

CONSTITUTIONAL REFORM IN UKRAINE

COMMUNICATIONS INITIATIVES ANALYSIS AND RECOMMENDATIONS

EXECUTIVE SUMMARY

The 2013-2014 Euromaidan revolution in Ukraine demanded significant political reforms that would require changing the Constitution. However, only one of the three areas of constitutional change, namely de-centralisation attracted significant media coverage, monitoring data reveal. The other two, judiciary reforms and human rights, have gained little media attention.

The plans to de-centralise Ukraine have proven controversial. Many fear that the changes could open the door to the secession of regions – a fear that is likely responsible for the high volume of media attention that the plans attracted.

In general, the Government rarely manages to communicate reforms effectively. As a result, only 9% of Ukrainians are satisfied with how the Government communicates its activities to the public.

International experience has shown that engaging the public as well as key stakeholders across government early in the reform process improves the chances of long-term success. However, the effective communication of the issues and proposals requires the development of creative approaches.

RECOMMENDATIONS

- 1) Consult with stakeholders when crafting the reforms to build ownership and create public dialogue platforms for subsequent use during implementation.
- 2) Ensure that the entity leading the reform spearheads communications.
- 3) Support the relevant minister or official to champion the reform proactively inside and outside of government.
- 4) Develop a communication strategy for each reform, tailored to the schedule of the process.
- 5) Begin communication campaign planning at least six months before kick-off.
- 6) Bring in professional communication strategists and copywriters to develop clear messages and content tailored to specific target groups.
- 7) Allocate adequate funds for the communication strategy and campaign implementation.

PUBLIC COMMUNICATION OF REFORMS AFTER EUROMAIDAN

During Euromaidan, Ukrainian civil society assumed a key communication role, disseminating information to the public about the events unfolding in the country. “Euromaidan SOS”, a self-organised group of human rights and civil society activists, lawyers, journalists and other concerned citizens of different professions¹ led public communications for several months after Euromaidan. The donor-funded Ukraine Crisis Media Centre (UCMC),² fulfilled a key government function. The UCMC informed the international community about events in Ukraine, while also focusing on providing information to people in Crimea and the war-torn eastern regions as well as internal migrants from these trouble spots.³ UCMC now provides continuous reporting on the reform process through its Ukraine Reforms Communication Taskforce.⁴

In September 2014, Ukrainian officials established the National Reform Council (NRC), an advisory body including government, civil society and business leaders tasked with developing consensus around key reforms and monitoring their progress. The Project Reform Office provides it with analytical expertise and communications support.⁵ The NRC identified 18 key reforms, including anti-corruption, judiciary, de-centralisation and human rights. The progress of each reform is measured according to a set of key performance indicators (KPIs) tracked whether laws enacting specific reforms were passed and to what extent they are implemented.⁶ The NRC website serves as the primary source of information on the reforms. It was left to civil society to engage and inform Ukrainians as well as build support among them throughout the reform process.

1 See a Facebook profile of “Euromaidan SOS” here: <https://www.facebook.com/search/top/?q=Euromaidan%20sos>
2 <http://uacrisis.org/ua>

3 Other CSOs actively involved in developing the reforms and informing Ukrainians about the reform progress include the Reanimation Package of Reforms and New Country.

4 The Ukraine Reforms Communications Taskforce hosts press briefings, expert panels and presentations. It also develops materials, such as infographics.

5 See about the Project Reform Office here:

<http://reforms.in.ua/en/reformy/nacrada>

6 Based on the KPIs, the aggregate level of progress is at an average completion level of 66%, see <http://reforms.in.ua/ua/skorkardy>

To address communication shortcomings, the Government established the Ministry of Information Policy at the end of 2014. The first priorities of the Ministry were to 1) communicate with the frontline and the occupied territories in the war-torn East, 2) strengthen Ukrainian voices abroad and 3) provide public information about legislative initiatives. The post-Maidan government began by transforming the state television channel into a public television outlet.⁷ A national legal framework for this was adopted by Parliament in March 2015. The legislation provides funds for the National Public TV and Radio Broadcasting Company (NPtrbc) based upon the assets of the currently existing state broadcasting companies, prohibits the privatisation of the NPtrbc and ensures the independence of the NPtrbc with regards to information activities.⁸

GOVERNMENT REFORM COMMUNICATION IS IMPROVING BUT STILL NEEDS WORK

Two years later, polls show that a majority of Ukrainians view the reform progress as being too slow,⁹ rating it between a 2 and 3 on a 10-point scale. Most respondents indicated, moreover, that the reforms have no effect on their personal situation.¹⁰ A clear majority of Ukrainians do not believe the Government will succeed in carrying out the reforms. Approximately 30% have lost faith in the process completely, and less than one-third of Ukrainians believe that the reforms will succeed.¹¹

One reason for such low marks appears to be due to the Government's poor communication about the reforms and their impact on ordinary people. Only 9% of Ukrainians are satisfied with how the Government communicates its activities to the public. Fully 39% of respondents do not believe the government provides reliable information. Almost one in three Ukrainians (28%) say that the information the Government provides is insufficient, and 24% complain that the information is unclear. At the same time, 12% believe that information about reforms is only of interest to experts, not ordinary people.¹²

Today, the press services and communication departments of ministries and agencies continue to be understaffed – and/or staffed by under-qualified individuals – and see their role mainly

as informing the media about Government activities, often exclusively about the activities of ministers. The bodies do not appear to play a strategic communication role or crisis management functions, and they possess only limited experiences with national communication campaigns.¹³

NATIONAL COMMUNICATIONS CAMPAIGNS

The first attempts to conduct national campaigns began in September 2014 with the “Energy Independence” and “Subsidy” programmes. Consultants designed these donor-funded campaigns to help the ministries to establish effective public communications services.¹⁴ The quality and effectiveness of each campaign varied, depending on the level of coordination among various stakeholders. For “Energy Independence”, different stakeholders organised five communication campaigns simultaneously to promote energy efficiency. While there was a degree of message consistency, some efforts were duplicated. And, despite these efforts, few Ukrainians think energy reform was covered well in the media.¹⁵

For “Subsidy”, however, the Secretariat of the Cabinet of Ministers spearheaded a successful campaign to inform low-income households about how to apply for utility subsidies. Communications advisers from donor organisations assisted and the Ministry of Social Policy helped to implement the campaign from October 2014 to September 2015. Public awareness reached 80% by May 2015,¹⁶ and the number of issued subsidies increased more than ten-fold in the first year.¹⁷ While the subject of subsidies is directly relevant to many people and, therefore, easier to communicate, it is also worth noting that this campaign was more consistent. Key success factors include sufficient funding for high-quality information products and large-scale campaigns and message consistency. A relevant minister who actively champions the reform inside and outside government can also be useful.



Figure 1. “State aid is looking for you”

7 See Government's statement here: http://www.kmu.gov.ua/control/ru/publish/article?art_id=248076906&cat_id=244843950

8 See the Law of Ukraine on Introducing Amendments to Certain Laws of Ukraine on Public Television and Radio Broadcasting in Ukraine of 19 March 2015, No. 271-VIII, available in Ukrainian at: <http://zakon4.rada.gov.ua/laws/show/271-19>

9 <http://ratinggroup.ua/download.php?id=215>

10 http://www.uceps.org/upload/1427287523_file.pdf

11 <http://dif.org.ua/ua/publications/press-reizly/reformi-v-ukselehnja.htm>

12 <http://www.slideshare.net/CommReformGroup/audit-of-the-communication-resources>

13 Ibid.

14 <http://www.changeec.com.ua/>

15 http://uniter.org.ua/upload/files/PDF_files/Pact_survey_April2015_public.pdf

16 Energy Sector Management Assistance Programme Study, World Bank, May 2016.

17 The number of issued subsidies increased from 454,000 families in September 2014 (at the start of the campaign) to 5.1 million families in September 2015, see: <http://censor.net.ua/news/366590/jilischnye-subsidii-poluchili-51-mln-ukrainskih-emyei-rozenko>

CONSTITUTIONAL REFORM IN THE MEDIA

In March 2014, the constitutional reform process gained momentum with the establishment of the Constitutional Commission (CC) - a presidential advisory body comprised of government officials, experts and international observers who are tasked with drafting constitutional amendments on de-centralisation, judiciary, and human rights.¹⁸ To date, the CC has proposed draft laws on de-centralisation and judicial reform. These draft laws are now pending final approval from the Parliament.¹⁹

As a result, while there is evidence of some progress, a lack of public communication is obstructing the adoption and implementation of key changes. Recent media monitoring shows that “constitutional reform” does not receive attention,²⁰ e.g. it is mentioned about half as often as tax reform.²¹ About 10% of the mentions are positive, 13% are negative, and 77% are neutral. Negative references to the reforms primarily associate it with the special status of Donbass as well as demands made by representatives of the so-called Donetsk and Lugansk Peoples’ Republics. The media mentions constitutional reform issues most often in relation to the Minsk Agreements (delivered by mostly Russian and pro-Russian speakers), de-centralisation (raised mainly by experts and leaders on this issue) and the general importance of reform for the future of the country (primarily from Ukrainian speakers, commentators from Europe and the United States). Planned public campaigns or events have been limited.²² To date, only the Centre of Policy and Legal Reform (within its information project “Constitution”) has provided awareness-

¹⁸ See more about the CC in DRI’s factsheet, available at: <http://democracy-reporting.org/publications/country-reports/ukraine/factsheet-may-2015.html>; and DRI’s Briefing paper no.56, available at: <http://democracy-reporting.org/publications/country-reports/ukraine/briefing-paper-56-june-2015.html>

¹⁹ The draft law on de-centralisation was approved preliminarily on 31 August 2015 and awaits second and final voting. The draft law on judiciary was approved preliminarily on 2 February 2016 and awaits second and final voting. For more about the constitutional process in the areas of de-centralisation and judiciary see DRI’s info graphics, available at: http://democracy-reporting.org/files/decentralisation_en.pdf and http://democracy-reporting.org/files/judiciary_en.pdf

²⁰ Media monitoring for the period from March 2015 to March 2016 shows that “constitutional reform” was mentioned 23,160 times in various media (including national-wide print media, TV and radio as well as top 100 media websites), provided by Context Media, Ukrainian media monitoring company.

²¹ As of March 2016, the top five people cited in the media on these issues were President Petro Poroshenko (844 citations), followed by his ally Parliament Speaker Volodymyr Groysman with about half as many citations (447), Russian President Vladimir Putin (370) and Russian Foreign Minister Sergey Lavrov (271), followed by Denis Pushilin, chairman of the Supreme Council of the so-called Donetsk People’s Republic (203).

²² See, for example, the conclusions of the public constitutional fora organised by DRI and attended by the EU member state officials alongside members of the Constitutional Commission, the presidential administration, the parliament, and civil society organisations: <http://democracy-reporting.org/news/latest-news/constitutional-reform-in-ukraine.html>; and <http://democracy-reporting.org/news/latest-news/has-the-window-closed-the-future-of-ukraines-constitutional-overhaul.html>.

raising for limited audiences such as press conferences, journalist trainings and expert discussions. These isolated activities are no substitute for a full-fledged communication campaign.

COMPARISON OF COMMUNICATION IN THE THREE REFORM AREAS

Communications about constitutional reform cover three reforms areas: de-centralisation, judiciary and human rights.

De-centralisation, initiated in May 2014 by then Deputy Prime Minister Volodymyr Groysman, is a top priority in Ukraine. The first steps to communicate de-centralisation to the public were made during Groysman’s tenure. The Swiss-funded “Support Decentralisation Project” (DESPRO)²³ produced informational materials, such as animated videos, to explain the essence of the reform.²⁴ At the same time, the Decentralisation Press Centre at the Ministry of Regional Development funded a website²⁵ and Facebook page²⁶ and invested in branding the reform. A Reform Digest was distributed several times a week via a mailing list.

Until May 2015, communication about de-centralisation mainly involved public relations, advocacy, digital communication. It also included various events, such as conferences, roundtable discussions and public forums, held across the country with the participation of experts from authorities and independent groups.²⁷ Through these activities, the government aimed to explain the essence of de-centralisation and what people could expect from the reforms. The Secretariat of the Cabinet of Ministers launched a separate campaign to disseminate information about decentralising the state budget in February 2015.²⁸

These efforts succeeded. A DESPRO study showed that public knowledge of de-centralisation between Autumn 2014 and Spring 2015 shifted from “trying to understand what de-centralisation is” to “how it will be implemented.”²⁹ The next communication task was to explain how the reform would be implemented, in particular, to explain the meaning and legal status of the new territorial administration unit: the “community” (“Hromada” in Ukrainian).

²³ <http://despro.org.ua/>

²⁴ <https://www.youtube.com/watch?v=WWL-ReKrNCE>

²⁵ www.decentralization.gov.ua

²⁶ <https://www.facebook.com/decentralizationua/?fref=ts>

²⁷ These participants included the Ministry of Regional Development and NCR as well as independent groups, such as DESPRO and the Association of Ukrainian Cities. Info-graphics, brochures, articles and other “take away” materials were produced for these events.

²⁸ The activities of the campaign focused on regional roundtables with key messages delivered by speakers from relevant ministries.

²⁹ http://despro.org.ua/news/detail.php?ID=1540&spphrase_id=1078

Following these efforts, the Ministry of Regional Development launched the first communication campaign about the new communities in June 2015. Funded by the Norwegian Embassy and implemented with the Ministry of Information Policy, the campaign included outdoor and indoor advertising throughout Ukraine as well as radio spots and online banners.



Figure 2. *Let's unite communities, make village life better. Quality medicine, a poster from the campaign launched by the Ministry of Regional Development*

In July 2015, with the upcoming parliamentary vote the constitutional amendments to happen in August 2015, the NRC took over campaign coordination. Materials were produced and launched in the media, explaining why changes to the constitution were needed. Another project page was opened on Facebook.³⁰ New branding was used in the materials: “De-centralisation – The Strategy for National Success.”³¹ Activities to support de-centralisation in the second half of 2015 focused on the necessity of constitutional changes. De-centralisation became one of the most popular topics in the media.³²

JUDICIAL AND HUMAN RIGHTS REFORMS

In contrast to de-centralisation, judicial and human rights reforms have not received nearly the same or adequate attention in terms

of public information campaigns or media coverage.³³ Whereas information available on the websites of the Constitutional Court³⁴ and Supreme Court³⁵ is poor,³⁶ content provided by online portals of CSOs, such as the Human Rights Information Centre³⁷ and the Ukrainian Helsinki Group, are more informative.³⁸ The website of the Constitutional Commission is also useful and up-to-date.³⁹

The most common communications activities conducted on the judicial and human rights reforms include research, human rights monitoring, roundtables, press events, trainings for journalists held by groups such as the Reanimation Package of Reforms (RPR) and the Centre of Policy and Legal Reforms, and international development partners (e.g. USAID). These organisations also produce articles, infographics, brochures and manuals, but they get little exposure.⁴⁰ The reforms do not have dedicated web pages, and they are rarely discussed in social media.



Figure 3. “The formula of Judicial Reform”, developed by the Centre of Policy and Legal Reforms

CASE STUDIES OF INTERNATIONAL BEST PRACTICE

33 Judicial reform was mentioned in just 3,666 articles between March 2015 and March 2016. In the same period, only 691 articles mentioned human rights reform. In contrast, there were 23,160 articles on de-centralisation in the context of constitutional reform. This data seems to indicate that there is a positive correlation between communication campaigns and the level of media coverage of reforms in Ukraine, provided by Nielsen (TV), Arianna (non-TV), March 2016.

34 <http://ccu.gov.ua/uk/index>

35 <http://court.gov.ua>

36 They are redundant, difficult to use, do not address reform issues, and they do not have a presence in social media.

37 www.humanrights.org.ua

38 www.helsinki.org.ua

39 www.constitution.gov.ua

40 Media monitoring does not identify these organisations as being present in mass media. Traffic to their existing social media pages is insignificant (e.g. there are only 1732 subscribers as of 11 May 2016 to the following media page:

<https://www.facebook.com/my.new.judiciary>

30 <https://www.facebook.com/Ukrainedecentralization/?fref=ts>

31 <https://www.youtube.com/watch?v=54b2EgLTaVM>

32 With 109,441 stories and coverage peaking from July to September. Based on media monitoring provided by Context Media for January-December 2015.

International experience shows that addressing governance reforms in a way that increases the chance of long-term success requires engaging stakeholders inside and outside government early in the reform process. This engagement is necessary to better understand stakeholders' views of the reform priorities, while allowing messages to be framed to address their concerns.

COMMUNICATING TAX REFORM IN BULGARIA

The reform of the Bulgarian tax collection system in 2006 illustrates these principles well. The reform shows the importance of engaging stakeholders – government employees and taxpayers – via messaging tailored to relevant communication channels.

Saddled with a Byzantine system and a plethora of rules that deterred all the key players - foreign investors, businesses and citizen-taxpayers, the Bulgarian government needed to modernise its tax systems and improve revenue collection to meet EU accession requirements. The Government's first step to improve efficiency, professionalism, transparency, accountability and revenue collection was to merge two tax collection agencies into a single, new entity: the National Revenue Agency (NRA).

This created a host of communication challenges, and the NRA worked with local and international communication consultants to address them. A new brand had to be created, a cultural shift toward client service was needed and internal communication practices had to improve in order for the new agency to function from Day 1. Employees of the agencies and taxpayers had to be convinced that they would benefit from the reform. Externally, the NRA had to raise awareness of the new agency, create a tax-paying culture and address opposition, including the sense that tax authorities were corrupt in order for citizens and companies to know who to pay, where to pay, how to pay and what they would get for their tax money.

Looking within: Getting public sector employees on board with the reform was the first major challenge. Building internal support was crucial, as many civil servants were poised to lose their jobs in the merger. At the same time, tax agents throughout the country became the face of the new NRA. They needed to understand the reasons for the merger and what ways they might benefit. Senior officials from the NRA held road shows for employees, outlining survey data on attitudes about taxes and the need to improve revenue collection and the tax process generally.

Next, the NRA had to build public support for the new institution, provide practical information on the new regulations and inform people and businesses on how to file their taxes in the new system. Bulgarians needed to understand why paying their taxes was in their interest and businesses needed to be convinced that Bulgaria's tax rates were among the lowest in Europe. Coupled with awareness-raising about tougher enforcement policies, the NRA implemented a long list of creative approaches addressing the concerns of each of the target audiences. These included public service docudramas showing how tax revenues benefit

people in their everyday lives (e.g. by providing flood relief and classroom furniture). These were shown on TV monitors on public busses, with an emphasis on strong visuals because of the amount of background noise. Humorous animated advertisements illustrating the ease of the new system were broadcast on TV.

The activities paid off. By the end of the first tax season awareness of the NRA had tripled among some target groups. Corporate trust in the NRA went up twofold in the first few months. Revenues jumped more than 50%.

The Bulgarian example illustrates the utility of integrated communications approaches to the implementation of reforms after the crucial policy and regulatory decisions have been taken. It was important to get civil servants, corporations and the public on board or the reforms would have failed.

A critical success factor for reform communications campaigns includes tapping local and international communications expertise. Without the local input, the idea of broadcasting the docudrama in public busses would have been missed, along with access to hundreds of taxpayers.

INDONESIA: ANTI-CORRUPTION INFORMATION CAMPAIGN

On the other hand, as Indonesia learned, sometimes the local concept alone will not work. In 2011, Indonesia adopted strict anti-corruption legislation and a very effective agency successfully prosecuted many high-level officials. However, the culture of refusing corrupt dealings was lacking. The agency sought to help stem corrupt practices from the bottom up as well by stimulating discussions among people across the country about corruption and its cost to individuals and to society. The idea was to take a concept that worked for the anti-corruption agency in Hong Kong, which launched a popular feature-length film that played in theatres throughout the province. But instead of screening a single, feature-length film, the Indonesian agency engaged citizens in a story competition in which they submitted corruption fighting ideas.

Backed by international advisors, however, Indonesia's Anti-Corruption Agency realised early on that an idea hatched and successfully executed in one country is not guaranteed to achieve the same good results if transplanted to a completely different setting. In this case, producing and screening a single feature-length film in some 140 theatres to more than 200 million people spread over thousands of islands and multiple time zones was destined to have minimal impact. They simply could not reach enough people that way and the cost to make the film could not be justified given the comparatively low impact.

To improve the likelihood of reaching more Indonesians, the agency capitalised on Indonesians' penchant for social media and decided to launch a short-film competition "Us versus Corruption". The four best story ideas were selected by a panel of anti-corruption experts and film industry professionals. Those

were then made into four short films tailored for social media and tied together by a common theme by some of Indonesia's most celebrated filmmakers and actors/actresses. They tweeted as they made their films, building buzz and popular support in the fight against corruption. The movies were launched in a variety of fora and were short enough to be easily viewed on a tablet device or smart phone.

The movies went viral and made the headlines of national newspapers. The idea was so successful that the police wanted to do a similar project and a second-generation version was created for younger audiences. The animated cartoon series Sahabat Pemberani ("Brave Friends") follows the adventures of Kirana, Panji and Krisna, three friends who celebrate good character traits, such as honesty and bravery, while refusing to be corrupt in even the smallest acts. Each episode ran 30 minutes and can be viewed on YouTube.

CONCLUSIONS

Qualitative communication campaigns explaining the essence of the constitutional reforms would provide Ukrainians a deeper knowledge and understanding of the reforms.

- Of the three main post-Maidan constitutional reforms, only de-centralisation has attracted the greatest media coverage. The public's knowledge of de-centralisation reform is good even if this may not translate into support of the reform.⁴¹ Judicial and human rights reforms, on the other hand, garner significantly less attention. Currently experts and CSOs produce information and content promoting judicial and human rights reforms, but they risk failure without an overall communication strategy.
- Communicating reform effectively requires a creative approach. International sponsors should urge local contractors to develop creative concepts and ideas with guidance or support from international advisors. But the creative idea and advocacy campaign is not enough. There must also be a plausible, time-based, adequately funded plan for engaging stakeholders. To get citizens on board, the campaign should use existing platforms or create new ones for ongoing dialogue with the general public.
- Consult with stakeholders when crafting the reforms to build ownership and create public dialogue platforms for subsequent use during implementation.
- Ensure that the entity leading the reform spearheads communications.

- Support the relevant minister or official to champion the reform proactively inside and outside of government.
- Develop a communication strategy for each reform, tailored to the schedule of the process.
- Begin communication campaign planning at least six months before kick-off.
- Bring in professional communication strategists and copywriters to develop clear messages and content tailored to specific target groups.
- Allocate adequate funds for the communication strategy and campaign implementation.
- Provide the following items in budget planning:
 - Creative design to ensure high quality information products;
 - Distribution of content (not only the creation of websites and a social media presence, but also Search Engine Optimisation (SEO) and Social Media Marketing (SMM)).

This working paper was written by Ivetta Delikatna, Head of the Reform Communication Task Force at Ukraine's Cabinet of Ministers, and Christina Anderson, an international communications expert based in Stockholm. The paper was published in the framework of the project aimed at supporting a transparent political reform process in Ukraine.

**DEMOCRACY
REPORTING
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⁴¹ http://despro.org.ua/news/detail.php?ID=1540&sphrase_id=1078