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Dialogue Capacities, Options and Challenges in Ukraine: Initial Observations from a First Fact Finding Mission

A paper compiled by mediatEUr based on analysis gathered during an assessment mission in June-July 2014

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Background

Since late 2013, mediatEUr has been working in partnership with the International Centre for Policy Studies (ICPS) in Ukraine and the international peacebuilding NGO Interpeace to support participatory conflict analysis processes in Ukraine that can inform the design, planning and convening of nation-wide dialogue efforts to address the immediate and more systemic issues highlighted by the current crisis in the country.

In June 2014, the Peacenexus Foundation provided a grant to mediatEUr to initiate an assessment process; to share dialogue ideas with partners in Ukraine; and to plan and conduct two fact-finding missions to the country in order to scale up longer-term engagement.

The overall aim of this process is to help refine methods and options for dialogue in the current Ukrainian crisis that can support and complement existing initiatives, with a view to longer-term peacebuilding.

mediatEUr's project seeks to complement and support existing efforts through:

- Assessing the status quo of dialogue efforts so far, and needs for refining them;
- Identifying pre-conditions for successful dialogue that are Ukraine-specific, and tabling a number of dialogue options that can enhance the efforts currently under way;
- Identifying measures to strengthen the 'multi-track' aspect of any nation-wide dialogue initiatives;
- Formulating concrete steps for building and institutionalising dialogue capacity among local and national actors in-country;
- Supporting the convening of a group of Ukrainian stakeholders that will jointly explore the findings from the mission, and engage in a collaborative conflict analysis and planning process to take recommendations forward;
- Sharing findings for joint planning with international stakeholders, such as the OSCE, EU, US and Russia.

This first interim report is based on the first fact-finding mission, conducted jointly by mediatEUr together with ICPS and Interpeace, in June-July 2014. It presents initial observations from the mission; options for dialogue and sequencing; a first sample design of dialogue options that can inform discussions in Ukraine; and priority activities. Since these are based on initial exposure only, they remain to be validated and further refined in the course of upcoming missions.

1. Introduction – the need for 'dialogue' in Ukraine

Ukraine is in a deep political crisis. The expression of public discontent on Maidan square, consequent actions and correspondent escalation in violence, and the unfolding of a geopolitical crisis in Eastern Ukraine, expose deep divisions within the country. A war is now being fought within the European neighbourhood. The question is not only to manage the crisis at hand. Rather, it is how to address the current crisis urgently while tackling longer-term structural issues that affect the country's political, economic and social set-up and vision for the future. This is a concern shared by all those with a stake in improving the situation.

Ukraine evidences that where stakes and risks are high, and geopolitical interests affect the way change does or does not happen in a country, classical ideas of 'impartiality' or 'outside third parties' to help calm down the situation and facilitate talks might not be fully applicable. Rather, national and international actors playing a role in the current situation are seen to have differing degrees of interest, perceptions of partiality and bias, and comparative advantages and limitations when it comes to finding solutions. This is a reality that all peace efforts need to realistically reflect and factor in.

When such stakes are high, it is essential for all involved to 'bet' on as many 'potentially winning options' as possible – even where they may risk cancelling each other out. Hence responses to the crisis are as multifarious and sometimes contradictory as is the conflict itself: the same actors may be in parallel engaging in political reforms; military operations; ceasefire talks; international diplomacy; sanctions regimes; and financing peace initiatives.

1.1. Dialogue efforts – present and future

High-level political talks and initiatives led by the EU, the US, Russia, EU member states and the OSCE are currently underway at top levels. 'Dialogue' initiatives are increasingly called for as part of these international efforts, varyingly referred to as 'National Dialogue', 'High-Level Roundtables', or 'Town Hall Meetings.' Such dialogue efforts have become an integral part of the international community's policy response to the situation in Ukraine, with the OSCE taking a special role – first vocalised by Ambassador Hido Biščević and presented to the OSCE permanent Council in April; further buttressed with the appointment of Wolfgang Ischinger as Co-Moderator of the envisaged roundtable talks;[1] and the subsequent appointment of Heidi Tagliavini to 'accompany' the ceasefire talks between representatives of the Ukrainian government, Russia, and separatists in the East.[2]

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[1] Such as Swiss President Didier Burkhalter's recent talk in front of the European Foreign Affairs Council in May 2014: "A Roadmap for concrete steps forward: The OSCE as an inclusive platform and impartial actor for stability in Ukraine", available at https://www.news.admin.ch/message/index.html?lang=de&msg-id=52916

[2] http://www.osce.org/cio/119608

Some Ukrainian actors have rushed in to appropriate the roundtable initiative, while others are sceptical, or have been excluded.[3] Early pilot dialogue events have faced inevitable stumbling blocks: preconditions for participation, lack of inclusion of the most contentious actors (especially from the East), and a (real or perceived) lack of clear vision and planning to guide the process forward. These types of challenges, if not carefully assessed and addressed, significantly diminish the chances of success of any dialogue efforts. Indeed many of those met during this first fact finding missions, be that inside or outside these meetings, have been dismissive of the approach and results, and as a result question what a 'National Dialogue' of this type can really deliver for Ukraine.

Such rushed early efforts can tarnish any future dialogue efforts as 'dialogue fatigue' quickly sets in, and participants become weary of taking part in formats or initiatives that they do not view as effective, or addressing their core concerns.

No matter what the outcome of the current political situation is – or will be –, a political transition to a functioning democracy needs to take place. For this to happen, parts of society that have been sidelined need to be brought in to participate in broad discussions about reforms. This is best done through a comprehensive dialogue effort. To make this dialogue possible, and to support it, enhanced preparation and support are indispensable. Three key aspects need to be taken into account here:

1. First, there is a need to further **strengthen the now on-going crisis management efforts** with a nuanced assessment of results to date, in order to propose adjustments in existing methods. This has to be done in a timely manner, as the situation changes on a daily basis and this type of process support needs to be delivered 'real-time.'

2. From a longer-term perspective, the current 'track 1' focus of official talks needs to be complemented and buttressed by anchoring it to **systematic dialogue work across multiple tracks, in order to build and institutionalise a more long-term dialogue capacity in the country**. For this to happen, official tracks need to be complemented with additional, independent and impartial efforts, preferably with and through civil society, on the grass root as well as intelligentsia levels.

3. It has also been our observation that 'dialogue' is used (perhaps, invariably) to denote a variety of approaches, sometimes one-off events, or negotiations, but definitely more ad-hoc practice, in Ukraine. **The approaches, methods, practice and goals of dialogue need to be clarified.** We therefore offer an outline of our understanding of 'dialogue' applied in this paper, before moving on to provide observations from the fact finding mission in subsequent sections.

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[3] See for example "Roundtable Talks in Ukraine while Presidential Polls Near", Deutsche Welle, 21 May 2014, available at http://www.dw.de/round-table-talks-in-ukraine-as-presidential-polls-near/a-17652456

1.2. Why defining 'dialogue' clearly matters

'Dialogue' is described as a method, a process, and a way of communicating.[4] Even if these definitions differ in some aspects, there are several defining characteristics that appear in most: structure, communication, understanding and relationship building. 'Dialogue' is most often described as a process that involves:

- An aspiration to achieve shifts in participants' attitudes and mind-sets vis-à-vis specific issues, and their dialogue partners, based on the psychological and communication belief that open exchange with new ideas can serve to transform people's perceptions, even entrenched ones;

- Structured communication among a number of participants, often through 'organised group encounters';[5]

- An emphasis on exchanging and understanding mutual views, and jointly exploring an issue, rather than necessarily resolving a particular dispute (though the latter can be a result of a dialogue);

- Encouraging listening, and specific methods of listening, among participants; building constructive relationships and trust among participants – by working to expose and overcome cognitive biases such as selective perception, reactive devaluation, or over-confidence, vis-à-vis the 'other side'.

Dialogue is often contrasted with other forms of communication and dispute resolution, for example:

- **Negotiation** – a communication process between parties to a dispute with the aim of coming to an agreement on an issue, or several issues, of mutual concern.

- **Mediation** – a negotiation that involves an acceptable third party that helps conflict parties structure the process and come to a mutually acceptable agreement.

- **Debate** – a polemical exchange among adversaries on a certain topic, where the aim is to insist on one's position in order convince the other side and listeners of its merits, and to 'win' the argument.

In relation to these other types of communication and dispute resolution, 'dialogue' is sometimes seen as a precursor to negotiation or mediation among conflict parties, in order to lay the ground or provide an alternative communication forum when the time is not ripe to work towards resolving a dispute at hand, or even showing willingness to negotiate.

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[4] See for example Maiese, Michelle (2003). 'Dialogue' in *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder ; or Kaufmann, Edy (2005). 'Dialogue-based Processes: A Vehicle for Peacebuilding' in *People Building Peace II.* Eds. Paul van Tongeren, Malin Brenk, Marte Hellema, and Juliette Verhoeven. Lynne Rienner Publishers.

[5] Ropers, Norbert (2004). 'From Resolution to Transformation: the Role of Dialogue Projects' in *Berghof Handbook for Conflict Transformation*, p.5. Eds. Beatrix Austin, Martina Fischer and Hans-Joachim Giessmann. Berghof Foundation.

Dialogues are often seen as a more 'informal' means of communication compared to negotiation and mediation. This is not necessarily always the case, however, and dialogues can and do 'stand alone' as a method for tackling conflicts.[6]

Dialogue practice works from two perspectives:

- **'Micro-level'**, at the individual, people-to-people level and working with the dynamics that happen during dialogue processes.
- **'Macro-level'**, working with wider, systemic purposes of specific types of dialogues (e.g. policy dialogues, political dialogues), and their cumulative effects and impacts, for instance as part of wider peacebuilding projects and programmes.

We can distinguish between dialogue as a '*method*' (the sum of approaches, tools and techniques applied to encourage dialogic behavior among participants), and dialogue as a '*process*' – that is, a wider dialogue effort or sequence of events.

Dialogues also get further qualified, such as 'policy dialogues' among a set of stakeholders to work on policy reform; or, of more recent prominence, 'national dialogues' that aim to encourage dialogue on the future of a country in transition, among a wide cross-section of the population – evidenced by recent experiences in the MENA region such as Yemen's National Dialogue.

There currently is an ongoing trend in the international community to support the development of National Dialogues almost as a panacea to problems inherent to state and democracy building.[7] As in any dialogue process, there is no ready made template to make a national dialogue work or not work, also depending on the overall aim and scope of the exercise; what will be crucial however is that some essential pre-conditions for a national dialogue process to be successful will need to be in place:

- ✓ A commitment of the government, including the parliament of the country, to submit itself to the conduct of a National Dialogue, to accept and implement the results;
- ✓ The development of a clear architecture, with a structure; design and plan;
- ✓ Sufficient capacity and funds to organise, manage, facilitate, and follow up such a National Dialogue for the full period;
- ✓ A stakeholder community willing to engage in such a national dialogue.

It is our observation that in Ukraine these conditions still need to be nurtured. Defining 'dialogue' clearly in the context of Ukraine – the purpose, approach and practical engagement – is a necessary first step that will ensure clarity of direction, and a first consensus-building, among participants.

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[6] See Kaufmann, Edy (2005). 'Dialogue-based Processes: A Vehicle for Peacebuilding' in *People Building Peace II*. Eds. Paul van Tongeren, Malin Brenk, Marte Hellema, and Juliette Verhoeven. Lynne Rienner Publishers.
[7] For an overview, see for example Katia Papagianni (undated) 'National Dialogue Processes in Political Transitions', Civil Society Dialogue Network Discussion Paper No.3 (Brussels, Belgium: European Peacebuilding Liaison Office (EPLO)).

2. Observations from first fact-finding mission

Rather than giving a blow-by-blow account of meetings held during the fact-finding mission, we herewith offer several initial observations that can inform future dialogue design. They are presented here in no particular order:

> There is consensus that purely political, 'track 1' efforts so far have failed, while the need for dialogue is urgent: those active in the peace process have watched carefully the efforts led by the OSCE and the government, and generally agree that 'we need to do better, and start now.' What dialogue constitutes, how it works and what is to be achieved through a systematic process is not clear. Whilst there is an expressed need for such a systematic approach and advice on dialogue design, the Ukrainian desire for ownership is manifest.

> There is a lack of 'a common narrative' of past and current conflict(s): among national and international interlocutors met, there is also broad agreement that there is no single narrative of the conflict roots and trajectory to inform present and future peace initiatives. While the aim of any efforts at creating a 'common narrative' is not necessarily to come to one understanding of what the conflict is about (that can in fact be part of the problem to begin with), a space needs to be created where issues are tabled, and different views aired.

> The current crisis management focus needs to be complemented with a longer-term dialogue approach and culture that is accessible and 'owned' more broadly: current attempts at the highest levels to manage specific crisis flare-ups and re-instate the short-lived ceasefire are badly needed. They can and should not however remain 'the only show in town.' A way needs to be found to initiate complementary forums with a longer-term perspective, that still allow for crisis management to take place as and when needed.

> The 'East – West' axis is not the only division affecting the country: the current military confrontation between the Ukrainian government and separatists in the East of the country is at the forefront of most interlocutors' minds, and affects how future dialogue is framed and sequenced: many aired the view that 'first, the current Anti-Terror Operation (ATO) needs to be brought to an end, then we can think about dialogue'. At the same time, those who fought 'at the centre' for democratisation and reforms (most visibly represented by the 'Maidan' movement) feel also indirectly attacked by the rejection from other parts of the country of their efforts and vision. These societal dividing lines do not only affect East-West relations, but also relations between other parts of the country, including North and South. A more detailed break-down of these dynamics and locally-specific views and needs will be critical to any future dialogue design.

> **Who should participate in future dialogues is a key question, and seen by many as a stumbling block:** in several meetings in Kyiv we heard statements like 'there is no one to talk to in the East.' Identifying, and appreciating, the 'other' as a viable and 'eye to eye' dialogue partner is in fact one key pre-condition for dialogue to take hold. The question of who should participate and how representation should be arranged is not one that should be answered once and at the central level. Rather, this should form part of the overall process through localised discussions, and a formula be found that allows for 'self-identified' representation that reflects legitimacy as well as expediency for any future process. This may look different in different localities.

> **The question of 'who should convene' is contentious and may need to be framed differently:** some interlocutors viewed an international convener as preferable to a national one. They also aired concerns that the OSCE, given current difficulties, may not be the right forum, pointing instead towards the UN for a possible 'convener' of an eventual National Dialogue. Having a clear 'national home' for a dialogue was preferable for many of those met, while some also voiced concerns that, if convened by the Government, some key participants may not be willing to come. A cross-divisional multi-stakeholder group may stand the most likely chance of success for bringing at least the most essential social, economic, political and geographic groupings around the table. Defining clearly the multiple roles around the process may also help break-down the monolithic question of 'who should convene.' (See also section 3.1. and Table 1.)

> **There is a capacity, and a willingness, for dialogue at different levels, while so far efforts remain localised and ad hoc:** many of those we met, especially those with exposure to local-level conflict dynamics, pointed out promising examples of localised dialogues to tackle immediate priorities of particular communities, for example humanitarian access. We heard of such examples both in the context of OSCE monitors' work, as well as Ukrainian peacebuilding practitioners that have attempted dialogue pilots in some localities (some of them members of the Black Sea Peacebuilding Network). These are not designed with an overarching strategy in mind, or supported adequately either logistically or methodologically. They should however be built upon for any future dialogue work. At the same time, the experience of the Crimea Policy Dialogue initiative illustrates the difficulties of sustaining dialogues during times of crisis, and actually establishing them as a de-escalation and preventive forum.[8]

> **Design dialogues iteratively, rather than attempting a one-time, 'frontloaded' design:** the rather scarce literature on National Dialogue design and management appears to suggest that these are processes designed at an initial point in time, before embarking on such a large-scale effort. Our perception and belief is that in a complex, multi-layered conflict setting such as in Ukraine, such a 'linear' design model (problem > design > solution) may not be feasible or realistic. Rather, an iterative design – allowing for pilot efforts, ongoing learning, re-design and gradual scaling up – may be more likely to achieve any sustainable outcomes in the longer-term, and prepare the ground where the time may not be seen as ripe yet at the

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[8] See http://cpd.crimea.ua/en/o-proekte-krymskij-politicheskij-dialog/ for more information.

national level.[9] To enable this a strong management and coordination function will be indispensable.

> Consider multiple 'Ukrainian dialogues', before moving to consolidate one overall 'National Dialogue': all those met during our mission have affirmed the need for dialogue. Not only that, but they have given multitude of examples of dialogue needs at different levels, and among different constituencies, not only political, but also social, economic and cultural ones. For the time being, there is no one current overall 'map' of who needs to dialogue with whom for what. In fact there does not need to be in the first instance. Creating a 'network' or 'patchwork' of 'Ukrainian dialogues' may be the best first step in order to sow the seed for constructive conflict management and more longer-term transformation, to start building alternative forums where disparate groups come together to 'learn' that dialogue is not only possible, but also effective. Learning from these individual yet systematic efforts can feed into the design of a more comprehensive National Dialogue that can take hold once 'the time is ripe'.

> The roles of different players such as oligarchs and others potentially opposed to such a process should not be underestimated. Their impact and potential participation needs to be managed carefully. There is broad recognition that working in an inclusive dialogue influences its outcome and sustainability. Our discussions clearly exemplify that the challenge will be, on the one hand, to include in a constructive way influential and powerful actors, whilst on the other to also include those voices that deserve to be listened to but have been sidelined. This does, of course entail a continuous stakeholder analysis as an integral part of the conduct of a national dialogue.

> Any dialogue at the national level needs to adequately reflect the geopolitical aspect of the crisis in Ukraine, while firmly prioritising Ukrainian participation and issues: most interlocutors agreed that 'purely Ukrainian' approaches will be limited given the geopolitical dimensions of the conflict, and involvement of outside actors, especially Russia. At the same time, Ukrainians should be given priority in conceptualising, leading and participating in the dialogues. How this outside dimension can best be factored in is a question for careful design – for example, there could be a 'second tier' dialogue at the international level, led by the Ukrainian government, with links with any eventual national dialogue. This tier should not have the capability to influence what gets discussed, and how, at the national level. A 'National Policy for Dialogue', as envisaged and advocated for by the ICPS, could set such principles.

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[9] This idea is adapted from the 'wicked problems' design approach. See Jeff Conklin (2008) 'Wicked Problems and Social Complexity' (CogNexus Institute).

3. Possible Elements of a Dialogue Design

Several pointers for future design have emerged from this first mission, to be validated in the future. Detailed principles and elements would need to be jointly agreed at the start of any dialogue design process. These can include:

- Any dialogue is designed and conducted by Ukrainians, with outside third party support functions (expertise, monitoring, capacity building, etc.)

- Dialogue needs to tackle longer-term reforms and relationships. At the same time, there needs to be a link between such longer-term work and short-term crisis management needs (e.g. ceasefire negotiations in a particular locality). Dialogue also needs to lead to concrete actions, in order to illustrate to participants the benefits of participation. These three components need to be factored into the design of the dialogue (see diagramme 1).

- Dialogue can be conducted, not just at the central level, but at local, intra- and inter-regional levels as well (see diagramme 2).

- A jointly agreed set of dialogue 'principles' that can be adapted to different localities and needs – for example in the form of a 'dialogue franchise' that can be led by different groups or hosts in different localities, and thereby spread more quickly than a centrally-organised initiative.

- In order to ensure consistency, every localised dialogue should follow similar steps and methods, and have similar components, adapted to the capacities and needs of each place. This can include several progressive stages. For the first and explorative phase, steps for such a dialogue process include:

  1) Identification of a **local 'initiator'** of the dialogue who might act as the director of a local secretariat, facilitator, etc;

  2) Identification of a **locally-appropriate hosting entity or convening group (NGO, civic initiative etc.);**

  3) An overall **documentation and dissemination strategy** for public meetings, and **clear rules for confidentiality** for 'off the record' meetings;

  4) **An agreed method of choosing key participants** as spokespersons for regional and national fora.

There is a **centralised 'secretariat'** that can support dialogues practically and technically (for example by sharing information or sending experts on particular topics discussed – such as self-determination under international law –, document them, and draw lessons from each initiative.
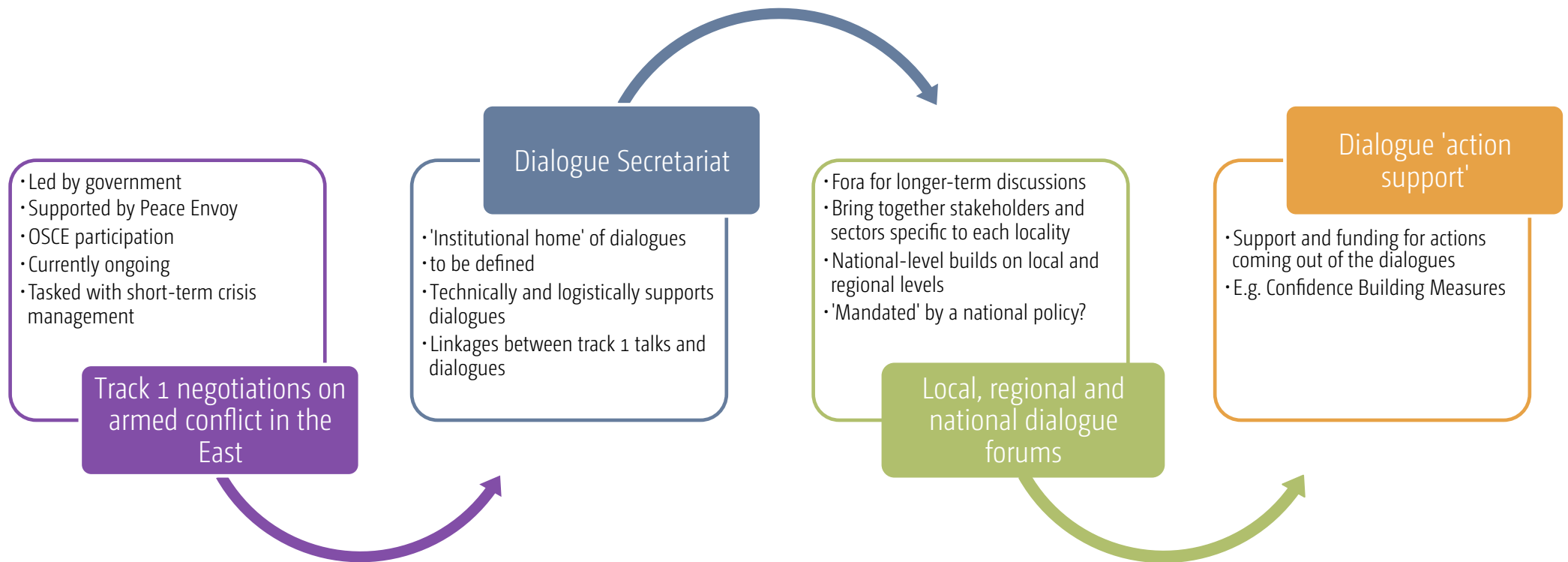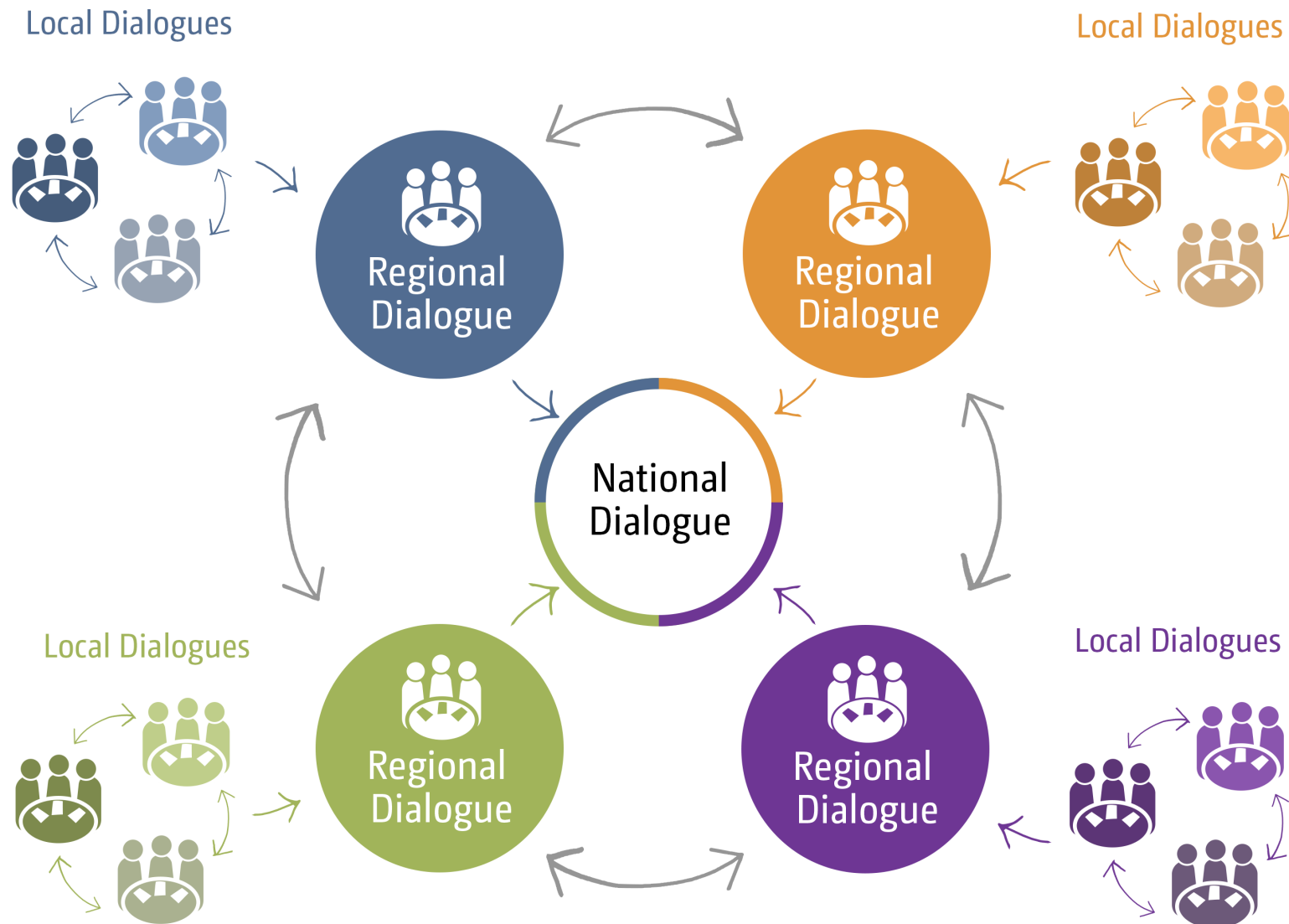
Diagramme 1 – Dialogue linkages and functions

Track 1 negotiations on armed conflict in the East
- Led by government
- Supported by Peace Envoy
- OSCE participation
- Currently ongoing
- Tasked with short-term crisis management

Dialogue Secretariat
- 'Institutional home' of dialogues
- to be defined
- Technically and logistically supports dialogues
- Linkages between track 1 talks and dialogues

Local, regional and national dialogue forums
- Fora for longer-term discussions
- Bring together stakeholders and sectors specific to each locality
- National-level builds on local and regional levels
- 'Mandated' by a national policy?

Dialogue 'action support'
- Support and funding for actions coming out of the dialogues
- E.g. Confidence Building Measures

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Diagramme 2 – Levels of dialogue, and connections

Local Dialogues

Local Dialogues

Regional Dialogue

Regional Dialogue

National Dialogue

Local Dialogues

Local Dialogues

Regional Dialogue

Regional Dialogue

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3.1. Breaking down and clarifying the roles of actors involved in any future dialogue

A large-scale undertaking such a National Dialogue requires not only careful design, but also an articulation of the different 'insider' and 'outsider' roles that need to be filled to bring it to realisation.[10] In fact, the more actors jointly involved in making it happen, the larger the likelihood for cross-partisan ownership. A diversity of roles should therefore be defined at the beginning and iteratively throughout (as needs may change), and a consensus found on how they are best filled:

Table 1 - Possible roles in future dialogues	'Mandate giver' (national, e.g. government, or parliament)
	Group of 'dialogue champions' - advocacy, outreach (national-level)
	Convener(s) (local and national-levels)
	Host(s) (local and national levels)
	Observers, Monitors (local, national, international)
	Secretariat (national)
	Logistical supporters (local, national)
	Technical supporters (national, international)
	Researchers, documenters (local, national)
	Funders (national, international)

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[10] See for example Bettye Pruitt and Philip Tomas (2007) 'Democratic Dialogues: a Handbook for Practitioners' (International IDEA et al.).

4. Priority Activities in the Short-Term

A second validation mission is planned for mid-September, which will serve to further test, validate or revise the present initial observations. At the same time, the mission team identified several actions that might already be taken forward during upcoming missions, to continue to build momentum in the near future:

1. Training workshop on dialogue and national dialogue design and facilitation for a group of potential 'Ukrainian dialogue champions'. The purpose of such a workshop or series of workshops will be to provide systematic information on dialogue and national dialogue practice. In addition the purpose will be to build sufficient capacity amongst some potential Ukrainian champions who might play an important role in the conciliation of the country.

2. Together with ICPS it is important to identify a group of 'dialogue champions' that bring together different sectors and regions, united by the commitment to build a forum for longer-term relationship-building and reform

3. Continue advocacy efforts with government and parliament to begin to elicit the possibility of a process that could result in the formulation of a National Policy for Dialogue

4. Elaboration of dialogue 'prototypes and options'. Start to test different dialogue design options with different groups to begin refining them

5. Briefing in late September to the OSCE in Kyiv and Vienna regarding major findings to date, or to organise a small expert roundtable similar to the one initially held in Vienna late April.

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