntary basis. Their mission, as they announce it on their website, is “educating faithful Ukrainian statesmen based on national traditional Christian ideas”. Plast – National Scout Organization of Ukraine<sup>28</sup> - is an NGO whose mission, as they see it, lies in promoting patriotic education of Ukrainian Youth on Christian principles. Plast presents itself as educating youth as conscious, responsible and valuable citizens of local, national and world community, the leaders of the society.

In order to give answers for the third and forth questions regarding the process of self-organization in Ukraine and democratic transformations in creation of a strong civil society, I utilize content documentary analysis of the legislation issued between 2004 and 2008. Here content analysis is used in order to define the main operationalized items for analysis, for facilitating searching them in the legislative texts.

### **3.4 The data source of Ukrainian legislation**

In order to answer the research sub-questions regarding the development of a civil society and its connection to nation-building process during the democratization

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<sup>23</sup> <http://prosvita.com.ua/>

<sup>24</sup> <http://nspu.org.ua/>

<sup>25</sup> <http://nshu.org.ua/>

<sup>26</sup> <http://peacecouncil.org.ua/engl/index.html>

<sup>27</sup> <http://www.cym.org.ua/>

<sup>28</sup> <http://plast.org.ua/en/>

process in Ukraine after the Orange Revolution (2004), it is necessary to determine which data are requisite to be analyzed. Here again I searched in the database the legislative acts regarding the nation-building process in Ukraine, development of the civil society as well as cooperation between the society and the state in decision making process. Hence, the above-mentioned phenomena are represented in my research by means of the following laws.

*Constitution of Ukraine*<sup>29</sup> adopted by the law of Ukraine from 28/06/1996. However this law was issued before the Revolution (2004) in Ukraine, I use it, as this is the main law of Ukraine, which guarantees the rights and liberties of the Ukrainian people as well as ensuring that the Ukrainian nation is the only power in the country. The *Constitution of Ukraine* has the highest legal force. Laws and other normative legal acts are adopted on the basis of the Constitution of Ukraine. Additionally, the norms of the Constitution of Ukraine are norms of direct effect.

The Program of Activities of the Cabinet of Ministers of Ukraine “Towards People<sup>30</sup>” (# 115, 04/02/05). The Program presumes the implementation of governance policy according to the principles of honesty, integrity, transparency, patriotism, proficiency and effectiveness. The program is based and develops the statute of the program of the President of Ukraine Viktor Yushchenko “Ten Steps towards the People” and worked out according to the Constitution of Ukraine.

The Program of Activities of The Cabinet of Ministers of Ukraine “Ukrainian breakthrough: for people - not for politicians<sup>31</sup>” (# 14, 16/01/08). The program includes specific ways and mechanism for socio-economic and political reforms, implementation of cultural and international initiatives of the state and is a state action plan of the government for the period of its powers.

The Decree of the Cabinet of Ministers of Ukraine<sup>32</sup> “Changes to Concept of assistance of executive power organs in developing of the civil society in Ukraine” (# 858-p, 22/07/2009). The decree presumes the coverage in the media and public discussions of the authority organs activities and approval of annual action plan in implementation of the Concept, and report of the results of implementation plan for the

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<sup>29</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=254%EA%2F96-%E2%F0>

<sup>30</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=n0001120-05>

<sup>31</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=n0001120-08>

<sup>32</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=858-2009-%F0>



previous year to be placed on the official web sites of the governmental bodies, in the section of “Civil society and government”.

The Decree of the Ministry of Justice of Ukraine<sup>33</sup> “On realization of the electronic consultations with the public on the official web site” *Civil Society and Government*” (# 324/7, 13/04/2009). The decree presupposes the performance of actions on the process of discussion of draft legislation with the help of “Consultation with the public” on the official web site “Civil society and government”.

The Law of Ukraine on State Anthem of Ukraine<sup>34</sup> (# 24, 06/03/2003).

The Decree of the Verkhovna Rada (Supreme Council) of Ukraine on State Symbols of Ukraine<sup>35</sup> (# 45, 03/09/1996).

*The selection* of documents is based on the following criteria:

- The legislative acts adopted within the studied period during the revolutionary time span (2004) and after the Orange Revolution. However, I considered the Constitution of Ukraine, as it is the main law ensuring the Ukrainian nation to be the only power in the country.

The following scheme gives the clear understanding of the hierarchy *of the documents in Ukraine*, according to the Constitution of Ukraine.

1. The *Constitution of Ukraine* has the highest legal force. Laws and other normative legal acts are adopted on the basis of the Constitution of Ukraine. The norms of the Constitution of Ukraine are norms of direct effect.

2. *Laws and legal acts* of Ukrainian Parliament (Verkhovna Rada), performing the function of the supreme legislative body of the country. It presumes issue laws and regulations, which have the ultimate power. The Verkhovna Rada’s competence includes legislative activities in all spheres of governance process.

3. *By-laws*. They are supplemented by normative acts, which including regulations, instructions, decrees and orders. These documents are issued by the Cabinet of Ministers of Ukraine (the highest executive body), ministries, regional and local government bodies.

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<sup>33</sup> [http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=v324\\_323-09](http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=v324_323-09)

<sup>34</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=602-15>

<sup>35</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=347%2F96-%E2%F0>

*Presidential Decrees and Edicts* are issued on all matters under the rule of the Constitution of Ukraine. The issues are referred to the Presidential jurisdiction.

Once having reached a decision about which documents to collect and investigate, the next step must provide a manner in which they are analyzed.

### **3.5 The data analysis**

I conduct the content analysis for completing the final goal of the research, that is giving the answer to the main research question. To summarize the context of the content analysis, Neuendorf (2005) argues that “content analysis is an indepth analysis using quantitative or qualitative techniques of messages using a scientific method and is not limited as to the types of variables that may be measured or the context in which the messages are created or presented (Neuedorf, 2005).

The qualitative content analysis, employed in the current research, involves the following kinds of communication content analysis concerning speech, written texts as well as interviews classified in it. Furthermore, content analysis, used in my research, appears to be an empirical and methodological analysis of documents through the meaning of the context of the data that is legislative acts, scientific articles, and interviews. In order to answer the main question concerning the role of NGOs in the nation-building process in Ukraine during the Orange Revolution (2004) as well as the sub-questions regarding democratic transformations after the Revolution, it is of main importance to determine which data is needed to be analyzed and scrutinized. Since the roots of the complications within NGOs development in Ukraine lie back in the Soviet Union and Ukrainian history, first of all the historical analysis is conducted, examining the existing political regimes during the Soviet times. For this matter, scientific outputs of domestic and international academics and historians are used.

Additionally, I analyze the distinction between the manifest (primary) content of communication and its latent meaning. Manifest (primary) content embodies the written texts, while latent meaning describes the intended meaning of the texts. As the nature of the subject under investigation bears implicit and complex character, it is worth investigating the key concepts rather that manifests in written texts. Consequently, I examine the documents searching for key concepts, operationalized in items (see below), and their meanings as well as level of policy development (opposed to

proclaimed policy intent). Based on my reading of the good governance literature, I distinguish between several major principles relevant to the improvement of the position of civil society organizations in Ukraine that play a part in governance processes in the country.

For the purpose of conducting the content analysis, to answer the third and fourth question, and operationalization of the good governance principles is worked out. Korzhenko and Nikitin investigate the concept of *good governance* in relation to Ukraine. They highlight the main governance concepts necessary to be implemented in order to be practices on a wide scale of governing the country. They identify the following governance principles namely *participation; fairness; decency; accountability; transparency; efficiency*” (Korzhenko and Nikitin). These principles form the “basis for change in the mechanism of executive power of Ukraine and strengthened democratic tendency of this mechanism” (Korzhenko and Nikitin). In line with written, participation, transparency, responsiveness, responsibility and accountability principles are considered as the most weighty in order to give a shove for state policy to develop civil society and its cooperation with the state.

However, the adequate and universally accepted translation of governance and good governance notions do not exist in Ukrainian language. “Different stakeholders define concepts differently, from “врядування” (“vraiduvannya”) and “управління” (“upravliannya”) for governance to “добре управління” (“dobre upravlinnya”), “справедливе управління” (“spravedlyve upravlinnya”) and “належне врядування” (“nalezhne upravlinnya”) for good governance” (Korzhenko and Nikitin).

In Ukrainian language there is no direct translation for the words “accountability”, “transparency”, “responsibility”, “responsiveness” and “participation” which may have different meanings, and, thus, it is a relatively hard task to arrive at the their unified definition or concrete items. However, Aver’janov, Derets and Puhtetskaja give the further translation of these principles, namely “прозорість” (prozorist) for “transparency”, “підзвітність” (pidzvitnist) for “accountability”, “відповідальність” (vipovidalnist) for “responsibility”, “відповідність” (vidpovidnist) “responsiveness”. The mentioned concepts are searched in the Ukrainian legislation on development of civil society in Ukraine and NGOs participation in governance process.

### **3.6 Conclusion**

In order to give answers on the questions one and two, I will conduct the historical analysis of the secondary data. I have to understand the context of the Orange Revolution and the role of NGOs in the process of nation-building. Hence, by means of utilizing the historical analysis of the sociologists and political scientist, I will be able to discover the framework of the investigated phenomenon. To derive conclusions from the mentioned points, I will make the analysis of the secondary data related to the topic.

For answering the third and forth questions concerning the process of self organization in Ukraine and democratic transformations in creation of a strong civil society, I will conduct the content analysis, that is making a qualitative research. Qualitative research is nonnumerical approach of the investigation. Consequently, I will define the main concepts of good governance principles for facilitating them in the Ukrainian legislation data.

In order to answer the fifth question, which concerns problems of nation building today, I conduct the analysis of the secondary data, that is the analysis of the sociologists' or political scientists. These are the same articles that I use for answering my first two research questions.

## **Chapter 4. Data Analysis - To what extent do NGOs play a role in the building of the Ukrainian nation during the Orange revolution (2004)?**

*This chapter presents analysis of the qualitative data regarding the nation-building process of Ukraine. Nation-building process cannot happen without a strong civil society. That is why the interest of the research lies in the investigation whether the implementation of democratic principles together with good governance norms on the way to building the civil society are executed de facto. As my research is a desk research, I conducted both documentary analysis of the legislation concerning the development of a civil society in Ukraine and its cooperation with the state, as well as scientific works investigating the issue of nation-building process in Ukraine.*

*The post-revolutionary legislation issued after the Orange Revolution (2004), which confirms the activity of the Ukrainian parliamentary regarding the implementation of the policy on the development of the civil society as an inseparable actor in governance process as well as NGOs participation in decision-making process. Analysis of above-mentioned documents provides a clear picture concerning the position of the civil society in Ukraine and its weak and/or strong side. In line with mentioned, nation-building process of Ukraine is scrutinized and lightened as the wish of the Ukrainian people to restore the nation. Unfortunately, there is not any document in the Ukrainian legislation after the revolutionary period regarding the development of the Ukrainian nation. The nation building process in Ukraine is investigated based on scientific works concerning the revival of the Ukrainian nation. Good governance principles are examined and highlighted intertwined with the notion of civil society and nation-building process.*

*As a research technique, used in the investigation of NGOs participation in civil society movements, content analysis is conducted delineating the latent contents corresponding the key democratic concepts traced in the research. The scheme of interdependence of main democratic principles operationalized and demonstrated, proving their interconnection with each other, influencing nation-building process within activity of the civil society. Consequently, the main answers are summarized in conclusion sub-section wherein answers to research sub-questions are provided.*

#### **4.1 The influence of the Orange Revolution on nation-building in Ukraine**

Popovych and Ossewaarde (2009) observe that the Orange Revolution (2004) constituted strong links between democratic transformation and building the nation-state in the country as well as the granted opportunity to renew Ukrainian identity. The Ukrainian people demonstrated their willingness to change the old order and “gave birth to democratic breakthrough of the nation, throwing off corruptive elites and putting new leadership”.

Giving the answer to the question regarding the influence of the Orange Revolution on nation-building process, I make the historical analysis of the scientific works of the scholars investigating this topic. Some of them argue that the Orange Revolution was a fundamental change of power in the country and brought to great changes in political and social life in Ukraine. Karatnycky states “in the aftermath of the Orange Revolution of late 2004, Ukraine’s political evolution has been a deepening of democratic values among its citizens and the manifestation of increased influence of business, civil society, and independent media on political life” (Karatnycky, 2007, a). The mentioned events caused the starting point for the democratic transformations occurring within the country. To be a democratic state, Ukraine has to implement in its policy the democratic norms stated in the European Council Common Strategy (1999:2) as well as stressed the Ukrainian responsibility to respect those key principles. In line with written, the year of 2004 is momentous for Ukraine as this year the “enlargement of the European Union contributed to greater attentiveness among the Ukrainian elite to the European democratic norms” (Kobzar, 2006). Additionally, as has been mentioned in the introduction of this thesis, a large proportion the Ukrainian people apparently “dreamt” to build the Ukrainian nation with adequate democratic standards. Moreover, Kobzar mentions that “reform efforts by neighboring states, Poland in particular, also motivated a desire to pursue a European path” (Kobzar, 2006).

The Orange Revolution gave the convicting answer to the fundamental question whether the Ukrainian nation is capable to build a modern independent democratic state. Millions of people on the main place of the country in Kyiv, on the streets and squares all over the country, their patriotism and tolerance, peaceful character of protest proved that Ukrainian nation took place. At the moment of extreme dramatic effects and strengthening of political fight, two parts of the Ukrainian society rose to the consent for the sake of integrity and independence of Ukraine. The citizens of Ukraine showed the

responsibility and capability to define the destiny of the nation and the country in democratic way. The Maydan square made the Ukrainian people to look in a new way at themselves, their country, the history and the future. The year of 2005 become the year of revaluation of values for everybody.

Consequently, the data of sociological monitoring fix the gradual increase during the last three years the feeling of national pride among the citizens in al the regions in Ukraine. Now they constitute the majority of the population - 54%. The following table shows the results of investigation of Institute of Sociology National Academy of Science of Ukraine<sup>36</sup>. The table demonstrates the increasing “national sentiment”, which shows the perception of Ukraine as the Motherland by the majority of population. The investigation shows that the level of local self-identification in all regions has decreased, and national, on the contrary, increased.

#### **The people’s attitude to Ukraine as to the Motherland percentage**

Macro regions	Perception of Ukraine as the Motherland		
	2002	2003	2005
West	92.6	88.2	97.5
Center	88.9	83.9	94.4
East	78.1	64.2	84.8
South	77.8	70.6	86.1
All over Ukraine	76.7	76.7	90.6

According to the results of investigation of Institute of Sociology National Academy of Science of Ukraine<sup>37</sup>

After the falsification of the Presidential elections (2004) in the country, the Ukrainian nation, Aslund and McFaul maintain, was ready “to protest in the streets against the election fraud” (Åslund, McFaul, 2006). Moreover, “eighty-four percent of the people agreed that they had the rights to protest publicly in the event of election fraud”

<sup>36</sup> <http://i-soc.com.ua/eng/index.php>

<sup>37</sup> <http://www.nas.gov.ua>

(Åslund, McFaul, 2006). This action, they stress, showed the readiness of the Ukrainian people to protect their rights, liberty and nation against the violence from the corrupted authority side. Moreover, Karatnycky notes that all sectors of Ukrainian's governments, businesses and civil life were affected by wide-spread corruption" (Karatnycky, b, 2007). Notwithstanding, these scholars maintain, in a rather triumphant mood, that the Ukrainian nation didn't let the corruptive order win over the democratic principles which have to be inculcated for governing the country which people wished to see implemented into a real action. A large proportion of the Ukrainian people wanted the radical changes, the improvement of the people's life into a good one with the democratic domination inside the society.

Additionally, the Ukrainian singers and sportsmen also joined in demonstrations of protest at that time. The 2004 Eurovision song winner Ruslana with the world-known boxer brothers Klitschko are evidence of the mentioned events. Many other Ukrainian singers were performing so-called patriotic Ukrainian songs on the main square of the country to demonstrate the support of the Ukrainian nation spending days and nights on the Hreshchatyk square. In line with standing, the Revolutionary anthem was the song by the Ivano-Frankivsk band *Gryndzoly* (Sledge) promoting the "freedom" of the Ukrainian people and calling the state to protect the country and the people from the corrupted authoritative actions having their place at that time. The song was the entry in the 2005 Eurovision song contest in Kyiv. Scholars have noted that this showed the unwillingness of the Ukrainian nation to stay slaves and hoi polloi to the power in the country. The case of calling the Ukrainian citizens "multitude and donkeys" had place when Viktor Yanukovych allowed himself to call the Ukrainian nation like this stating "donkeys do not let us live<sup>38</sup>". The mentioned fact seems to enhance the revolutionary spirit and the strong wish among the people to stop the outrage against public morality through protest. Besides, at that time many of young people in Ukraine, who were not engaged in public policy process in the country before, showed their keen interest, support in protection their nation from political violence, and formed the backbone of the activity of the civil society against corruption. The motto of the movements was "Chysta Ukraina" (Clean Ukraine) meaning clean elections without falsifications. In this period, apparently 78-85% of the Ukrainians wanted change but the question remains what kind

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<sup>38</sup> <http://cn.com.ua/N426/politics/person/person.html>  
Quoted from weekly newspaper Capital News, # 39 (426) 2006.



of change to be made, as there were two main candidates Yushchenko and Yanukovych with different perspectives for the country.

In sum, what the history of the Orange Revolution tends to show is that the new breathing offsets began to grow among the Ukrainian people based on the revolutionary events and gave the starting point to attempts to develop a free Ukrainian nation with its own identity. A large amount of people felt the need in renewing their nation, which had been neglected during many previous years, especially during former soviet times and during the 1990s. This is not to say that Ukrainian nation-building is devoid of major obstacles today. But the revolutionary events showed, at least that the Ukrainian nation is still alive and has not been destroyed by totalitarian regimes. The year of 2004 was a good starting time point for democratic transformations not only within the state itself but also in the nation-building process.

#### **4.2 Self-organization in post-soviet Ukraine and the role of NGOs in the project of nation building in Ukraine.**

In my attempt to formulate answers to my second and third research questions, I again make the historical analysis of the scientific data concerning the self-organization process in the post Soviet Ukraine. Here many scholars say that before Ukraine's independence in 1991, the public participation in civil society organizations was very low and the mechanisms and procedures of citizen participation did not work due to the absence of clear idea about the role of societal organizations in public policy process. During the Soviet period so called "public engagement" took place however, public meetings and demonstrations were controlled by the state. But, after the collapse of the totalitarian Soviet State and proclamation of the Independence of Ukraine in 1991, "basic democratic rights including freedom of speech, freedom of information, the right to associate, etc. were recognized in the newly independent Ukraine" (Zaharchenko and Gilbreath Holdar, 2000). Consequently, during the Orange Revolution period the public was entirely engaged in the transformation of the old nation-ruining system and bent their supreme efforts in regenerating the common Ukrainian national unity.

Scholars stress that the nation-building process presupposes the constructive dialogue between the state and the public. Hence, it is generally expected that the state (government) assists in the nation-building process, as this procedure requires the clear

directions in the policies regarding renewing the identity as the main characteristic of the nation. However, having scrutinized the Ukrainian legislation data, I make a conclusion that Ukrainian legislation does not contain any legislative act regarding the restoring of the Ukrainian nation. The only document providing the rights for the Ukrainian nation to govern the country is the Constitution of Ukraine<sup>39</sup>.

Furthermore, as domestic scientists state, in the current situation occurring in Ukraine, civil society organizations play an engine function in promotion the Ukrainian identity. To develop a civil society, the government of Ukraine adopted the following decrees: the Program of Activities of the Cabinet of Ministers of Ukraine "Towards People"<sup>40</sup> (# 115, 04/02/05); The Program of Activities of The Cabinet of Ministers of Ukraine "Ukrainian breakthrough: for people - not for politicians"<sup>41</sup> (# 14, 16/01/08); The Decree of the Cabinet of Ministers of Ukraine<sup>42</sup> "Changes to Concept of assistance of executive power organs in developing of the civil society in Ukraine" (# 858-p, 22/07/2009). These documents aimed at the development of a strong civil society in Ukraine as well as the cooperation between the state organs of power with the civil society organizations.

This opened the door for NGOs promotion Ukrainian national identity and has generated the development of many NGOs whose mission lies in developing the understanding among the citizens the values of national identity, calling to the consciousness of the people to love and respect the Ukrainian culture, history, national heroes, language and traditions. Here different actions promoting the Ukrainian identity have a place while holding events dedicated to revival of the Ukrainian traditions, promoting the patriotic educating of the Ukrainian youth on moral principles. The vivid example of non-governmental organization promoting the patriotic education of the people is Plast, which is neither political nor confession organization in Ukraine<sup>43</sup>.

Additionally, the membership/club NGOs in Ukraine perform a motor function in educating the nation, forming the national consciousness among the Ukrainian citizens promoting such values as human dignity, kindness, charity, good will and brotherly

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<sup>39</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=254%EA%2F96-%E2%F0>

<sup>40</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=n0001120-05>

<sup>41</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=n0001120-08>

<sup>42</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=858-2009-%F0>

<sup>43</sup> <http://www.plast.org.ua/en/>

relations among the people. Consequently, different confessions of churches in Ukraine are referred here. In line with written, it is important to mention about the role of Ukrainian cinema and theatres promoting the new ideas, theatrical art and forms with the help of which the nation is being educated. Importantly to mention that by means of poetical theatre and cinema, the national mentality and consciousness of the people are fostered deepening the roots of development of the nation. In sum, while the Ukrainian state is hesitant in promoting a national identity, a variety of NGOs have organized themselves to promote Ukrainian culture.

#### **4.3 Role of democratic transformations in creation of a strong civil society.**

The momentous and important explosion of the majority of the Ukrainian population activism during the Orange Revolution period has inspired several researchers to investigate the issue of post-communist transformations in the post-Soviet region Ukraine in particular. “The “chain reaction” of mass manifestations against a brutal procedure and results of the presidential elections is already cheered by some reporters as the *birthday* of the civil society in a country” (Stepanenko, 2006). Before the revolution in 2004, in Ukraine such phenomenon as civil society hardly existed due to the lack of appropriate governing system in the country. Hence, civil society could be characterized by the presence of non-democratic elements, having no power to voice and contest. In line with mentioned, civil society in the post-soviet Ukraine is characterized as violated and destroyed. In the time of reformation (perestroika) in Ukraine, civil society was defined by weak NGOs, which could not perform the function of a motor as well as a tool for achieving collective and state goals. Additionally, the violation of human rights had place in the independent Ukraine and the distinct example of this is the tragic murder of the Ukrainian journalist Georhy Gongadze<sup>44</sup> witnessing the total disorder at the time.

However, during the most crucial moments in its political development (the declaration of Independence, the adoption of the Constitution, the presidential elections in 2004), Ukraine makes a choice for independence and democracy. This fact favorably distinguishes it from the most post-communist countries. It turns out that the Orange

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<sup>44</sup> <http://www.newseum.org/scripts/Journalist/Detail.asp?PhotoID=1512;>  
<http://media.gn.apc.org/gongadze/index.html>

Revolution created new opportunities for the country on the way to democratic transformations and creating the strong civil society. Furthermore, the year of 2005 has opened a new stage in modern Ukrainian life with new prospects for the future namely democracy, freedom of choice and speech. In line with standing, the country had new government based on new strategies. The first legislative act regarding the reformation in different spheres of social, political life of the country as well as the protection of citizens' rights and freedoms, human development and integrity; freedom, equity and responsibility, civil society and democracy is the the Program of Activities of the Cabinet of Ministers of Ukraine "Towards People"<sup>45</sup> (# 115, 04/02/05). The Program presumes the implementation of governance policy according to the principles of honesty, integrity, transparency, patriotism, proficiency and effectiveness. The program is based and develops the statute of the program of the President of Ukraine Viktor Yushchenko "Ten Steps towards the People" and worked out according to the Constitution of Ukraine. The program foresees the formation of the civil society of Ukraine. Here it means the strengthening of the legality and the rule of law. Consequently, the implementation of the effective mechanism of the free choice and free voice, free press as well as not forced demonstrations and meetings.

The same program provides the overcoming of the corruption in Ukraine as well as making responsible the corruptive state servants. As far as it concerned the providing of the effective protection of the national interests and the guarantee the security for all the citizens and the country, the mentioned program # 115 presupposes the implementation of the regulative norms on the safety issues.

Furthermore, another program was adopted by the government in 2008 foreseeing the reforms in socio-economic and political life as well as implementation of cultural and international initiatives of the state. The following legislative act called The Program of Activities of The Cabinet of Ministers of Ukraine "Ukrainian breakthrough: for people - not for politicians"<sup>46</sup> (# 14, 16/01/08). This program guarantees the support of the civil society in Ukraine and the improvement of the fruitful dialogue between the authority, non-governmental organizations and the citizens. The promotion of the activity of the civil society institutions is the main prerequisite of the program (#14). The organs of the state power must react in time and publicly on the initiatives and citizens appeals. Additionally, the program # 14 presupposes the security of the mass media

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<sup>45</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=n0001120-05>

<sup>46</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=n0001120-08>

and free press in the country as well as the proper safety of the life of the journalists with the assistance of the organization of the journalists' environment.

The mentioned branches of cultural industry in Ukraine and their protection are foreseen in the program (#14). The participation of the Ukrainian artists in the worlds leading arts organizational forums and cultural events is also included into the implementation of the program (#14). In order to promote the historical consciousness and the cultural level of the citizens of Ukraine, as well as renewal of the national memory, the government binds to take measures in order to the spreading of the information about the causes and consequences of the Starvation in Ukraine in 1932-1933 (#14) as well as the memory immortalization of its victims. Moreover, it is necessary to mention that the Great Famine (Holodomor) in Ukraine (1932-1933) was officially recognized as the national tragedy of the Ukrainian people by the Resolution, adopted on November 1, 2007 at the 34-th session of the UNESCO General Assembly<sup>47</sup>; as well as by the 13 states, namely Estonia, Australia, Canada, Hungary, Lithuania, Georgia, Poland, Peru, Paraguay, Ecuador, Colombia, Mexico and Latvia<sup>48</sup>. It has been noted that the mentioned event strengthened the consciousness of the Ukrainian people to understand, appreciate and remember the victims of the starvation caused by the former soviet regime.

The next Decree of the Ministry of Justice of Ukraine<sup>49</sup> "On realization of the electronic consultations with the public on the official website "Civil Society and Government" (# 324/7, 13/04/2009). This document presupposes the performance of actions on the process of discussion of draft legislation with the help of "Consultation with the public" on the official web site "Civil society and government". Hence, these consultations enable the citizens to influence decision-making process as well as assist in governing the country with respect of law-abiding. The program presupposes the providing the consultations with the public the questions concerning the implementation of the state policies. Additionally, the central organ of the Executive Power makes the administration of the public suggestions comments placing them in the site of "Civil Society and the government" as well as siting the results on suggestions and comments on the same site (# 324/7).

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<sup>47</sup> [http://portal.unesco.org/en/ev.php-URL\\_ID=29008&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=29008&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>48</sup> [http://www.president.gov.ua/content/golodomor\\_75\\_30.html](http://www.president.gov.ua/content/golodomor_75_30.html)

<sup>49</sup> [http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=v324\\_323-09](http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=v324_323-09)

In addition, the Decree of the Cabinet of Ministers of Ukraine<sup>50</sup> “Changes to Concept of assistance of executive power organs in developing of the civil society in Ukraine” (# 858-p, 22/07/2009) implements the enlightening the activities of the governing organs of the country as well as reporting the actions in the media. Consequently, one can conclude that civil society cannot exist without the assistance from the side of the state.

Moreover, executing the governance process in a democratic state, it is necessary to keep in mind, as has been stated in my theoretical framework, that state/government, private sector and civil society with involvement of NGOs are three main counterparts performing the main functions while governing the country. According to Teegen et al (2004), “due to the collective action of all actors in the governance process can bring to ideal form of democratic life style in the country”. The current situation in Ukraine cannot certify the fact of ideal democratic life style in Ukraine, as there is a large place for improvement in this respect. *De jure* the situation in Ukraine turns to be favorable for development of strong civil society as the government adopted corresponding legislative acts. Nevertheless, Ukraine still faces difficulties in implementation *de facto* the laws regarding the changes in political and socio-economic life of the state and promoting the democratic values that are mentioned in chapter 2, such as human dignity, equal rights, freedom of choice and vote, humanity, accountability, rule of law and transparency.

#### **4.4 Problems of nation building in Ukraine today**

Careful document analysis of the scientific articles, elucidating the nation building process, enabled me to investigate this issue. The nation-building process has a deep historical character and results in an incompleteness of cultural as well as spiritual and political process’ in Ukraine. Beginning from the early years of independence Ukraine has to assert its identity and sovereignty, because during a long historical period of time the development of the Ukrainian state has almost stopped the state-building tradition and restore its nation. Nevertheless, the social-economic problem resulted in nation-wide problem. Here it goes about the existence of the Ukrainian identity and past language-cultural problems linked with this.

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<sup>50</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=858-2009-%F0>

It is importantly to stress that the Ukrainian government did not issue after the Orange Revolution (2004) until 2008 any legislative act promoting the restoring of the Ukrainian nation. So the springs of the revival of this phenomenon belongs to the Ukrainian people and, as the Ukrainian scholars say, who wanted to restore the nation as felt the urgent need in it. The Orange Revolution was the starting point for the Ukrainian nation revival. The historical facts serve as the bright witnesses to this momentous act.

However, according to Kuzio (2001, b) "language serves as a main factor in creation of national identity". To put differently, language is a key component in nation-building process. However, it is not always the case. For example, Germany and Austria speak the same language while post-war Austrian "nation-building created a separate identity" (Kuzio, 2001, b). The same can be concluded about the Belgian people who speak three languages while being one nation. Ukraine faces language problem caused by political emulations. Additional problems of division Ukraine into two parts and impossibility to become a modern nation-state are threatening while political games on cultural differences became the habitual instrument in political technologies during the election periods. Often the attempts of some political actors to burn the confrontations on the language, confession or political indications, pursue to achievement of some particular political goals. During the whole period of the independence, some divergences in views had place within the Ukrainian nation. However, the mentioned problems never turned into an open conflict. Additionally, often the pessimistic predictions regarding the situation of the Ukrainian nation are politically motivated.

The collapse of the Soviet Union stopped the Soviet - Russian project; however, its implications have stayed and are appreciable nowadays, namely wide spreading of the "soviet identity" and popularity of some certain soviet symbols and individuals. In line with mentioned, the significant problem in nation-building process after the Orange revolution become a big part of the Ukrainian people, speaking the Russian language, who feels violated after the defeat of the supported by them candidate during the Presidential elections in 2004.

Hence, at the background of the nation-building process the significant role according to the scholars' observations and arguments, should be cultivated by the respect to the nation and patriotically oriented activity as well as cultural and philological encouraging and favorableness towards the progressive achievements and gaining of the other nations living in the same country. Taking into account a vitally important role

of the language, which, as several scholars have stressed, plays a momentous role in the life of a nation, the state is expected to implement consistently a language policy in Ukraine equally with the protection of national minorities' languages.

#### **4.5 Conclusion**

This chapter provides an analysis of the nation-building process in Ukraine. It has been observed that the implementation of good governance principles have a place in the nation-building process during the period of 2004 until now. The indicated period is chosen for investigation due to the radical changes carried out by Ukrainian society within the Orange Revolution and afterwards. In order to provide comprehensive answers to the research questions about nation building process in the country as well as civil society, the documentary analysis has been executed.

The inferences of conducted analysis and the answers to research questions of the study are recapitulated below.

*The sub-question concerning the influence of the Orange Revolution on nation building process provides the following answer.* The Orange revolution was the crucial moment in Ukrainian history, which brought to significant changes in the country. As scientists say, since the corruptive tyrannical authority ruled the Ukraine for many years, the Ukrainian nation could not resign to the existed totalitarian regime and control from the side of government and power. Additionally, in a more triumphant mood, the Ukrainian people could not stay “slaves” to the powerful authority. The tyrannical order, powering over Ukraine during more that seventy years of Soviet camp, resulted in the unwillingness of the Ukrainians to be dependent on “an older sister” and obey in everything.

*Arguing about the self-organization in post-soviet Ukraine and the role of NGOs in the project of nation building in Ukraine,* I conclude from the investigation of the sources, that after the proclamation of the Independence of Ukraine in 1991, the level of self-organization and the activity of civil society were very low and the mechanisms and procedures of citizen participation did not work. The reason of such a low society emergence could be the absence of clear idea about the role of societal organizations in public policy process. However, during the Soviet period so called “public engagement” took place however, public meetings and demonstrations were controlled by the state.



After the proclamation of the Ukrainian independence, based democratic rights were recognized, namely freedom of speech, freedom of choice, information, vote. Furthermore, during the Orange Revolution time the public was entirely engaged in the transformation of the old nation-ruining system and bent their supreme efforts in regenerating the common Ukrainian national unity.

*In line with standing, the democratic transformations play the significant role in creation of a strong civil society.* As has been pointed out before, before the Orange Revolution in 2004 civil society hardly existed due to the lack of appropriate governing system in the country. During the most crucial moments in its political development (the declaration of Independence, the adoption of the Constitution, the presidential elections in 2004), Ukraine makes a choice for independence and democracy. Furthermore, the year of 2005 has opened a new stage in modern Ukrainian life with new prospects for the future namely democracy, freedom of choice and speech. In line with standing, the country had new government based on new strategies. Consequently, the cooperation, respect and accountability as well as agreements between the actors taking part in governing are necessary preconditions for good governance in the country. Hence, the engagement of different actors while executing the governance process is indispensable counterpart of a strong civil society. Additionally, the nation building process can take place within the stable society. In line with standing, the observance of the key governance principles is necessary for the development of a strong civil sector.

Touching the *problems nation building faces today*, it is necessary to mention that tragic historical experience left marked imprints in national being. History affirms violation of Ukrainian language, culture, art had place for a long Soviet times, and still some wounds left remaining “dark spots” and obstacles on the path to renewing the Ukrainian identity. Consequently, it is not realistic to expect their fast solution for many challenges Ukrainian nation faces today. Moreover, for 18 years of the Independence, the Ukrainian government has not issued any act regarding the revival of the nation. The Ministry of Science and Education of Ukraine made the first attempt, when the board of the Ministry ratified the Concept of the National Education of Students Youth<sup>51</sup> (# 7/2-4, 25/06/2009). The mentioned concept presupposes the formation of the national consciousness and dignity of the citizens, good breeding of the respect and love to the Motherland and Ukrainian traditions; training of the conscious intelligence of Ukraine; preservation of the intellectual gene pool of the Ukrainian nation and the elaboration of

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<sup>51</sup> [http://www.mon.gov.ua/main.php?query=newstmp/2009\\_1/13\\_07/](http://www.mon.gov.ua/main.php?query=newstmp/2009_1/13_07/)

the clear public position. Additionally, the concept foresees the resolving of the language problem through breeding the caring attitude towards the native language (#7/2-4).

According to the most common scientific opinions of the Ukrainian scholars, problematic issues for the nation have all reasons to be resolved in a broad dialogue, if each part abandons the rhetoric of a political winner or holder monopoly. Different societal groups have repeatedly demonstrated their willingness to numerous concessions for national consolidation, but not for the sake of monotony. Such consolidation is necessary in terms of democratization of the country, establishing a market economy, improving the quality of life, and perhaps also the European choice of Ukraine. The way to democracy and the market through the creation of an independent nation is a thorny one.

## **Chapter 5. Conclusion**

This research is conducted in order to elucidate the nation building process in Ukraine. Going through a thorny path, the Ukrainian nation overpowered many obstacles on the way to its transformation and consolidation.

The creation of the modern Ukrainian nation turns to be special. Historical facts say about the process of its formation, which took place during the disappearance of old large centers such as the Kiev Rus, Mongol, Byzantine, Ottoman, Holy Roman Empire and the Swedish-Lithuanian Commonwealth in the X-XVIII centuries. In the twentieth century the collapse of the Russian, Austro-Hungarian, German empires influenced the creation of modern Ukraine significantly. Lack of stable government entities in this part of the world has predicted the imperial "superpowers" the attempts to establish their dominance. Central and Eastern Europe in general, and Ukraine in particular, often were the great confrontation thorns. Moreover, the wars experience, including the First and Second world ones, showed that the control of Ukraine's natural and human resources was an important factor in the victory. In terms of the formation of the nation, this means that it occurred in conditions of political repressions and assimilation pressure in the "fire wars and revolutions".

The Orange Revolution in the twenty first century also proved that the Ukrainian nation is able to affirm itself. The emergence of the Ukrainian people on the streets in Ukraine demonstrated Ukrainian nation is alive and is ready to protect itself. According to scientific data, the transformations caused by the revolutionary events consolidate the Ukrainian society, which demanded democratic transformations in the country. As a consequent, together with the breaking of the old regime and bringing a new fresh breath within a society, radical changes began to happen inside the country leading it to sustainable path of development.

The central research question of my investigation is formulated as follows: To what extent do NGOs play a role in the building of the Ukrainian nation during the Orange revolution (2004)? In order to give a clear answer to the main question, the specific sub-questions concern the impact of the Orange Revolution on the nation-building process in Ukraine, NGOs participation in the formation of a strong civil society

as well as their influence in the process of the national revival together with the democratic transformations having place after the Revolution. Additionally, the legislative acts, adopted after the Orange revolution (2004), concerning the development of a strong civil society as well as the engagement of NGOs into the public policy process, are under the interest due to the significant importance of the state's attempts in promoting and assisting in the mentioned issue.

While investigating the subject, I conducted a desk research. In order to provide answers to the research questions of the study, documentary analysis is conducted. In particular, the content analysis of the legislative acts representing policy addressing the development of a strong civil society in Ukraine is carried out. Additionally, it was proved in my investigation that nation building process in Ukraine cannot take place without existence of a stable civil society. Consequently, legislative acts concerning the promotion of the activity of the civil society institutions as well as the improvement of the fruitful dialogue between the authority, non-governmental organizations and the citizens, are of significant interest and necessity in order to answer the main question. In line with mentioned, the analysis of historical facts demonstrating the public breakthrough on the way to building a strong and firm nation as well as scientific outputs concerning the formation of nation in general and Ukraine in particular are scrutinized carefully for making the inferences in reaching the final answer.

Hence, the conducted analysis crowned with the following conclusions. Post revolutionary legislation is executed *de facto* not completely. Although, the adopted legislation of Ukraine after the period of the Revolution, regarding the investigated issue, *de jure* contain good governance principles (accountability, transparency, responsibility, responsiveness, participation) assisting in promotion of a strong civil society and the fruitful cooperation between the public and the government. The analysis chapter 4 describes the mentioned legislation. In other words, if all the principles were implemented into real actions without omitting any precondition, the situation in Ukraine would be much more ordered under the rule of law and resulting from this improvement of the position of the civil society as well as the development of the nation. However, I have to recapitulate, scrutinizing carefully the legislation data, during the period after the proclamation of the independence of Ukraine (1991) until the end of 2008 from the side of the Ukrainian government there was not adopted any legislative act addressing the promoting of the Ukrainian nation as well as its revival. The first attempt on the way to renewing of the Ukrainian identity and nation building

process was made when the board of the Ministry of Education and Science of Ukraine issued the concept regarding the development of the Ukrainian nation. This was the first step from the side of the state on the way to revival the pure Ukrainian nation though it was made on its 19<sup>th</sup> year of independence.

In line with standing, according to Ukrainian scholars, state and society must firmly stand on a confident model of a nation building. In accordance with this model, the Ukrainian nation embraces everybody who live in Ukraine, irrespective of ethnic and social origin as well as everybody who is loyal to the idea of the state. Hence, making inference from the conducted analysis of the Ukrainian legislation regarding the issue of development of civil society and NGOs participation in decision-making process, one can conclude, that Ukrainian government *de jure* meets halfway the participation of the third sector in decision-making process. However, there is still room for improvement. *De facto* not every preconditions of the legislation are executed. Here it means the activity of the Ukrainian NGOs, which is still low as apposed to their number in the country. The reason might be in the lack of fulfillment of the good governance principles. However, scholars investigate the governance principles and Ukrainian legislative acts are issued based on these principles. However, the governance process in Ukraine does not happen as it should according to the “governance formula” (governance = cooperation of state + civil society).

Arguing about the nation building nowadays, this process still faces some challenges. A broad dialogue between the government and the nation is necessary in disclosing all the difficulties on the way to nation development. According to the scientific opinion of the Ukrainian scholars, different societal groups have repeatedly demonstrated their willingness to numerous concessions for national consolidation, however not for the sake of monotony. Consequently, modern Ukraine has to realize through dialogue and compromise the democratic model of national development that focuses on long-term perspective. In line with mentioned, Ukraine has a very strong and Ukrainian ethnic consolidated kernel. Consequently, as scholars say, the stable and clearly expressed tendency around the ethnic core is taking place making significant imprints in the process of the transformation of the nation as well as its renewal. The mentioned is witnessed by the sense of national pride, which serves as one of the characteristics of the sympathy to the Ukrainian nation. Shared identity and common history unite the human community. Here the proof of this appears to be the increasing number of people who are proud that they are citizens of Ukraine. First, they constitute

the majority of Ukraine's population - 54% (according to the results of investigation of Institute of Sociology National Academy of Science of Ukraine<sup>52</sup>).

However, the Ukrainian society and the government are keeping standing on a political model of building of Ukraine. Additionally, optimistic expectations of the majority of the population are caused due to the victory of the revolution (2004). However, the fundament of the social optimism remains unstable. This type of menace remains until the societal hopes rely on the trust in political leaders but not on stability and democratic trend of the main political institutions. Hence, the urgent task for the authority remains in establishing such institutions, taking into consideration a historical experience and modern state of the Ukrainian nation, to which we belong.

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<sup>52</sup> <http://www.nas.gov.ua>

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**Appendix<sup>53</sup> *The list of the legislative acts of Ukraine (2004-2008), issued by the Cabinet of Ministers of Ukraine (the Government), Verkhovna Rada of Ukraine (the Parliament), the Ministry of Justice of Ukraine***

- Action-Plan *Ukraine-EU* adopted by the Cabinet of Ministers of Ukraine 12/12/2005
- *Constitution of Ukraine* adopted by the law of Ukraine from 28/06/1996
- The Program of Activities of the Cabinet of Ministers of Ukraine “Towards People” (# 115, 04/02/05)
- The Program of Activities of The Cabinet of Ministers of Ukraine “Ukrainian breakthrough: for people - not for politicians” (# 14, 16/01/08)
- The Decree of the Cabinet of Ministers of Ukraine “Changes to Concept of assistance of executive power organs in developing of the civil society in Ukraine” (# 858-p, 22/07/2009)
- The Decree of the Ministry of Justice of Ukraine “On realization of the electronic consultations with the public on the official web site” *Civil Society and Government*” (# 324/7, 13/04/2009)
- Ministry of Science and Education of Ukraine, Concept the National Education of Students Youth (# 7/2-4, 25/06/2009).
- *Constitution of Ukraine* adopted by the law of Ukraine from 28/06/1996
- The Law of Ukraine on State Anthem of Ukraine (# 24, 06/03/2003)
- The Decree of the Verkhovna Rada (Supreme Council) of Ukraine on State Symbols of Ukraine (# 45, 03/09/1996)

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<sup>53</sup> <http://zakon.rada.gov.ua/>