

**Statement of Kenneth Wollack
President, National Democratic Institute
before the
Senate Committee on Foreign Relations
June 5, 2014
Hearing on
“Ukraine: Recent Developments”**

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to comment on recent political developments in Ukraine in the wake of the May 25 presidential election.

NDI in Ukraine

With support from USAID, as well as the National Endowment for Democracy, the Department of State, and the governments of Sweden and Canada, NDI has conducted democracy assistance programs in Ukraine for the past 25 years. These efforts have focused on strengthening citizen engagement in issue advocacy, governance, political parties and elections, and on women’s participation in politics.

Most recently, NDI fielded an international election observation mission that was led by NDI Chairman Madeleine Albright and former Spanish Foreign Minister Ana Palacio. Delegation leaders also included Wilson Center President Jane Harman, former Hungarian Member of Parliament Matyas Eorsi, and former U.S. Senator Ted Kaufman. The mission’s leadership reflected the importance of a trans-Atlantic commitment to a democratic and sovereign Ukraine. NDI also helped Opora, Ukraine’s largest nonpartisan citizen monitoring group, deploy 2,000 observers across the country, including to Donetsk and Luhansk, and conduct a parallel vote tabulation that confirmed the official election results. Along with several European groups, NDI also supported 350 observers from the European Network of Election Monitoring Organizations (ENEMO), a coalition of the leading citizen monitoring groups in Eastern Europe and Eurasia.

External and Internal Challenges

Ukraine has turned a corner onto a decidedly democratic path. At the same time, the country is facing an extraordinary set of challenges, some new and some longstanding. Most pressing is the external threat from Russia, which has illegally occupied Crimea and massed troops on Ukraine’s eastern borders. Russian-backed and armed separatist operations in the eastern oblasts of Donetsk and Luhansk amount to an undeclared war against Ukrainian sovereignty. This

represents an urgent threat to Ukraine's territorial integrity as well as a challenge to the European security order.

On the domestic front, the challenges are no less daunting. The economy is in crisis; corruption, by all measures, has been rampant; public confidence in political institutions is low; and citizen patience is limited. While there has been overwhelming support in both the East and the West of the country for Ukrainian unity, there are divisions over governmental structures. While these would not in themselves threaten the integrity of Ukraine, external forces are working to exploit and politicize these divisions through a campaign of disinformation.

Euromaidan and Elections

The Euromaidan movement and the presidential election have set a solid foundation for Ukraine to address many of its longstanding internal challenges. Euromaidan set the stage for the election. The election has in turn set the stage for further and deeper reforms.

Euromaidan was sparked by anger over the government's abrupt refusal to sign a European Union treaty, but it was sustained for three months by a more basic demand for dignity and respect from government. The Euromaidan demonstrations that began last November fundamentally altered the political dynamics in the country. They highlighted Ukrainians' demands for change, including more transparent, accountable and uncorrupted political practices as well as respect for basic civil and political rights. They led to the collapse of a government, its replacement by a more reform-oriented and EU-focused interim government, and the scheduling of a snap presidential election. Less visibly, they introduced accountability to citizens as a requirement of governance for perhaps the first time in Ukraine's history.

Euromaidan drew participants from across the country and spawned similar demonstrations in cities in all regions, reflecting widespread consensus on these issues. Public opinion research also demonstrates that Ukrainians across regions share a desire for national unity, more responsive governance and greater public integrity.

Tragically, the Euromaidan demonstrations resulted in the deaths of more than 100 Ukrainians and injuries to many more. Other deaths in the East and South, including those in a fire in Odessa, present the need for a concerted reconciliation process.

However, the redistribution of power from elites to citizens prompted by Euromaidan will be sustainable only if civic and political leaders find post-Maidan ways to keep people engaged in politics. Street protests are blunt instruments for governing and cannot be prolonged indefinitely. The country now has the opportunity to translate the energy of this watershed moment into a sustainable democratic trajectory -- one that makes future Maidans unnecessary. It remains to be seen how effective this transition to more conventional forms of participation will be.

The first test of Ukraine's ability to navigate this transition was the May 25 presidential election. By every measure, Ukraine passed that test.

This was the most important election in Ukraine's independent history. The NDI observer delegation listened to the people of Ukraine in meeting halls, government offices and polling places. Their voices came through loud and clear. They voted for sovereignty and they did so with determination. They wanted the world to know that Ukraine could not be intimidated by external threats. They achieved their purpose.

By turning out to vote across the vast majority of the country, Ukrainians did more than elect a new president. They showed the world their commitment to unity and democracy. Their votes conveyed that these principles should be valued over geopolitical strategy or leaders' personal enrichment. Ukraine's electoral administrators, campaigns, government authorities, election monitors and voters showed courage and resolve in fulfilling their responsibilities in compliance with Ukraine's laws and international democratic election standards. The losing candidates deserve commendation for their constructive responses to the results. In observing elections in more than 60 countries since 1986, including previous polls in Ukraine, rarely has NDI heard such positive commentary about the process from political contestants and nonpartisan monitors alike.

In most of the country, the elections were generally run well and proceeded without major incidents. Voter turnout was 60 percent. The pre-election period and presidential election were virtually free of formal candidate complaints. Polling station commissioners cooperated to facilitate voting and address issues, while large numbers of nonpartisan citizen observers and party poll watchers, including many women, witnessed the proceedings. Across the country, voters often stood in long lines, waiting patiently to cast their votes.

Isolated problems did crop up. Molotov cocktails were thrown overnight at some polling stations, but those precincts opened in the morning for voting. On election day, bomb threats temporarily closed some stations, but the security forces responded effectively and voting resumed. Observers also noted incidents of overcrowding at polling sites, police presence inside polling stations, late arrival of mobile ballot boxes, and poor accessibility for voters with disabilities. None of these concerns, however, diminished confidence in the process or the results.

By contrast, in Crimea, Donetsk and Luhansk, representing just under 20 percent of the electorate, most voters were denied the opportunity to vote.

No polling took place in Crimea due to the Russian occupation. Crimea is home to 1.5 million registered voters, representing 5 percent of the Ukrainian electorate. The Central Election

Commission (CEC) reported that approximately 6,000 Crimean residents registered to vote in other parts of the country, which was the only procedure available to them.

In Donetsk and Luhansk, two of five Eastern provinces, armed groups carried out illegal actions -- including seizures of government buildings and electoral facilities, abductions and killings of journalists and widespread intimidation -- aimed at preventing the elections. Even in the face of such violations of fundamental rights, electoral officials opened 23 percent of polling stations in those two oblasts. International and Ukrainian election observers witnessed these officials' brave and determined efforts. Ultimately, only small percentages of eligible voters in Donetsk and Luhansk were able to cast votes.

Any disenfranchisement of voters is regrettable. Universal and equal suffrage for eligible citizens is fundamental to democratic elections. However, the three cases of Crimea, Donetsk and Luhansk should not negate the fact that the vast majority of the electorate -- more than 80 percent -- had the opportunity to cast ballots for the candidate of their choice.

Also, it is important to note the source of voter disenfranchisement. In most countries where NDI has observed elections, disenfranchisement has been caused by authorities or political contestants interfering with the process for electoral advantage. In Crimea, Donetsk and Luhansk, the responsibility lies with foreign forces occupying Ukrainian territory and armed groups seeking to prevent voting, despite good faith efforts by election officials. Such disenfranchisement cannot be allowed to negate the legitimacy of elections or the mandate they provide. Unfortunately, disenfranchisement occurred in parts of Afghanistan, Pakistan and Georgia in recent elections due to terrorism by non-state actors or foreign occupation. Nevertheless, those actions did not negate the credibility of the overall process.

All NDI observers commented that the mood surrounding the election was marked less by celebratory fanfare than by sober determination, reflecting both a recognition of the challenges that lie ahead and a resolve to meet them.

Next Steps

The Euromaidan movement made change possible and the election added momentum. The task ahead is to make such change sustainable. After he is inaugurated this weekend, President Poroshenko will need to pursue open and consultative governing practices that incorporate the interests of Ukrainians from *all* regions of the country. He and other leaders will need to communicate effectively the prospect of short-term sacrifices and deliver on the longer-term expectations of the Euromaidan movement. Moreover, they will need to focus as much on *process* as on policy outcomes. Delivering on citizens' high and varied expectations will be impossible without opening channels of communication and encouraging meaningful public participation.

These expectations include:

- improved security;
- constitutional reform, including decentralization and outreach to the East and South;
- economic growth and stability;
- anti-corruption measures;
- diversification of trade and energy supplies;
- political institutions that channel dissent, facilitate debate and respond effectively to citizens' concerns;
- transparency, integrity and accountability in all aspects of public life;
- an open and fair judicial process; and
- a legislative process that is based on consultation and open debate.

While some of these expectations were articulated on the Maidan, public opinion research has shown that they are shared by all Ukrainians, including those who did not participate in the demonstrations and even those who opposed them. In public opinion polls, Ukrainians consistently cite corruption as their top concern. Some meaningful reforms have already been undertaken; many more are needed for Ukraine to reach its democratic potential.

For many years, political parties, civil society organizations and government agencies were isolated from one another and from citizens. However, the building blocks for a more unified and inclusive system are now in place. The Rada and the current cabinet of ministers represent all regions. President Poroshenko was elected with pluralities in all oblasts that voted, gaining an inclusive and strong public mandate.

Since February, the government and the parliament have enacted an impressive set of reforms. Civil society organizations are holding politicians accountable and helping to shape an ambitious agenda. I draw your attention to the “Reanimation Package of Reforms,” an impressive civil society initiative to improve election laws, procurement practices, education policy, and access to public information, among other issues, through civic advocacy and strategic cooperation with parliamentary and government allies. It is an important example of a successful transition from “the square” to sustainable political participation.

The task ahead is for parties, civil society organizations and government to become citizen-centric, rather than leader- or oligarch-centric. Giving citizens meaningful influence over these political institutions would contribute to their coherence and effectiveness.

Government: The government and the parliament are under intense pressure to deliver results to an impatient public. Ukrainians have historically had limited trust in politicians and parties. One way to address this challenge would be to focus on public consultation along with meaningful reforms. By listening to and consulting with citizens -- and communicating in clear terms how

short-term sacrifices will lead to longer-term improvements -- government leaders would help smooth the path to results.

Political Parties: Ukraine's political parties need to rebuild. Former President Yanukovich's Party of Regions is on the wane. Other established parties performed below expectations in the elections. Even the President-elect's party is small. A coherent and loyal opposition to the government has not yet formed. In the past, the leading political parties have been top-heavy and personality-driven. Those structures are now struggling to survive in the changed political environment. However, it is promising to see that some new parties are emerging. These groups seem well positioned to infuse established parties with new energy or gain traction in their own right. For all parties, the challenge will be to build support from the "grassroots" up and base policies and strategies on citizens' concerns -- including demands for transparency and public integrity. This will require parties to embrace new ways of organizing that are more labor-intensive but ultimately more sustainable. Local and parliamentary elections, which could be called as early as this fall, will present opportunities for building a genuine multi-party system.

Civil Society: Ukrainian civil society is robust and Euromaidan has only added to its vitality. The Euromaidan movement showed that determined, organized citizens can wield considerable political power. By their very nature, however, street protests are inchoate. Sustained popular participation requires leadership and structure. Channeling the energy of Euromaidan into the day-to-day and admittedly less-exciting business of reform and governance is the next hurdle. Initiatives like the "Reanimation Package of Reforms" and, before that, nonpartisan citizen election monitoring projects and campaigns to defend freedom of assembly and other rights set great examples of effective organizing. These tactics need to be disseminated more widely throughout Ukraine so protesting is no longer the advocacy strategy of first resort.

It will be important for the national dialogue on ensuring rights and representation for all Ukrainians to accelerate and deepen. Indeed, this process, which is now underway, would benefit from broader and more active participation from civil society.

The added benefit to resolving these internal crises is that doing so puts Ukraine in a stronger position to address the external threats to its sovereignty and territorial integrity. The tangible benefits of democratic governance and closer ties with Europe and the West will ultimately eclipse hollow propaganda to the contrary.

International Assistance

The impact of past U.S. development assistance to Ukraine is more visible now than ever before. Years of corrupt and inept governance masked much of Ukraine's promise. But that sustained support from the U.S. nonetheless helped democratic groups to get established, expand, accumulate skills and survive through political hardships. Nonpartisan citizen election monitors

introduced transparency to Ukraine's electoral procedures. Initiatives like the Chesno Movement promoted accountability among candidates for public office. Civic coalitions like "For Peaceful Protest," a long-time advocate for the right to freedom of assembly, helped to organize Euromaidan around the principles of peacefulness and voluntarism. Also, in the new political environment, partners of U.S. assistance projects can be found among the most active reformers in the government, parliament, political parties and civil society.

Ukraine now needs help in all of its priority reform areas. In NDI's meetings throughout the country over the past three months, Ukrainian leaders have been unanimous in requesting such support. There are major financial needs, to be sure. In addition, Ukrainians are eager for technical assistance, peer-to-peer contacts and linkages to international counterparts -- in the areas of constitutional reform and decentralization, civil service reform, procurement, public integrity, judicial reform, communications, citizen outreach and engagement, transparency and accountability, and political party and civil society strengthening. Just as Ukraine's problems will not be solved overnight, international engagement needs to aim for the long term.