

The Ukrainian Week

International edition

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became official policy

Transformations in Ukraine's parties:
Petro Poroshenko Bloc and Samopomich

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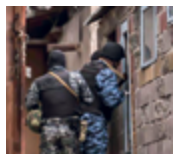
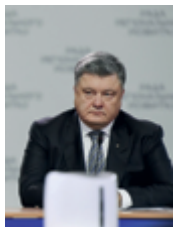
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ТИЖДЕНЬ





BRIEFING

Aggressive awakening

Yuriy Lapayev

On March 20, Ukraine's positions were attacked by the terrorists using Grad MB-21 MRLSs and artillery. For the first time in a long while, this kind of attack came in broad daylight, starting at 10 in the morning. Under cover of the artillery fire aimed at the trenches of Ukraine's forces, a platoon of Russian-militant forces tried to break through, but the attack was repelled.

Official reports from ATO headquarters stated that three Ukrainian soldiers were killed and another nine were wounded. Considering the heaviness of the fire and the use of Grads, the Ukrainian side was pretty lucky. The OSCE SMM mission reported that on March 20 alone, there had been nearly 1,550 explosions, nearly 90% of which were centered around Mariupol, near Shyrokyne, Vodiane, Hnutove and Lebedynske. By comparison, the mission's observers had recorded "only" about 200 attacks the previous day, none of them from Grads.

PHOTO: REUTERS



In addition to the Mariupol area, other infamous points along the front continue to fall under regular fire, such as the Avdiivka industrial quarter and the Butovka mine. More and more frequently these days, tanks are involved in the attacks on Ukrainian positions, but generally only one unit at a time because the locations are not suitable for massive attacks. Every day, heavy artillery, grenade launchers and anti-tank missiles are fired. Only the Luhansk area is relatively quiet, where mostly small arms are being used.

On one hand, this major uptick is probably related to the recent arrival in DNR of the latest “humanitarian” convoy from the Russian Federation. On the other, the militants appear to have switched to a new tactic: focusing on certain parts of the front as a kind of response to the “creeping advance” of the Ukrainian Armed Forces. The line of contact between the two sides in Donbas is now about 430 kilometers long, making it very difficult to simultaneously carry out an offensive along the entire front without enormous quantities of personnel, equipment and resources. The new approach is making it possible to gain certain tactical advantages even with relatively small forces.



GIVEN THE ALREADY-TENSE POLITICAL SITUATION IN UKRAINE, COMBINED MILITARY AND INFORMATIONAL ATTACKS WILL CONTINUE TO BE USED BY RUSSIA TO DESTABILIZE THE COUNTRY

So far, this tactic has not led to much progress for DNR, as events near the Svitlodarsk Bulge, Avdiivka and now the Mariupol area has shown. Still, it's too early to hope that these attacks are over: with real spring coming in, we can expect the appearance of more “brilliant green” and with it, enemy diversionary groups.

Provocations along the front line are intended to help Moscow deal with another objective: to get sanctions lifted. Less than two months remain until June, when the EU permanent representatives committee meets to once again consider the extension of these penalties for another half year. During this next while, Russia has to be able to show that Ukraine is the aggressor and is in violation of the Minsk accords. This is similar to last year, when heavy fighting took place outside Mariyinka and Avdiivka.

In the usual fashion, increased military aggression has been accompanied by increased media and blogger aggression as well. Some are trying to spread panic in the social networks by exaggerating the number of soldiers KIA in the Ukrainian Armed Forces or falsely reporting the loss of key positions. One new topic that has popped up is a fake story about a phenyl factory in Torets where supposedly Ukrainian units are holed up and potentially threaten a chemical catastrophe.

It's entirely possible that, given the already-tense political situation in Ukraine, combined military and informational attacks will continue to be used to destabilize the country. This approach is far

too effective for both military and political purposes for pro-Russian forces in Ukraine and the Kremlin to change. As a pretext, any current event that can potentially divide Ukrainian society is fair game: from the language issue to IMF credits. All the more so, that there are few in the world who will respond appropriately to this kind of aggravation.

This is typically evident in Russia's diplomatic sleights of hand with the “Yanukovych letter” supposedly calling for Russia to bring its troops to Ukraine. After the death of UN Ambassador Vitaliy Churkin, who actually read this letter at an emergency session of the UNSC in 2014, the Kremlin has officially denied that such a request from Ukraine's fleeing president ever existed.

Meanwhile, Russia's State Duma passed a law recognizing documents issued by the occupying regime in ORDiLO, is considering a bill offering easy terms to residents of DNR and LNR in gaining Russian citizenship and finding a job in Russia. These steps suggest that Moscow has decided to completely ignore the Minsk process and the likely acceleration of processes to return the occupied territories to Ukraine. Presumably it is doing all this to prepare for a larger number of residents to abandon the region once the Ukrainian government takes control again.

Needless to say, the RF has enough problems of its own in the international arena, even without this. The International Court of the UN recently ended its public hearings in a case against Russia brought about by Ukraine in The Hague. It's too optimistic by half to think that this issue will be quickly resolved, but the very fact that a court case has started against the aggressor is already a plus: Russia is going to have more and more trouble presenting itself as an innocent party with good intentions. Indeed, Russia has admitted that it provided air defense systems in response to Ukraine's using military aircraft.

In the short term, a court decision to institute temporary restrictions against the Russian Federation would be a victory for Ukraine. Such a ruling could be handed down in April. Still, despite statements by Putin spokesman Dmitry Peskov that official Moscow is participating in the judiciary process and is therefore prepared to accept its rulings, enforcement will likely be a problem. The International Court has no leverage to ensure the proper carrying out of its decisions, especially with regard to Russia, which ignores any and all rules.

Other developments have been no less unpleasant for Kremlin: the exposure of a huge money-laundering operation of budget money of at least US \$22 billion through Moldova and Great Britain, accusations against two members of the FSB for hacking Yahoo! servers, and difficulties with the supposedly pro-Russian US President Donald Trump. Trump was almost openly accused of treason against his country and deep ties to the RF during recent hearings held by FBI Director James Comey. A deep split in American society is almost inevitable given all this, and this will certainly play into the hands of Russia, which will take advantage of the conflagration on Capitol Hill. Maybe this is why Moscow recently proposed including the US in talks over Ukraine in the Normandy format... ■

Courts, sanctions and the blockade

Volodymyr Vasylenko

Ukraine needs to prepare a consolidated claim on Russia's responsibility for its armed aggression to be used in international courts, as well as laws on the occupied territory and the restoration of territorial integrity



PHOTO: UNIAN

A reluctant consent. After the "uneasy" decision to break trade ties with ORDiLO, the government has pledged to develop a specific law on the restoration of Ukraine's territorial integrity

Ukraine has filed cases against Russia at the European Court of Human Rights, the International Court of Justice, the International Tribunal for the Law of the Sea, and the International Criminal Court. These, however, cannot and should not be viewed as a replacement of a consolidated claim. Nor could such consolidated claim be a replacement of Ukraine's motions against Russia in international courts.

The liberation of the occupied parts of Ukraine will inevitably continue to be a No1 issue on Ukraine's social and political agenda. Recent heated debates on the draft versions of the law on the temporarily occupied territory, and draft law on the Restoration of Ukraine's Territorial Integrity, as well as the official reaction to the blockade of

trade with the occupied territory initiated by activists only confirm that further delays in finding the solution to favor someone's business interests are impossible.

TACTICS AND STRATEGY IN COURTS

The preparation of a consolidated claim on the one hand, and Ukraine's cases in international courts on the other hand, are elements of a unified state policy, albeit with different functions. The goal of this policy is to establish and enforce Russia's responsibility for the crime of aggression against Ukraine.

The Ukrainian cases that are currently heard in international courts offer a tactical solution of holding Russia accountable for violations of individual international con- ➤

At the peak of World War II, the anti-Hitler coalition states were planning the post-war order and shaping their stances on the responsibility of the Nazi Germany, its European satellites and Japan. For this purpose, among others, the Special State Commission for Recording and Revealing the Crimes of Germany Fascist Occupiers and Their Allies, and the Damage Done to Citizens, Kolhozs, Civic Organizations, State Enterprises and Institutions of the Soviet Union was set up with the USSR Supreme Council Decree dated November 2, 1942. The Commission collected information about Nazi crimes in the war zones and in the territories temporarily occupied by them, and continued its work until 1951. Based on detailed instructions, it compiled official acts on the committed crimes and the damage done. Sometimes, the Commission published reports on its work. The materials it collected were later used to assess war reparations the Soviet Union received after WWII was over, and during the Nuremberg trials over the top German criminals.

ventions during its armed aggression. If the verdicts are in favor of Ukraine, they can indirectly solve some aspects of Russia's responsibility, but not the crucial ones. Therefore, in addition to those cases, Ukraine must prepare a consolidated claim. Its strategic goal would be to establish consolidated legal base for a process to hold Russia fully and directly accountable for all the consequences of its armed aggression as a crime.

Importantly, the tactics used by the Ukrainian delegations in various ongoing processes in international courts should fit into a unified strategy of legal defense of Ukraine's national interests in the context of the Russian armed aggression. The consolidated claim against the Russian Federation should be the key element of this strategy. All that more that the potential of using international courts to protect Ukraine's national interests in its relations with Russia has been exhausted.

The consolidated claim should be the official document presenting Ukraine's legal stance on Russia's responsibility for the armed aggression. The preparation of the claim should be accompanied by the streamlining of the documents, fact-based materials and interrogation protocols of prisoners of war, testimony of civilians, verdicts and conclusions of Ukrainian courts, and similar documents. Compiled this would present a unified bulk of evidence to defend Ukraine's legal stance and its claims against the Russian Federation as aggressor state.

It is of crucial importance for the claim to convincingly prove that it is not just the regular units of the Armed Forces of Russia that are involved in the armed aggression against Ukraine, but irregular forces and militant groups created, armed, commanded, controlled and funded by the Russian Federation. That its actions qualify as armed aggression under item 3.g of the UN General Assembly Resolution 3314 (XXIX) on the Definition of Aggression (dated December 14, 1974) and Art. 1 of the Law of Ukraine on Defense No 1932-XII dated December 6, 1991.

It is equally important to profoundly prove that the Russian civil administration and the Russian Armed Forces in Crimea are an occupation administration and an occupation army. In the temporarily occupied parts of Donetsk and Luhansk oblasts, quasi-state collaborationist entities known as the Donetsk and Luhansk People's Republics (DNR and LNR) act as such occupation administration. They were created by Russian special services,

while the occupation army there is comprised of both the regular and irregular units of the Armed Forces of Russia.

The key element of this consolidated claim should be the assessment of the damage inflicted on the Ukrainian state, society and citizens by the armed aggression of the Russian Federation. Also, Ukraine should justify its claims regarding the scale and forms of reimbursement for the losses it faced as a result of the aggression. Therefore, the document should pay special attention to war crimes and crimes against humanity committed by the political leadership and military command, as well as the personnel of the Armed Forces of the Russian Federation.

The consolidated claim should be approved by the National Security and Defense Council of Ukraine and enacted by the Presidential Decree. Consequently, it should be sent to the Russian Federation as an official document with a supplementary diplomatic note on Ukraine's vision of peaceful processes to discuss its claims (direct talks, negotiations involving third parties, international arbitration, International Court of Justice).

If Russia rejects this (as expected), Ukraine will have an opportunity to transfer its consolidated claim against Russia to the international status by exercising its right to distribute it among UN member-states as an official document of the UN General Assembly, and within other international organizations and platforms. The consolidated claim can be a powerful instrument to dispel the statements of the Russian authorities and propaganda about the conflict in Eastern Ukraine as an internal one, and not a continuation of Russia's armed aggression launched with the grab of Crimea. This claim would remain an official document that would record Ukraine's legal stance and clearly outline its claims against Russia as aggressor state. Moreover, these claims would not have an expiration date.

Therefore, the preparation of this consolidated claim should remain the priority of Ukraine's diplomatic efforts from the moment it is presented to Russia and on. Nobody knows how the international situation will evolve and the balance of geopolitical powers in the world will shift. Meanwhile, the obvious and unjustified delay in the preparation of Ukraine's consolidated claim undermines the authority of the Ukrainian government and the geopolitical position of Ukraine. In the eyes of Ukrainian society and the international community, this points to Ukraine's acceptance of all the consequences of the Russian aggression, as well as to the lack of will to demand the restoration of Ukraine's territorial integrity or the reimbursement of the losses inflicted by the Russian aggression.

An official consolidated claim of Ukraine against the Russian Federation as aggressor state, legally documented, made public in Ukraine and distributed in the world, would mobilize society, increase support of the government, raise its approval ratings, reinforce the unity in Ukraine's foreign policy vector, and prop up Ukraine's position in the talks with Russia, Western partners and international financial institutions.

The refusal of Russia to consider the consolidated claim would create additional legal ground for the extension and escalation of international sanctions introduced by Western democracies.

SOFT SANCTION POLICY

The fact that Ukraine's leadership lacks a clear and coherent legal stance in repelling Russia's armed aggression or dealing with its consequences leads to a situation where

the country does not have an efficient sanction policy against aggressor state.

The Cabinet of Ministers has failed earlier to take steps to adequately and consistently apply sanctions against Russia, blaming this on the lack of a respective law. This explanation does not stand up to scrutiny. Under international law, a state that faces aggression has the right to immediately apply wide-scale sanctions against aggressor state with or without respective laws.

Almost six months into Russia's armed aggression, on August 14, 2014, the Verkhovna Rada passed the Law on Sanctions (No16644-VII), initiated by the Cabinet of Ministers. Later that month, then-Prime Minister Arseniy Yatseniuk presented the Strategy of the Government's Program Actions. Among other things, it envisaged "sanctions against the aggressor, including against individuals and legal entities of the Russian Federation that pose a threat to the national interests, security, sovereignty and territorial integrity of Ukraine".

However, sanctions against Russia were not introduced until a year after that when the NSDC passed a decree On the Application of Individual Special Economic and Other Restrictive Measures (Sanctions) on September 2, 2015, and the President enacted it with Decree No549/2015 on September 2, 2015. The NSDC passed only five similar decisions between then and the beginning of 2017. They cover a mere 335 individuals and 167 legal entities.

The flaws of the Law on Sanctions prevent both the Cabinet of Ministers and the NSDC from passing decisions on sectoral sanctions. This right has, for no just reason, been included in the scope of the Verkhovna Rada's powers. This makes the application of sanctions against the wrongdoing state virtually impossible. The Law on Sanctions overlooks the generally accepted norms of customary international law, diplomatic law and the law of international treaties in that it does not entail the option of breaking or suspending, in full or in part, diplomatic and consular relations, as well as international treaties with the aggressor state. As a result, treaties between Ukraine and Russia on military technical cooperation have long remained effective and enacted. The Treaty on Friendship, Cooperation and Partnership between Ukraine and Russia remains in force today: it qualifies Russia as Ukraine's strategic partner and stipulates that the two countries share a transparent border and a visa-free regime.

As Ukraine's leadership has been lacking a clear stance on the application of international sanctions against Russia, the Verkhovna Rada passed the scandalous Law On the Establishment of the Free Trade Area Crimea and the Details of Economic Activities on the Temporarily Occupied Parts of Ukraine on August 12, 2014. It thus created legal base for the strengthening of the Russian occupation authorities instead of applying economic blockade of the territory grabbed by Russia.

Civic activists, supported by the Right Sector, Azov Civil Corps and members of the Azov battalion responded by launching a civic blockade of the occupied Crimea. The initiative was to block the transfer of cargo to Crimea from Ukraine and to Ukraine from Crimea. Supply of electricity to Crimea was suspended too. That blockade started on September 20, 2015, and ended on January 17, 2016, as the Cabinet of Ministers' Decree No1035 On Restriction of Delivery of Certain Goods, Works and Services from the Occupied Territory of Ukraine to the Rest of the Territory, and Back came into force. This decree is dated December

16, 2015. Subsequently, the blockade turned into the monitoring of how the Government decree was being enforced. However, the restriction it introduced did not cover the supply of electricity and the goods of strategic importance to the economy and security of the state.

The decree was passed under the pressure of the public rather than as a manifestation of a consistent sanction policy against Russia. It introduced partial restrictive measures rather than full-fledged sanctions. They covered not the aggressor state as a whole and not the entire occupied territory of Ukraine, but only part of it.

Later, on August 31, 2016, the Cabinet of Ministers under Volodymyr Groisman passed the Concept of the State Program to Restore and Build Peace in Eastern Ukraine (enacted with decree No892-p) and the Action Plan to Implement Some Basics of the State Domestic Policy On Certain Areas of Donetsk and Luhansk Oblasts where State Authorities Temporarily Do Not Exercise Their Functions (decree No8-p dated January 11, 2017). However, both the Concept and the Plan speak of the "armed conflict" that is taking place in some areas of Donetsk and Luhansk Oblasts, not of the aggression by the Russian Federation that results in the temporary occupation of Crimea and parts of Eastern Ukraine. They make no mention of the



THE TACTICS USED BY THE UKRAINIAN DELEGATIONS IN VARIOUS ONGOING PROCESSES IN INTERNATIONAL COURTS SHOULD FIT INTO A UNIFIED STRATEGY OF LEGAL DEFENSE OF UKRAINE'S NATIONAL INTERESTS IN THE CONTEXT OF THE RUSSIAN ARMED AGGRESSION

Autonomous Republic of Crimea or the city of Sevastopol occupied temporarily by Russia, nor do they qualify the parts of Donetsk and Luhansk Oblasts that are grabbed by Russia as temporarily occupied territories. Instead, they describe them as "regions where the state authorities temporarily do not exercise their powers".

It is obvious that the conceptual basis for the documents passed by the Cabinet of Ministers fits into the key thesis of the Russian authorities and propaganda: it claims that Crimea is the "inherently Russian land", while the conflict in Eastern Ukraine is an internal one in which Russia is not involved.

The Concept justifies and the Plan envisages extensive cooperation with the aggressor, on its terms and in the interests of those Ukrainian oligarchs who earlier played into the hands of the Russian expansion and aggression in Eastern Ukraine, and wish to continue their business on the territories occupied by Russia at any price.

These documents undermine Ukraine's legal positions in the issues of Russia's responsibility for the armed aggression and of the restoration of Ukraine's territorial integrity. They essentially are the opposite to the concept of sanctions against the aggressor state.

THE BLOCKADE AND THE PRESIDENT

Ukrainian politicians who are dependent on the oligarchs have managed to block the consideration of the draft law on the temporarily occupied territory of Ukraine (hopefully, this blocking is temporary as well). Yet, the government is forced to react to the fact that the majority of Ukrainian society rejects trade with the occupied territory.

»



The original blockade. Pressed by activists, those in power were forced to significantly restrict trade with the occupied Crimea in January 2016

PHOTO: UNIAN

On February 16, 2017, the NSDC passed the Decision on Urgent Measures to Neutralize the Threats to the Energy Security of Ukraine and Reinforce the Protection of its Critical Infrastructure. It was enacted on that same day with the Presidential Decree No37/2017. Among other things, it mandates the Cabinet of Ministers to urgently “approve the procedure for the movement of goods to the area or from the area of the ATO in Donetsk and Luhansk Oblasts, and the list of goods whose movement is banned”. On March 1, 2017, the Cabinet of Ministers passed the respective decision “banning the movement of goods to the temporarily uncontrolled territory and from the uncontrolled territory, other than foodstuffs and medicines that are part of humanitarian cargo, or goods and products that are necessary to continue the operation and maintenance of steelworks, mining, coal extraction and energy industries, and the objects of critical infrastructure”.

The civic blockade of trade with the occupied territories, the forced seizure of Ukrainian enterprises by the Russian occupation authorities, and the escalation of aggressive actions by Russia in Eastern Ukraine pushed the NSDC to pass two decisions on March 15, 2017 (enacted on the same day by Presidential Decrees No62/2017 and 63/2017) On Urgent Additional Measures to Counteract Hybrid Threats to the National Security of Ukraine and On Special Economic and Other Restrictive Measures (Sanctions).

However, the President of Ukraine criticized harshly the leaders and activists involved in the blockade at the NSDC meeting. He blamed a number of supportive political forces of attempts to “get rid of part of the Donbas” and “legalize” this intent with the law on the temporarily occupied territories. He also stated that “such a law ruins the Minsk process” and “will bury international sanctions against the Russian Federation as they are tied to Minsk”. As an alternative option, President Poroshenko suggested that a law on the restoration of Ukraine’s territorial integrity should be prepared, considered and approved.

Regardless of our opinion about those involved in the civic blockade of parts of the Donbas, it is important to realize that their actions are a reaction to the government’s inability to construct policies towards Russia as

aggressor state, based on a clear and consistent legal stance that is in line with the interests of the state rather than of individual oligarchs or oligarch groups. A timely and clear definition of Russia’s armed attack against Ukraine as a criminal aggression and the introduction of the legal regime of martial law should have been accompanied by quick decisions to ensure counteraction to threats in various sectors of the economy and energy first and foremost. It was well known by then that nearly 45% of thermal power plant units in Ukraine worked on anthracite coal. Shortly after the Russian aggression began, the mines delivering virtually all anthracite coal ended up in the occupied parts of Donetsk and Luhansk oblasts. Ukraine’s authorities should have foreseen that scenario and started to prepare for it properly.

By now, as Ukraine is seeing the fourth year of its fight against the Russian aggression, those in power should have solved the issue of fuel diversification, including the supply of anthracite coal for TEs and nuclear fuel for nuclear power plants, and end the dependence in that on Russia and its occupation authorities. This has not been done despite special decisions by the NSDC, including the one dated November 4, 2014, On Ensuring Energy Security and Urgent Measures to Ensure Stable 2014/15 Heating Season, and the subsequent decision dated May 6, 2015, to monitor the enforcement of the first decision and additional measures to ensure that Ukrainian consumers are supplied with energy sources.

According to the media, the President’s criticism for that focused on the political forces that initiated the Law on the Temporarily Occupied Territory, not the officials responsible for the failure to implement the abovementioned decisions by the NSDC. Obviously, the texts of the draft versions of that law (both the one registered initially, and the compromise version approved by the working group) are not structured properly and are not completed conceptually. They define the legal status of the temporarily occupied territory only fragmentarily and have significant gaps. However, not for a moment they hint at the prospect of using this law as an instrument to legitimize Ukraine’s rejection of any of its occupied territory.

TWO LAWS, ONE GOAL

Draft Law on the Temporarily Occupied Territory of Ukraine should be seriously revised and passed as soon as possible, not condemned. The author of this article has drafted a new version of such draft law that is available on the website of Tyzhden in Ukrainian. It is neither to replace nor to contradict draft law on the restoration of territorial integrity of Ukraine as suggested by the President. Nor is the latter an alternative to the draft law on the temporarily occupied territory of Ukraine. Both documents complement one another conceptually. They must perform a uniform function and form common ground for the implementation of the Minsk Accords. However, this implementation should follow the generally accepted norms of international law, the Constitution of Ukraine and our legitimate interests, not the scheme imposed by the aggressor state.

Otherwise, the purposes, functions and the role of these laws are different. The Law on the Temporarily Occupied Territory of Ukraine is to be used in the circumstance of war, while the Law on the Restoration of the Territorial Integrity of Ukraine should be enacted in the environment of peace.

The Law on the Temporarily Occupied Territory of Ukraine should perform the following functions:

- 1) establish the illegal nature of the fact that the Russian Federation grabbed and keeps by force the temporarily occupied parts of the Ukrainian territory;
- 2) confirm the sovereign right of Ukraine to restore its territorial integrity within the internationally recognized state borders;
- 3) establish the procedure for the protection of human rights for the civilian population of the occupied parts of Ukraine, considering the fact that the Russian Federation exercises effective overall control within the occupied territory as aggressor state, while all branches of power in Ukraine are devoid of any possibility to perform their functions there as specified by the Constitution and the laws of Ukraine;
- 4) regulate Ukraine's relations with the temporarily occupied territory in the sanction regime, based on the need to guarantee national security in the circumstance of the lengthy armed aggression by the Russian Federation;
- 5) establish the general procedure for assessing the losses incurred by Ukraine during and as a result of the occupation of its territory.

UKRAINE SHOULD AIM AT MAXIMUM DIVERSIFICATION OF BILATERAL RELATIONS WITH COUNTRIES ALL OVER THE WORLD TO DECREASE ITS DEPENDENCE ON RUSSIA IN ALL SPHERES

The Law on the Restoration of the Territorial Integrity of Ukraine should perform the following functions:

- 1) establish the procedure for ensuring control of the entire length of the Ukrainian-Russian border after the liberation of the temporarily occupied territory;
- 2) establish the duration and the regime of the transition period that is necessary to deal with the impact of the occupation, restore security for the citizens and rebuild vital infrastructure;
- 3) introduce a special regime of international human rights protection in the territory liberated from occupation for the transition period;
- 4) entail the terms and deadlines for the full-fledged restoration of the constitutional and public order on the territory liberated from occupation; and
- 5) list organizational measures to enforce Russia's responsibility for the losses Ukraine incurred as a result of the occupation, and to punish the individuals involved in war crimes and crimes against humanity.

The Law on the Restoration of the Territorial Integrity of Ukraine can be applied only after Russia withdraws from the occupied territory. It makes no sense to expect that Russia will voluntarily return to Ukraine the territory it grabbed. Full restoration of Ukraine's territorial integrity is only possible through wide-scale sanctions that would be applied consistently by Ukraine and the international community of democracies.

THE WEAPON OF SANCTIONS

Ukraine's sanction policy is implemented today through individual restrictions against a relatively

short list of Russian individuals and legal entities, as well as the recent introduction of some restrictions in trade, but only with the temporarily occupied territory.

Meanwhile, a significant amount of Ukraine-Russia trade remains. Based on the official data from the State Statistics Bureau, Ukraine exported goods worth \$ 3.2bn (8.9% of Ukraine's total exports) to Russia over 11 months of 2016, while importing \$ 4.6bn worth of goods (13.1% of total imports). In other words, Ukraine's key enemy remains its key trade partner. In 2016, Russia abolished the free trade regime with Ukraine, imposed full ban on the transit of goods from Ukraine to the third countries through the Russian territory, and introduced an embargo on many Ukrainian goods. This resulted in nearly \$1bn-worth of direct financial loss for Ukraine, said Ukraine's Trade Representative Natalia Mykolska.

Out of the vast number of bilateral agreements regulating Ukraine-Russia relations in various fields, only 33 have been terminated, including six broken off by Russia.

Ukraine's inconsistent sanction policy against Russia leads to negative consequences:

- 1) it prevents maximum mobilization of Ukraine's entire potential, institutions and resources to counter the aggression;
- 2) it demoralizes the citizens of Ukraine and the personnel of the Armed Forces of Ukraine;
- 3) it encourages the Russian Federation to continue the aggression;
- 4) it makes Ukraine vulnerable to Russia's hostile actions, economic and humanitarian first and foremost;
- 5) it is used by the Russian propaganda to persuade the international community that what is happening in Ukraine is an internal conflict;
- 6) it makes Ukraine's partners doubt the need to provide it with assistance, including armament; and
- 7) it serves as an argument against tougher sanctions on Russia by the international community.

It is reasonable for Ukraine's political leadership to stop relying on tactical decisions shaped by specific circumstances that benefit oligarch clans first and foremost. Instead, it should build a national strategy for the protection of the country's and society's interests in the circumstances of the Russian armed aggression and start applying wide-scale and consistent sanctions against the aggressor.

This complex task takes efforts and time. But it must be accomplished, and the sooner it happens, the better. A closer look at the way Russia treats Ukraine shows that Russia always used the mechanisms of co-operation established between the two states, including in economy, energy, military or humanitarian domains against Ukraine. Numerous wars in gas supply, trade, information space and more, which Russia has been conducting against Ukraine (ignoring the economic cost for the sake of geopolitical purposes), prove this.

Therefore, Ukraine should aim at maximum diversification of bilateral relations with countries all over the world to decrease its dependence on Russia in all spheres. As long as Russia's armed aggression against Ukraine continues, the relations with Russia should be frozen as much as possible and remain in the regime of sanctions. ■

Blockade vs Minsk talks

Denys Kazansky

What pushed President Poroshenko to take over the blockade of the occupied parts of the Donbas

On March 15, 2017, the National Security and Defense Council of Ukraine (NSDC) decided to support the blockade of cargo traffic through the contact line in Eastern Ukraine. It took everyone by surprise, including supporters and opponents of the government. Previously, President Poroshenko had repeatedly stated that the blockade was causing serious losses in the economy and that the volunteers who arranged it were, in fact, playing into Russia's hands. The NSDC decision changed the situation dramatically overnight. Poroshenko took over what he had been fighting against. Opinion leaders known for speaking loyally to the President in social media were taken aback too. They had just been lamenting about the damage caused by the blockade, when it took a U-turn. How to explain this to their followers?

According to official statements, the NSDC decision to terminate cargo traffic across the contact line in the ATO area is a temporary measure introduced until the separatists return control of enterprises located in the occupied part of the Donbas to their Ukrainian owners. However, heads of the illegal Donetsk and Luhansk People's Republics have already made it clear that they are not going to return the factories, and introduced the "blockade of Ukraine" on their side. This makes it safe to assume that the suspension of cargo traffic to the Occupied Regions of Donetsk and Luhansk Oblasts (ORDiLO) is here for a long haul. Some Donbas enterprises are most unlikely to survive it.

The interview that Petro Poroshenko gave to several Ukrainian TV channels on March 15 made it clear that he still disapproved of the volunteer blockade organizers and blamed on them the fact that the Russian guerillas seized control of Ukrainian enterprises in ORDiLO. According to him, Ukrainian factories were the anchor that prevented a complete severing of all ties with Ukraine in ORDiLO. Now, returning Donetsk and Luhansk will be much harder. "They were 'islands' of Ukraine, an anchor that held this territory close to Ukraine. And, of course, we were planning to use them during reintegration, when Ukraine returns to the Donbas, and the Donbas returns to Ukraine. They were the base footholds for the return of Ukraine," Poroshenko said. He also said that the seizure of Ukrainian enterprises "destroyed Ukraine in the Donbas."

However, it should be noted that the government did not do take many efforts to prevent activists from blocking the railway traffic. More or less serious attempts to unblock the tracks were made almost a month after the activist blockade had kicked off. Immediately after headlines of clashes between the activists and the police made it into the press, traffic with ORDiLO was blocked by the official decision from Kyiv.

What explains this dynamics? In fact, there are reasons to assume that the current situation benefits Poroshenko. First, it gives a way to gradual withdrawal from the dead end of the threadbare Minsk talks. With activists launching the blockade initially, the President was able to use others to pull chestnuts out of the fire. According to the official interpretation of the original



KYIV IS UNLIKELY TO GET BACK FULL CONTROL OVER ORDiLO EVEN IF A TRUCE AGREEMENT TAKES HOLD. THE REGION COULD BECOME A KIND OF A UKRAINIAN CHECHNYA WHERE LOCAL ARMED GANGS CAN ENSURE ANY RESULT AT THE ELECTIONS

blockade, radical Ukrainian forces organized it spontaneously (the President blames on them the obstacles in negotiations with the IMF and the likely decline of Ukraine's economic performance), while ORDiLO terrorists seized Ukrainian property in response, and thus grossly violated the Minsk Accords. The government tried to act peacefully and not to escalate the conflict, but could not handle the situation for reasons beyond Poroshenko's control and through the fault of the radical activists.

The seizure of Ukrainian enterprises in ORDiLO de facto brought the Minsk negotiations to a stalemate and made it possible for the official Kyiv to shift responsibility for the failure of implementing them on the Russian side and the separatists. Meanwhile, the "nationalization" of Ukrainian enterprises in ORDiLO and the severance of economic ties with Ukraine may be paving way to the freezing the conflict. Whatever the interpretation, the current developments do not contribute to the reintegration of the occupied parts of the Donbas, and the President stated so in his recent interview.

However, those in power have not seemed too enthusiastic about returning the occupied ter-



An open-ended prospect. The National Security and Defense Council's decision to terminate cargo traffic across the contact line in the ATO area is a temporary measure introduced until the separatists return control of Ukrainian enterprises to their owners

ritories of Donetsk and Luhansk oblasts. Therefore, the blockade came in handy. The idea that Ukraine would fare better without the occupied Donbas is not a new one. This thesis is quite popular and is regularly articulated in one form or another by various speakers. Some in Poroshenko's party support this approach.

The Donbas is too difficult for Ukrainian politicians to return it. It is obvious that after the recent events, the population of the ORDiLO will not vote for the forces professing Ukrainian patriotism, even if fair and democratic elections are held. At best, they will vote for the Opposition Bloc or for another, even more radical pro-Russian force. This means that neither Poroshenko nor Yulia Tymoshenko, Samopomich's Andriy Sadovyi or Oleh Lyashko are interested in returning this electorate and playing into the hands of their rivals. Moreover, Kyiv is unlikely to get back full control over ORDiLO even if a truce agreement takes hold, while the region is likely to become a kind of a Ukrainian Chechnya

where local armed gangs can ensure any result at the elections.

It is thus not surprising that Ukraine rejects a Transnistria scenario created for it by Russia. President Poroshenko has been taking the most advantageous position by formally remaining uninvolved and watching others burn the bridges. As a result, these others are being held responsible for the failure of reintegration.

As for the enterprises seized by the separatists in the occupied parts of the Donbas, it is still difficult to make a forecast on their future. Rinat Akhmetov's office has already stated that it had lost control over all his enterprises in ORDiLO. Currently they stand idle, waiting for help from Russia. Just how efficient this help will be is not clear. It is possible that shortly there will be nothing to return to Ukraine. This means that one more thread linking the occupied areas to Ukraine will be torn, while the public will have one more reason not to want the return of the Donbas. ■

What about your money?

Stanislav Kozliuk

What is wrong with the new rules on NGO income reporting

Fighting corruption has been the hot issue in the recent years, discussed by just everyone: from ordinary citizens to corrupt officials. The slogan, however, was not always used for the stated purpose, and the good intentions sometimes covered private interests. The new NGO e-declaration requirements put this "fight" on a new level. On March 23, the Parliament enacted amendments to the law on the simplification of income declaration for ATO servicemen sponsored by President Petro Poroshenko. Their stated goal is to exempt soldiers from filing mandatory electronic declarations, since they may experience problems with that for objective reasons: the ATO, as well as the lack of computers and Internet safety concerns.

In parallel, Ukrainian politicians held true to their traditions. Under the guise of the much-needed initiative that makes life easier for those serving in the ATO, MPs added amendments that make filing declarations compulsory for anticorruption civic activists and members of community boards in banks and companies. What makes it even worse is that MPs believe that those providing services to anticorruption NGOs, ranging from rent to cleaning, should also file declarations. Civic activists interpret this as revenge of the President and MPs. The amendments to the bill were initiated by the People's Front MP and former civic activist Tetyana Chornovol.

"For an honest fighter against corruption, honest media director, or an honest member of a community board at a public agency, filing an e-declaration is not a problem. To the contrary, they can be proud of following the main anti-corruption principle: transparency. I do not understand why our 'most honest in the world' corruption fighters and fathers of e-declarations react so hysterically," Chornovol wrote in her Facebook account.

Initially, her amendments to Bill 6172 proposed to make media directors file their e-declarations, among others, but following the outrage of media representatives this clause was left out.

At the first glance, such parliamentary initiatives can be justified: Art. 67 of the Constitution mandates that all citizens submit their declarations of property and income to tax authorities annually. What is wrong with the proposed changes to the law on preventing corruption? Here lies perhaps the main intricacy of Chornovol's amendments.

The bill defines corruption as the use of power and office to obtain improper benefits or advantage. Official power, as defined by law, is

vested in the President, ministers, MPs, officials of different levels, judges, members of the Central Election Commission, law enforcers, etc. By enacting the above amendments, MPs put anti-corruption activists in the status of public officials, i.e., persons authorized to perform state functions.

The second intricacy is that one of the objectives of the anti-corruption legislation is to control officials whose salaries are paid by the taxpayers. That is, the public was provided with a tool to monitor the financial status of MPs, mayors, judges and others, and to turn to competent authorities, such as the National Agency on Corruption Prevention, National Anti-Corruption Bureau and the Special Anti-Corruption Prosecutor's Office, in case of any discrepancies between their income and property.

The situation is different with the public declaration of the income received by anticorruption activists. Investigative journalists and



BY ENACTING THE NEW E-DECLARATION AMENDMENTS FOR ACTIVISTS AND INVESTIGATIVE JOURNALISTS, MPs PUT THEM IN THE STATUS OF PUBLIC OFFICIALS, I.E., PERSONS AUTHORIZED TO PERFORM STATE FUNCTIONS

activists that design draft laws work for NGOs that are funded not from the Ukrainian budget, but from grant programs. NGO managers regularly report on the use of funds to their donors. However, this does not happen publicly. At the same time, MPs and the President want activists not so much to report on the use of funds, as to make their incomes public. This initiative is presented by them as the fight against corruption. No one ever explained what corruption risks the work of civic activists carries. The public perceived these initiatives as an attempt of crackdown and revenge. Ukraine's civic institutions and international partners alike criticized the adopted amendments.

"The law on electronic declaration will greatly complicate the work of journalists, especially those involved in investigations. It is no secret that corruption investigations are conducted by journalists working not for traditional media owned by oligarchs, but for media organizations registered as NGOs. These amendments are therefore nothing else but pressure on journalists and interference with their work," Iryna Zemlyana, media expert at the Institute of Mass



PHOTOS BY UKRAINSKE PHOTO

Damage control. Amidst harsh criticism of the e-declaration amendments, President Poroshenko meets with representatives of NGOs on March 27 to discuss possible response. He suggests setting up a working group to prepare new changes. That leaves activists skeptical

Information, commented on the situation to *The Ukrainian Week*.

"The new requirements are aimed at protecting politicians, dissatisfied with public control and give them the opportunity to take revenge on those who participate in anti-corruption investigations. Moreover, the law clearly violates the Council of Europe standards prohibiting arbitrary and discriminatory interference in the independent functioning of civil society," Marc Behrendt, Director for Europe and Eurasia programs at Freedom House, reacted to Chornovol's amendments.

"E-declarations for senior public servants is a strong step forward for reforms in Ukraine. Members of civil society play vital role for transparency; targeting them is a step backwards," the US Embassy commented.

"Changes to the law on e-declarations are a step back, not forwards, and should be reconsidered," Commissioner for European Neighborhood Policy Johannes Hahn stated bluntly.

A closer look at the amendments proposed by the MPs reveals that Chornovol's initiative is not new. In the fall of 2016, MPs already tried to put the e-declarations system to their service. Then, the Parliament was considering Bill 5318 introduced by Yuriy Derevyanko, currently unaligned MP and previously member of Samopomich who left the faction amidst a scandal around at-

tempts to split up the party. This bill, too, proposed to institute mandatory electronic declaration for NGOs and contractors receiving funds from "international assistance programs aimed at preventing and combating corruption." Those legislative initiatives were even compared to the "campaign against foreign agents" in Russia.

Six months ago, the Parliament voted the bill down. Today, it has emerged again, introduced by another MP and under a different name. This, in turn, gives reason to doubt that the Presidential Administration was unaware of the preparation of such legislative changes, especially taking into account the talking points for MPs issued by the PA that were subsequently leaked to the Ukrainian media. The President is trying to do the splits. During his meeting with activists to discuss the proposed amendments, he said that he must sign the bill into law because otherwise it would jeopardize 160,000 Ukrainian soldiers. However, something needs to be done with the controversial amendments. Finally, corruption fighters were promised that the issue would be dealt with through other "urgent" legislative initiatives. Such promises were received with skepticism. It remains to hope that the guarantor of the Constitution with his MPs will keep his word, paying heed if not to the civic activists, then to the Western partners. ■

Closing for repairs?

Roman Malko

The Petro Poroshenko Bloc has started cleaning itself up in an effort to improve its poor ratings and public image



A new face. On April 3, Artur Herasymov was elected head of the BPP faction in Parliament

The lifespan of a party in power typically hangs on the fate of its leader. Every single political project that has had power in Ukraine is irrefutable proof of that: SDPU (o), Nasha Ukraina and Party of the Regions. The same fate could await the Petro Poroshenko Bloc (BPP).

Of course, the death of a brand does not necessarily mean that its product has disappeared into Neverneverland. That the majority of the members of the dying organization flee to a newly born one ensures the continuity of the political system in Ukraine to a greater or lesser extent. Needless to say, there is little long-term good in this. It simply underscores the lack of real party-building in the country and the serious ideological forces that are the sign of a healthy democracy. Unfortunately, this phenomenon is unlikely to change any time soon, either.

As long as Petro Poroshenko himself is in power, nothing will happen, despite the baseless skepticism of observers about the BPP's real solidarity and monolithicity. But the minute there is an election, and especially if the party does not win, it will fall to pieces. Therefore, the BPP will do everything it can to postpone this moment as long as possible, of course, and so radical therapy has started.

Lately, the country's most influential party has given plenty of food for thought. On March 23, its faction leader, Ihor Hryniv, resigned. On April 4,

MP Vladyslav Holub left the party, saying that he had received threats and feared for his life. Rumors of a smoldering conflict between the president and Premier Groisman have been circulating for several months, with some hints that it could blow up and lead to the PM's departure. More minor disagreements and misunderstandings are not worth listing, but they always contribute to the chaos.

In fact, the Poroshenko Bloc has never been a monolith. Plastered together from a number of scraps, it's like a colorful, mysterious quilt under which who knows who is hiding and you never know what surprise might pop out. If anything, it is the party of opportunists, including those who support us, those who don't, those who believe in us, those who couldn't care less, those who need a cover, and those who simply want better opportunities for their own ambitions. Last but not least, those who grew tired of skulking around the back rooms flashing their press cards and wanted to sit comfortably for a change.

That the presidential party is filled with haphazard individuals is something that party members themselves recognize. When Poroshenko decided to run for the presidency, he didn't have his own party and had to turn to his partners in UDAR for support. What the terms and conditions of this partnership were is a different matter. Some say that a significant role in attracting all these dark horses was played personally by #1 on the party lists, Vitaliy Klitschko, who brought a number of interesting individuals in on his quota. Whether he did so consciously or at the advice of friends is an open question, but payback was not long in coming: the Poroshenko Bloc absorbed UDAR completely leaving the Mayor of Kyiv and still nominal head of the presidential bloc without a trace of his own party. Today, former UDARists who remain loyal to Klitschko's ideals play no role in the running of the Poroshenko Bloc and are not even really active in it. In fact, there is obvious antipathy between them and the main membership.

Under Poroshenko's own quota, a number of very "original" folks also joined the bloc, only to turn into internal dissidents, euro-optimists or silent saboteurs. Some wicked tongues even claim that during ballots on issues important to the party, votes have to be bought from its own deputies. Maybe not for money but quid pro quo—which doesn't make it any less painful.

Similar things are happening at the bloc's local branches. Too many members see the party in power as a roof for building up their own careers or as a source of enrichment. Obvious manipulations with lists of members, for instance, some of whose

PHOTO: UNIAN

existence is questioned even by the party's own leadership, and attempts to inflate requests for party funding to rent offices or reception centers. The need to eliminate all this chaos and to streamline the operations of the party organization so that when the time comes they don't discover that there's nothing there has pushed the leadership to take a fairly original step: to hire outside specialists to handle its internal audits and monitoring.

What led to this was a switch to public funding of BPP's statutory activities. Someone obviously decided that it would not do for the president's party to fritter away taxpayer money, and so all the smallest local branches are now threatened with a blind audit with serious consequences in case of... The audit itself will be very simple: people disguised as ordinary citizens will go around the regions and will report on any violations they see. Oversight is promised to be strict so there isn't any squandering of money. In the meanwhile, the party will work more actively and launch new projects.

This reform strikes the observer as preparations for an election, whether scheduled or snap. In fact, no one is talking about a real race at this time, other than maybe local elections. Still, certain steps, such as training activists and leaders at regional branches, are already in motion.

Sources close to *The Ukrainian Week* confirm that this could be tied to a referendum on joining NATO, whose shadow is growing taller and taller on the horizon. The initiative was submitted by MP Iryna Friz. Not long ago, BPP even organized a roundtable called "Myths about NATO and how to overcome them," which was attended by top officials and representatives from the Alliance. It's quite possible that by the end of summer or early fall, such a referendum will take place say people in BPP. And why not hold it now, when security is such an urgent issue for the country?

This is where Ihor Hryniv comes in again, who apparently was not happy being leader of the faction in the Verkhovna Rada, because it raised his profile higher than he was used to. There are also rumors that, as one of the elders of Ukrainian politics, Hryniv is getting ready to leave the game altogether. However, it's unlikely that he will. Given the real shortage of human resources, the president is unlikely to play lightly with someone of Hryniv's stature. Even finding a new faction leader was not easy. Many were interested, but the only someone who might possibly suit all sides and be able to pull the shaky faction together again was Artur Hurasymov. How well he will be able to complete this mission should become clear very soon.

BPP is a standard model of the Poroshenko brand. The nominal head, Klitschko, has no influence at all and he should have been replaced long ago, but hasn't been. Some have been predicting that Groisman will replace him, but a party convention hasn't been called, either. Indeed, it's not that clear at all who is really running the party or its VR faction, and how much influence Poroshenko himself has on any of this. The president obviously is not in charge of all party processes in his usual hands-on style—nor is he keeping at arm's length from them. He has his hand on the pulse through

the people he trusts, like Ihor Kononenko, Serhiy Berezenko and that same Ihor Hryniv, if only to agree positions.

How effective this is, is another matter altogether. Not very, it would appear. But there are few alternatives, given the nature of Poroshenko himself, who works with people of exceptional dedication. Those in his inner circle can confirm how complicated it is for him to make a decision. He wants to hear as many people as possible, he is open to being persuaded, and he is not one of those who think they know everything. The question is how all of this is filtered in his mind. Some gossip in the Rada back rooms that he's heading for the same fate as Yanukovich because his inner circle has managed to restrict access to him and to keep those capable of offering a critical opinion completely isolated from the president. Possibly. However, it's hard to believe that things are as totally bad as this makes it sound. For one thing, he's on familiar terms with the internet and can read for himself what people are saying about him.

Sources that know how the process of reforming BPP is going say that Berezenko is behind it as one of the party's leading functionaries. It's clear the party is going in the wrong direction and if things



BPP IS A STANDARD MODEL OF THE POROSHENKO BRAND. THE NOMINAL HEAD, KLITSCHKO, HAS NO INFLUENCE IN IT. SOME HAVE BEEN PREDICTING THAT GROISMAN WILL REPLACE HIM, BUT A PARTY CONVENTION HASN'T BEEN CALLED YET

are not remedied now, while it's still in power, it will be too late. And so Berezenko has decided to intervene, but not without a green light from higher up, obviously. He has hired a team of Georgian reformers led by Giorgiy Vashadze, a one-time Deputy Minister of Justice in Georgia. Vashadze was the author of that country's reforms in eGOV/GovTech ID, biometric passports, Palaces of Justice, electronic signatures, an e-healthcare system and e-self-government, and has been the inspiration behind Ukraine's ProZorro, the Hotovo! Document service and NABU itself. Now his task is to transform a typical ruling party with all its underwater reefs into one modeled on European parties, that functions properly and has an honest, dedicated and active membership that is not just there to sit and get paid to lobby its own interests, but to work for an idea—something that BPP also lacks.

What kind of idea ever drove any party in power in Ukraine? What's more if we consider that the new BPP position sounds like "a party without a leader," just a dedicated group of people who have come together to bring the Ukrainian dream to life, then the thought of seeing these ambitious plans come to fruition becomes actually interesting.

No matter how you slice it, BPP is still hanging on a single rod called Petro Poroshenko. And as long as he's there, trying to bring order and function in this baroque court will be anything but easy. ■

The growing pains of self-reliance

Roman Malko

How Samopomich survives in the role of the democratic opposition



PHOTO BY UKRAINIAN PHOTO

Taking a different path. In order to approve, say, a decision to leave the coalition, after initial debates in the central council, the issue was brought to a broader circle of members because it was necessary to see how people would accept the move at the local level

Samopomich or Self-Reliance, a party founded by Lviv Mayor Andriy Sadoviy, broke into the top league of Ukrainian politics unexpectedly. It had only about 60 real members and a few partners when it picked up 11% of the vote in the 2014 Verkhovna Rada election and found itself with 34 seats in the new legislature. The result was a surprise even for the party itself, which had expected at most to simply pass the 5% threshold for gaining entry to the Rada. Certainly the polls were not suggesting a better result, let alone its rivals, who immediately saw the victory as an unfortunate “misunderstanding” that would somehow have to be dealt with.

Although *Samopomich* actually fit into the overall post-Maidan coalition at the time, no one was prepared to say with confidence what might be expected from the freshman MPs. After all, the faction was really more than merely very

colorful. In contrast to other, equally newly established factions but mostly constituted by old political forces and diluted by a few new faces, this was a real hodge-podge of four different groups—Samopomich, the Volia Party, the Donbas Battalion, and experts from the Reanimation Package of Reforms—, some of whom did not even know each other. Because no one had anticipated such a result, most of them really only became acquainted in the legislature, not even during the election campaign.

And so the process of pulling the faction together and getting used to each other proved incredibly difficult. This was something the neophytes had certainly not counted on, many of whom at that point were still driven by the romantic dream of changing the country. Fortunately, their senior colleagues decided to help them and immediately took the novices under their wing, making the maturation process go very quickly—though not necessarily the way their mentors might have hoped. Instead of the expected submission or, better yet, a split in the faction, it ended with the faction leaving the coalition altogether.

As Deputy Speaker Oksana Syroid explains, there were a few points where it became clear that coalition agreements don't actually work and no one was interested in consensus when something had to be pushed through. “When you arrive here for the first time and begin to realize what a gap there is between what people say from the podium and what they actually do here, it's very embarrassing,” she recalls. “We began to work based on the presumption that everyone was just like us, that what they say is what they think and do. But very quickly, within the first few months, we understood that there is a fundamental divergence. This was a very harsh experience and people didn't know what to do with the shame that they felt. I think that people simply break when they feel unable to speak about the shame and simply became a part of it. What helped each of us and, I think, saved us was the connection with the people. When you begin to tell them all about this, you become aware that there's no reason to be afraid to speak the truth. People are ready to hear it and to understand.”

During the two-year period that the faction has matured in the Verkhovna Rada, it has lost seven members. The remaining members say that this has been for the better. At a minimum, they were able to get rid of moles whose assignment had been to establish control over the faction or to break it up from within. *The Ukrainian Week's* sources in *Samopomich* say that problems emerged from the start when portfolios were being handed out and top positions elected.

For instance, the #1 person on the party's list, Hanna Hopko, had expected to be the faction leader but a large group of her colleagues were against this. Supposedly she was being promoted by Viktor Kryvenko, #5 on the list and a one-time member of the Board of Directors of Bionic University, whose main donor was a former Party of the Regions member, Vasyl Khmelnytskyi, and the notorious

Vladyslav Kaskiv, who was in charge of the Technopolis and National Parks of Ukraine projects under the scandalous State Investment and National Project Management Agency. Kryvenko planned to establish himself as a kind of grey cardinal and word was that this was all on orders from political rivals, not on his own initiative.

When it became obvious that the faction would not let itself be taken in hand in this manner, Plan B kicked in and efforts began in earnest to break up the faction altogether. Members of *Samopomich* point out that Kryvenko did not even hide his intentions. For instance, on Independence Day 2015 he supposedly told PM Volodymyr Groisman that, unfortunately, he was unable to completely break up the faction. The effort continued for a very long time and naturally ended in scandal during a vote over amendments to the Constitution related to the status of occupied Donbas. At that point, the faction expelled another five MPs.

But it would be a lie to say that *Samopomich*'s problems were all over at this point. On the contrary, they grew worse. Pressure on individual deputies was increased and on the party as a whole. Then tragedy struck: four of the firefighters who arrived at the massive Hrybovychi dump outside of Lviv to extinguish a fire died in the blaze. This considerably damaged the reputation of the party's leader and Lviv Mayor, Andriy Sadoviy, which also affected *Samopomich* itself.

When *Samopomich* actually left the coalition, a serious but open conflict with the country's leadership began and peaked with the launch of the activist blockade of the occupied territories in eastern Ukraine, which *Samopomich* supported. The party was immediately accused of actually organizing the blockade to divert attention from the growing garbage scandal in Lviv and was accused of working for the enemy. President Poroshenko actually threatened to present *Samopomich* and others who helped organize and promote the blockade with a bill for damages once those were calculated.

Attempts to get individual deputies and sometimes entire organizations to leave at the local level are also unlikely to stop. The latest rumor is that Natalia Veselova is preparing to leave the VR faction, who is being accused of collaborating closely with the Presidential Administration. But these kinds of methods aren't working very well: the party's strong opposition to other political forces and the degree of tension around it often led to the opposite result. What's more, all the notions that *Samopomich* was some suspicious entity that dragged a slew of mystery people to the Rada, that it was unclear which way the party would go and whom it would serve, are slowly being dispelled through the very efforts of the party's rivals.

Were they less cynical and more thoughtful, possibly they would have reached their goal, because distrust is a basic assumption in Ukrainian politics. No matter who does what, there is always plenty of suspicion attached to it. The same happened with *Samopomich*, especially at the point when the faction parted with five of its members at the same time. As time went on, the presumption of distrust has slowly transformed into a presumption of trust, faction members state confidently. Today, *Samopomich* remains very colorful but it's far more monolithic than at the beginning.

There's a joke going around in *Samopomich* that efforts to find influential groups within it that are competing among themselves are useless because there are only two wings to the party: the revolutionary and the conservative. The problem is that members drift back and forth between

these two wings, depending on the issue under discussion. Today you might be a radical, tomorrow a conservative.

Even its decision-making process is an unusual multi-level system. Whether it actually works the way people say is hard to know. But in addition to the party's eight-person political council, which meets regularly, alternating between Kyiv and Lviv, to talk things over, there is also a regional political council that consists of representatives from all oblast branches. So far, the latter has not been very actively engaged, but in order to approve, say, a decision to leave the coalition, after initial debates in the central council, the issue was brought to a broader circle of members because it was necessary to see how people would accept the move at the local level. In addition, there is the VR faction, oblast factions, county and local factions, local branches and civic organization that *Samopomich* officials insist work almost autonomously. Apparently, no one from the upper leadership gets personally involved in their affairs.

The party's annual convention on March 12 was also anything but conventional for Ukrainian politics. Lasting a day and a half, most of the time was dedicated to public interviews and panel discussions, with the leader of the party speaking at the very end, not first, as is standard practice. In this way, *Samopomich* attempted to engage as many people as possible to party work and to build an effective system of communicating and approving to decisions.



BY LEAVING THE COALITION, SAMOPOMICH DECLARED AN OPEN CONFRONTATION WITH THE CURRENT ADMINISTRATION. BUT IT HAS NO INTENTION OF RETURNING, EVEN THOUGH ITS MEMBERS COMPLAIN THAT IT IS GETTING HARDER AND HARDER TO GET ANYTHING DONE IN THE RADA

By leaving the coalition, *Samopomich* declared an open confrontation with the current Administration, but it has no intention of returning, even though its members complain that it is getting harder and harder to get anything done in the Rada because any and all propositions from members of the faction are being bounced. Worse, the party does not see any potential partners in the Rada with whom it might effectively join forces, even without merging. Nor does it see such potential partners outside the legislature, either. Experts disagree, saying that there are actually both other political forces and individuals with whom *Samopomich* might find common ground, including in the SME community. Demand for a new approach and vision in politics is growing in Ukraine.

In any case, *Samopomich* right now is possibly the only political party whom the president continually criticizes publicly and persistently. Even under these conditions, the party never tires of reiterating its pro-Ukraine position, continues to vote for Cabinet-initiate bills, speaks out against early elections for either president or Rada, and is prepared to support Poroshenko's initiatives—as long as they don't go counter to its own vision. This all looks somewhat strange and there are those who see deceit and cunning in it, but others like this approach very much.

Yet, both the exit from the coalition and the fight to the death were inevitable. After all, other than the shuffling of pieces on the chessboard, little of essence has changed in the country. Just as the current system did not accept foreign bodies, it still does not, rejecting them in every way possible. ■

Seven circles of freedom

Stanislav Kozliuk

As of the end of March, 44 Ukrainian citizens remain in Russian captivity. What can Ukraine do to free them?

About 15 of these are in Russia and another 29 in the annexed Crimea. Some are being prosecuted for "extremism", others for "participation in the Chechen War", others still for "terrorism" and yet more for "sabotage operations". There are attempts to throw Crimean Tatars, who have come under increased pressure recently, into prison for pro-Ukrainian rallies three years ago and for their membership, real or alleged, in the international political organization Hizb at-Tahrir. Russia recognised it as a "terrorist organisation" in 2003 and banned it. There were no such restrictions in Ukraine.

"The number of people detained by the illegitimate Russian authorities in Crimea on charges of terrorism, extremism and subversive activities is increasing," said Ministry of Foreign Affairs (MFA) spokesperson Mariana Betsa in a comment on the situation to *The Ukrainian Week*. "29 citizens of Ukraine are currently detained in Crimea. But this figure could be higher, because it is extremely difficult to get information from the annexed peninsula – it is our territory, albeit occupied, so the MFA has no representation there. And the occupying state does not allow us to enter with a mission. Similarly, it does not admit international missions that could independently monitor human rights. Disappearances, arrests and cases of torture are constantly observed on the peninsula. Every violation possible is taking place there. The peak of the occupying authorities' cynicism is the persecution of lawyers and human rights activists in Crimea. It can be noted that the repression of ethnic Ukrainians and Crimean Tatars is only intensifying on the peninsula. As for Russia, 15 citizens of Ukraine continued to be held there. They are hostages of the Russian Federation's aggressive policy towards our country. And Moscow is using them as a bargaining tool for its political goals."

Despite the work that the Ukrainian Foreign Ministry, Ministry of Justice and several other state agencies are doing, the issue of freeing these people remains rather complicated. Last year, five Ukrainians returned from Russian captivity. After sentencing, Russian authorities exchanged Nadiya Savchenko for its special forces operatives Alexander Alexandrov and Yevgeny Yerofeyev, while Hennadiy Afanasiev and Yuriy Soloshenko were exchanged for the organisers of the People's Council of Bessarabia, Ukrainians Olena Hlishchynska and Vitaliy Didenko. In addition, Yuriy Ilchenko, accused of either extremism or inciting hatred, escaped from Crimea in early summer. In late November Khaiser Dzhemilev, son of Crimean Tatar leader Mustafa Dzhemilev, returned to Ukraine after serving his "sentence" in the Russian Federation. At the same time, more so-called saboteurs were charged in Russia – for-



Knock, knock. The FSB searches several Crimean Tatar households in Dzhankoi area, Crimea, 2016

mer soldiers who were allegedly planning to blow up critical Crimean infrastructure facilities. The Kremlin refuses to exchange Ukrainian citizens that have already been convicted, in particular Oleh Sentsov, Mykola Karpiuk and Stanislav Klykh. The situation of the latter is complicated by fact that he has started to suffer from mental disorders in Russian captivity. However, the authorities of the aggressor state ignore this.

"Work to free the Ukrainians is carried out daily. But not everything is public. There is an aspect of quiet diplomacy, where we work to free people with the other competent authorities, for instance, the Ministry of Justice and Security Service. We try to do this quietly so as not to disrupt negotiations. Last year, Russia released four of our citizens. This happened the day before sanctions against it were extended. A certain logic can be followed: if Moscow sees prospective benefits, it can agree to make concessions. At the moment, specific exchanges are not being discussed. But we are working," assures the MFA.

AN ALTERNATIVE TO MINSK

As for specifics, the MFA regularly publishes notes of protest and demands the release of illegally detained Ukrainians. Moreover, the issue of freeing political prisoners is brought up during bilateral meetings and in the trilateral contact group. The persecution of

Ukrainians is also mentioned at OSCE Permanent Council meetings, the Council of Europe Committee of Ministers, the UN and so on. However, it seems that these methods have no effect on Russia. In addition, Ukraine has more than one hundred people, both military and civilian, in captivity in the separatist-controlled districts of the Donbas. It is also necessary to work on their release. But, as human rights activists point out, the Minsk format is not too effective here either. They mention several reasons. One of the key ones is the politicisation of the process. Moscow and sometimes Kyiv use the captives and political prisoners for their own benefit. Human rights organisations are convinced the creation of a separate humanitarian negotiation platform could rectify this.

"Today, apart from Minsk, there is no other format to discuss the return of prisoners or those illegally detained. But Minsk does not work," Maria Tomak, representative of the Media Initiative for Human Rights, told *The Ukrainian Week*. "It is opaque and unclear in terms of international humanitarian law and also politically. No one knows how prisoner exchanges take place, under which conditions and who chooses the people for them. Moreover, Ukrainian citizens were last exchanged last nine months ago. There was also Dzhemilev, but he was not exchanged – he served a sentence. An important issue for us is finding an exchange format to cover all Ukrainian citizens: detained or imprisoned because of the conflict in the east or in the Crimea, both military and civilian. In addition, another important component should finally come into play – the observance of international humanitarian law. In other words, the status of detainees, their treatment, the exchange process and so on should be determined."

"In the Donbas conflict, the people held by both sides have no legal status at all. It is unclear whether they are prisoners of war or not. As neither in Ukraine, nor in Russia, nor in the separatist-controlled districts do they enjoy the guarantees of international humanitarian law. They are basically objects rather than the subjects in the exchange negotiation process. We even know of cases when people were put on the lists and exchanged against their will," added Daria Svyrydova from Ukrainian Helsinki Human Rights Union.

"Yes, we have a communication format in Minsk that pertains to the Donbas. But there is no platform for Crimea and political prisoners. So there is no format for negotiations on this issue at all. We can talk about Russia's unwillingness to organise such a platform, but Ukraine should have such intentions too," she stated.

It should be noted that as part of the current Minsk negotiations, there is a humanitarian group that deals in particular with prisoner exchange issues. But a political component is also present. In addition, when members of the group try to talk about Crimea or political prisoners, they encounter resistance from Russia, which alleges that the scope of the negotiations only extends to the Donbas. The alternative could be a separate negotiation platform parallel to Minsk. Moreover, the European Parliament emphasised the need to introduce such a format for the Crimea in its March 16 resolution.

"The new negotiations should not have the same opaque form as previous ones. That is, it won't be constructive if the same old people turn up at the new plat-

form," explains Tomak. "The idea is that the new format would not require the rejection of the Minsk talks or cause political turbulence. Now, the difficulty is that prisoners from the separatist-controlled districts can be brought back through political negotiations, while the return of Sentsov or Kolchenko is only possible if they are pardoned by Putin. Even if Ukraine does not recognise the decisions of their quasi-courts. That is to say, they prisoners cannot simply be brought to the border and exchanged. They could apply for parole, but the shortest way is still a pardon. The humanitarian negotiation platform we are talking about could facilitate the process. But it should be understood that from the very beginning this project should involve very serious authorities in the humanitarian field – on the level of Kofi Annan. The idea is not to deny the Minsk process its chance to be effective. This could be done in parallel without abandoning Minsk."

INTERNATIONAL ARMED CONFLICT

In order to resolve this issue, human rights activists recently prepared a concept strategy that would theoretically make it easier to free political prisoners and other captives. They suggest moving the issue of prisoner exchange and release into an exclusively human-

WHEN MEMBERS OF THE MINSK GROUP RAISE THE ISSUE OF CRIMEA OR POLITICAL PRISONERS, THEY ENCOUNTER RESISTANCE FROM RUSSIA, WHICH ALLEGES THAT THE SCOPE OF THE NEGOTIATIONS EXTENDS TO THE DONBAS ONLY. THE ALTERNATIVE COULD BE A SEPARATE NEGOTIATION PLATFORM PARALLEL TO MINSK

itarian realm. There have also been proposals for a National Information Bureau that the competent authorities, such as the Security Service or Public Prosecutor, would contribute data regarding prisoners and captives. This would make it possible to catalogue already existing information and help families quickly obtain information about their relatives: location, status, physical condition, potential court proceedings and so on. Separately, human rights activists emphasise the need to recognise the war in the Donbas not as an "antiterrorist operation", but an international armed conflict. This, in turn, would finally determine the legal status of military personnel and civilians that are held on the territory of the self-proclaimed "republics".

"The state can have a bunch of arguments why it should not recognise the international armed conflict. But this rejection will not make the war go away. In addition, there are international bodies that will not recognise it in the near future. The question is whether Ukraine will be held liable for failing to fulfil its positive obligations to its citizens against the background of an armed conflict. What has it done to protect human rights? After all, if a state does not control a part of its territory, it is not relieved of its duty to protect its citizens. You cannot pass a law and say that Russia is responsible for everything that happens in, say, the Crimea. That's not the way it works. The decisions of the ECHR confirm this. For example, in the case *Mozor v. Moldova* regarding the conflict in Transnistria. The

ECHR said unequivocally that if you do not control an area, it does not mean that you can do nothing," Svyrydova notes.

She adds that on the world stage Ukraine repeatedly stresses that the Donbas war is continuing because of the Russian Federation, which finances terrorists, has de facto occupied part of the East and exercises effective control there. But at the national level, this conflict has not been recognised as international.

"At one time, a draft law was prepared on the occupied territories. But there was a negative reaction from Poroshenko. It was announced that there would be a law on de-occupation instead of this one. It's not clear how one is supposed to replace the other in this case. But I get the impression people think that by calling what is happening in the Donbas an international armed conflict, Ukraine would be declaring war on Russia. Actually, this is two different concepts," says Tomak.

Human rights activists add that Ukraine could already start to utilise the Geneva Conventions and international humanitarian law in order to show the world that the conflict is truly international, rather than domestic, as Russia claims. Additionally, the state could minimise future losses in international courts. As noted above, no one has waived its responsibility to its citizens.

"Let's start with the prisoners we are holding: Russians or Ukrainians who fought for the enemy. Let's show the world that we recognise this conflict and that the Russian Federation is an aggressor that controls our territory. And we demand from it and the world that Russia also fulfils its obligations. It is a matter of time before we are brought to justice. And we must do everything to minimise the consequences of our possible violations. This means the proper treatment of prisoners, negotiations regarding Ukrainians in captivity and communication with the aggressor on this issue," exhorts Svyrydova.

SINGLE SOLUTION CENTRE

For three years, in fact since the first political prisoners emerged, their families have complained about the lack of accountability. There is no person or agency that looks after persecuted Ukrainians and coordinates work on their release. Last autumn, a public platform was created under the MFA, bringing together various NGOs and the Foreign Ministry itself. But not enough has been done. Participants in meetings complain about their irregularity and the lack of representatives from other agencies, which could cancel out an originally good idea.

"There was once an appeal to the president, the secretary of the National Security and Defence Council and Foreign Minister Pavlo Klimkin, which was signed by the relatives of prisoners, human rights activists and MPs. But we were ignored. There are two options here: either it did not reach the head of state, or it is a conscious policy. Currently, one government agency shifts the responsibility onto another. For example, the SBU says that it is only responsible for prisoners in the separatist-controlled areas, whereas political prisoners in Russia are within the purview the Ministry of Justice. But how is that ministry involved? At the most, it could send a request to have the sentence served in Ukraine. Meanwhile, Kolchenko is allegedly a citizen of the Rus-

sian Federation, Sentsov too (the occupation authorities in Crimea have enforced Russian citizenship on them without their consent – Ed.). What's more, Moscow doesn't respond to such requests. It's the same with the MFA. What does it have to do with Crimea? There are 29 people imprisoned there, but Crimea is Ukraine. So the MFA is not represented in Crimea," complains Tomak.

"We are working with the Political Department and Diplomatic Mission Department at the MFA, with whom we discuss how to help political prisoners. But this is an advocacy platform that aims to raise the issue internationally. It does not address legal issues. There is communication with the law enforcement agencies. Namely, the Prosecutor General's Office and the Crimean public prosecutor, who investigate cases of illegal imprisonment. But they collect evidence of violations and do not try to free people. There is communication with the ombudsman. However, she does not work on prisoner exchange. Valeria Lutkovska can only contact her Russian colleague Tatiana Moskalkova regarding visits to detention facilities. Lutkovska met several political prisoners on one visit. I understand this was a condition set by the Russian Federation. There is also communication with the Ministry of Justice about prisoners that are illegally taken out of the Crimea. But the general problem is that there is no coordination be-



HUMAN RIGHTS ACTIVISTS SAY THAT UKRAINE COULD START TO UTILISE THE GENEVA CONVENTIONS AND INTERNATIONAL HUMANITARIAN LAW IN ORDER TO SHOW THAT THE CONFLICT IS TRULY INTERNATIONAL, RATHER THAN DOMESTIC, AS RUSSIA CLAIMS

tween these structures. Sometimes one of them is waiting for information to start work that another one has had for a long time. That's not right," says Svyrydova.

Human rights activists point out that none of the government agencies is against the creation of such a focal point. The Security Service, for example, has declared its support on multiple occasions. However, there has been nothing more than talk about it over the last three years. The platform under the Ministry of Foreign Affairs is not an institution that operates continuously.

"Apparently, a decision is required from Poroshenko or his Administration. How it will be implemented (as part of a ministry or an operations centre, or under the SBU) is a secondary issue. The current MFA platform is mainly for show – the meetings are once every three months. It is occasionally possible to solve current issues there and the minister instructs departments to do certain things. So it's more like an interdepartmental meeting within one ministry," observes Tomak.

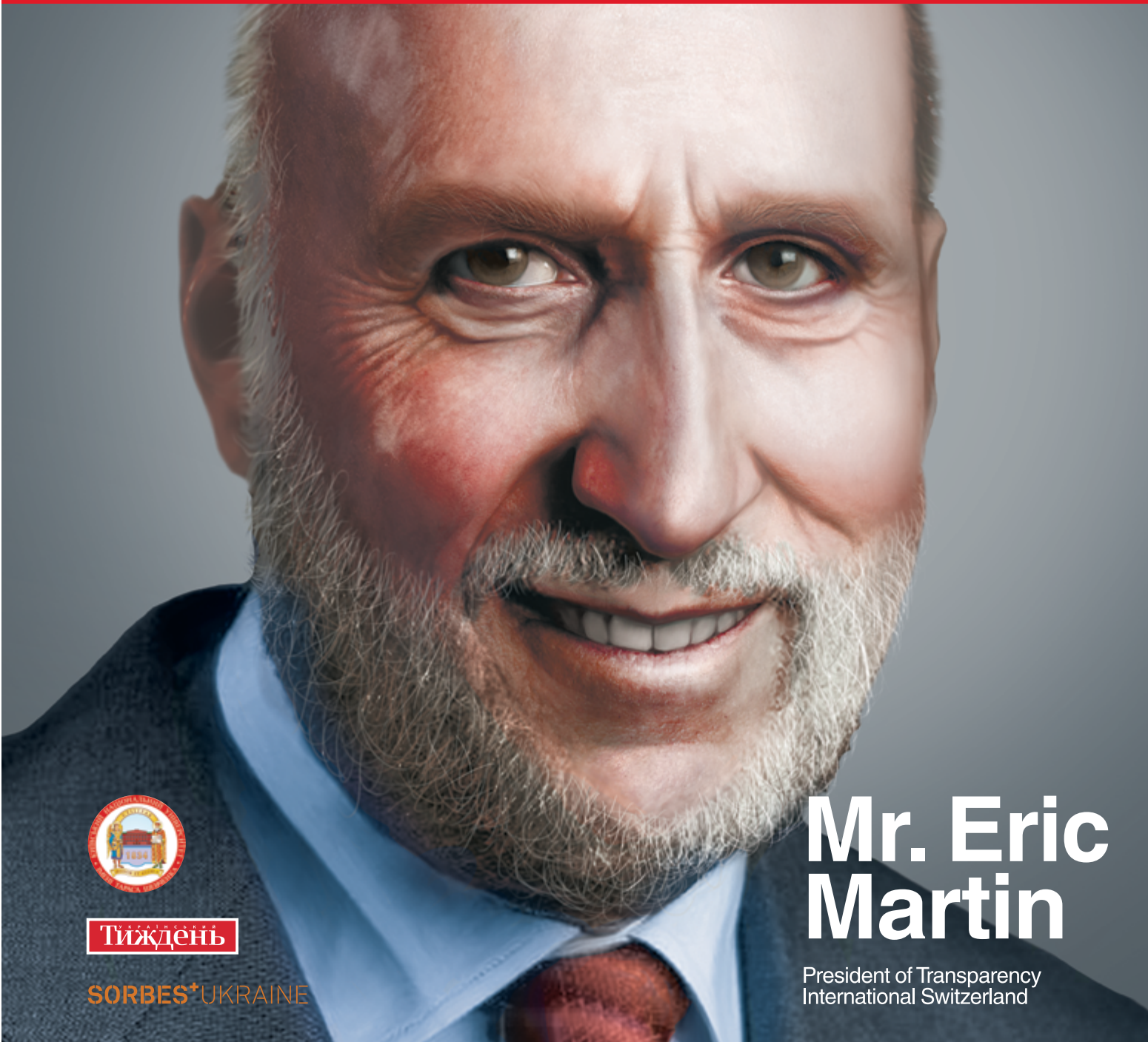
The work done so far on this issue is mostly owed to individuals in each government agency that are concerned with the issue of political prisoners or captives in the Donbas. However – as human rights activists stress – Ukraine still has no systematic strategy to effectively respond to Russia apart from notes of protest. Therefore, the issue of captives and prisoners remains unresolved. Which, in turn, allows it to be used for political purposes or self-publicity. ■



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Public lecture

Building up armour

Yuriy Lapayev

Current state and plans in Ukraine's defense industry

This year, the Ministry of Defence has been allocated 64.4 billion hryvnias (\$2.45bn) from the state budget, which accounts for almost 2.49% of GDP (compared to 2.46%, or 55.9 billion hryvnias last year). What will this money be spent on? Like in 2017, it is safe to say that the military budget is only supposed to address the immediate needs of soldiers (salaries, new uniforms and catering). Total wage costs for servicemen and women amount to 30.7 billion hryvnias. To be precise, remuneration was increased for the soldiers participating in the ATO at the beginning of the year: now a private on the first line of defence will receive 14,500 hryvnias (\$535) a month, while his company commander will be paid 18,500 (\$685). On January 20, Defence Minister Stepan Poltorak signed off on a concept for the reform of food supply to the Armed Forces. The first stage will switch individual units to the new standards, in addition to educational and medical institutions under the umbrella of the Defence Ministry. At this stage, it is planned to spend around 150 million hryvnias (\$5.5m) just on repairs and equipment.

PARA BELLUM

However, the army does not fight on rations alone. One sensitive issue is that of new equipment. The 2017 budget plans to allocate 6.5 billion hryvnias (\$240m), or 10% of all the army's funds, to the development of weaponry and military equipment – a record amount for Ukraine. This is more than last year (4.5bn), and a larger proportion of the total funding (10% vs. 7.7%). Unfortunately, it is not certain that this money will be received in full: it was not possible in 2016 because adjustments were made to government programmes. In addition, when these amounts are converted into other currencies (which is necessary for the purchase of modern units and components abroad), the picture is even less optimistic. For reference, current NATO requirements set the level of funding for purchasing new weapons and combat training to at least 30% of the defence budget. The latter must be at least 2% of the country's GDP. In 2017, Russia is planning to spend about \$48 billion on its army. The Poles have allocated \$9.6 billion to defence. The USA remains the leader with a base military budget of \$546.6 billion for the 2017 fiscal year, representing a third of the total defence spending in the world. However, even with the limited funding Ukraine offers, local defence companies are continuing to work and improve, as the army cannot stop defending the country. Some military equipment is sold at public auction through the Prozorro system (mostly for the National Guard and State Emergency Service), but most is purchased behind closed doors as part of the State Defence Order. Based on data from UkrOboronProm (state-owned defence concern), 2,139 units of new and modernized defence and military equipment were transferred to recipients in 2016. New models

are being developed. The key innovation projects include the new cargo plane An-132, Horlytsia and Phantom assault drones, Taipan, Duplet and Kastet combat modules, and the new Myslyvets (Hunter) fire-control system.

Changes in the Ukrainian defence industry are regulated by Cabinet of Ministers Decree No. 19-p, issued in 2016. This decree approved the Concept for the State Programme to Reform and Develop the Military-Industrial Complex until 2020. The main goal is to bring the Ukrainian defence industry to a modern level, which will enhance not only the country's defensive capabilities, but also its competitiveness on the international market. The first phase (2016-2017) of the programme identifies the following key measures:



IF THE GOVERNMENT PROGRAMME IS IMPLEMENTED SUCCESSFULLY, THE UKRAINIAN DEFENCE INDUSTRY WILL BE FULLY INDEPENDENT FROM RUSSIA BY 2020, WITH A SIMULTANEOUS INCREASE IN DOMESTIC PRODUCTION OF EQUIPMENT AND COMPONENTS

- providing Ukrainian military units with repaired and upgraded equipment
- setting up mass production of new developments, as well as the repair, preparation and modernisation of existing weapons and equipment;
- introducing an effective cooperation mechanism between the state and defence enterprises in terms of developing and producing weapons and equipment as part of the State Defence Order
- systematically reforming the structure of defence enterprises, restructuring and corporatising them in accordance with modern international standards
- finding measures and arrangements for import substitution and the diversification of export potential
- ensuring the development of constructive military and technical cooperation with partner countries in order to supply Ukrainian military units with weapons and equipment that meet NATO standards

If the programme is successful, the Ukrainian defence industry will be fully independent from the Russian Federation by 2020, with a simultaneous increase in domestic production of equipment and components. In addition, it is expected that efforts to promote Ukrainian equipment on the international market will be intensified. Apart from the above concept, the Government of Ukraine approved the medium-term State Defence Order in February 2017. Such a programme was adopted in Ukraine for the first time and this is a very encouraging sign, as it signifies the adoption of fixed rules for the near future that will help businesses

to better find their bearings in the unstable Ukrainian economy. The Order should ensure the predictability of government expenditure, create conditions for the equal use of capacity at different defence enterprises and facilitate their development.

BAD HABITS

The practical implementation of these measures is a real challenge for Ukrainian authorities. Despite some real progress, the domestic defence industry still has many problems. Not all companies have been able to completely do away with their dependence on parts from Russia. Indeed, alongside the large number of armoured vehicles that have been handed over to the Ukrainian Armed Forces since 2014, there is a problem with combat helicopters. There is still no complete production cycle for these aircraft, as rotor blades for the Mi-24, for instance, are produced in Russia. Some components for armoured vehicles are also made in Russia, which complicates their modernisation. There have been cases of Russian materials used in the production of weapons and military equipment – certain alloys are basically smuggled into Ukraine.

It is not always clear how equipment is distributed between the defence agencies. It is surprising that soldiers on the front line drive around in old Soviet ZiLs, while the National Guard takes delivery of another batch of brand new armoured trucks. An eye-catching recent piece of news was that the patrol police unit in Sarny, Rivne Oblast was given an armoured personnel carrier and infantry fighting vehicle as additional means of transport.

After the recent massive explosion incident at the military storage facility in Balakliya, Kharkiv Oblast, that destroyed a good portion of Ukraine's artillery ammunition, the issue of supplying Ukraine's Armed Forces with domestically produced ammunition came to the fore again. At a recent briefing, Defence Minister Poltorak said that "the Government has adopted a concept for the creation of ammunition plants in Ukraine". Although there is no information about this concept on the Cabinet website – it is more likely that the minister was referring to the National Security and Defence Council decision to start "a targeted state programme to create and develop the production of ammunition and special chemical products by 2021" – the overall intentions are sound. Even despite the fact that they seem very delayed, coming during the fourth year of an armed conflict. Even despite the fact that for several years the country's top officials have been

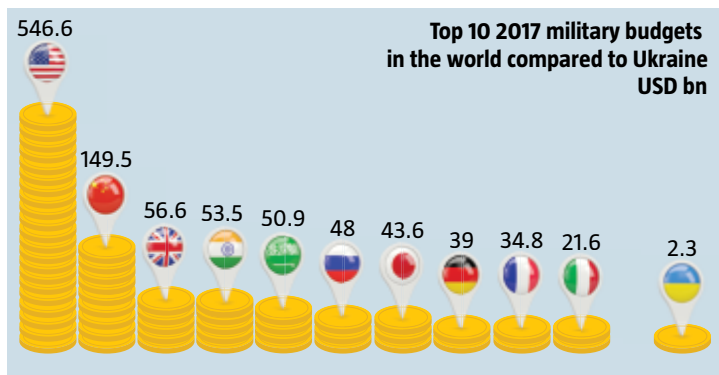
talking about the need to build a new ammunition factory to replace the occupied one in Luhansk. Indeed, back in January 2016 the head of UkrOboronProm Roman Romanov said that "this year, as we promised two years ago, you will get the first information on the cartridge manufacturing plant that will provide for our army and country". Before this, in October 2015, then-Prime Minister Arseniy Yatseniuk promised that Ukraine would have a new plant in one year's time. "Next year, a production line of ammunition for small arms will be opened," the official government portal quoted Yatseniuk as saying. Who knows how many more briefings, promises and concepts there will be before the army finally gets its own ammunition, but this calls into question our ability to solve the defence industry's more complex issues.

CHARIOTS OF THE ATO ZONE

Nevertheless, there is good news from the Ukrainian defence industry's end users. In comparison with the beginning of the ATO, the quantity and quality of equipment supplied to the army is gradually increasing. This goes for both overhauled Soviet equipment and new models. Indeed, company commander in the 72nd Mechanised Brigade Captain Serhiy Misiura, also known as blogger Captain Price, stated that he recently received several pieces of equipment following repairs and was pleasantly surprised by the quality of the work. According to him, his company has 100% of required military equipment, while neighbouring units are at around 80-90%. A similar opinion is shared by one of the most well-known airmobile units. The chief of staff of one of the battalions explained that new equipment arrives in small quantities, but regularly. Although the soldiers, of course, want more, the weapons they have are sufficient for carrying out combat missions; the brigade already has some units fully equipped with new APCs. The officer also noted manufacturers' active work with users on the ground – the vehicles are constantly being improved. As an example, he mentioned the replacement engine for the BTR-3 armoured personnel carrier that greatly enhanced the reliability of the vehicle as a whole. The problem with the suspension of the Spartan APC was solved in a similar manner – after the first flawed vehicles that simply could not withstand the load of the armoured bodywork (partly caused by misuse due to a lack of APCs at the start of the war), new batches started to take into account the military's concerns. The new Skhval combat module also received positive feedback from paratroopers. Among the problematic issues, in his opinion, is the lack of decent training courses for driver/mechanics. Sometimes, the unprofessional actions of servicemen can lead to the breakdown of even flawless equipment, especially since today's armoured vehicles are more complex than their Soviet counterparts, with electronics and auxiliary systems. The Lviv Armoured Vehicle Factory is attempting to solve this problem in its own way. A spokesperson explained that, in addition to the actual repair of equipment, plant experts invite crews to visit for training, joint tests and problem solving. This allows them to keep in touch with the military and prevents damage to equipment due to a lack of experience.

A common problem for all the armed forces is a lack of motor vehicles. On the frontline, there are not enough all-terrain vehicles to transport personnel and cargo, tow trucks, mobile repair shops and medical vehicles. Overall, the vehicle fleet of military units, although recently up- ➤





dated, still suffers from a large deficit of modern heavy equipment of various types. There is also a problem with light vehicles, especially in small units at the platoon and company level scattered across the front. They are simply not assigned to such units, because the old Soviet concept stipulated that only higher commanders should have a jeep. Long stays in the ATO zone raise a number of everyday issues that could easily be solved by an off-roader. Perhaps, in time the Ukrainian army will be able to afford this "not a luxury, but a means of transportation". Meanwhile, with the help of volunteers, a whole host of old cars, sometimes not cleared by customs, are becoming military "by vocation".

WHEN SIZE MATTERS

The above problems can be solved in different ways. Indeed, according to AutoKrAZ General Director Roman Cherniak, giving priority to domestically produced over imported equipment could significantly improve the situation. Most defence agencies abroad prefer products made in their own country and in tenders to supply equipment local manufacturers get preferences (from 10 to 20%) relative to other suppliers, even those that have an assembly facility in the country. In addition, according to Cherniak, when purchasing vehicles it should be a mandatory condition to order additional units (engines) and other spare parts (15-20% of the vehicle price) in order to ensure high-quality and efficient repair and maintenance work. He considers training sessions for the client's leading specialists critically important (even if the equipment had been supplied before). In this way, the client's experts maintain a relationship with the manufacturer. This also makes it possible to track changes that occur to the vehicle construction in service, identify weaknesses in a timely manner and make design improvements.

Another step that would allow the Ukrainian defence industry to develop properly is a change of ownership at the enterprises. In the US, the majority of defence enterprises are private: there is competition between them, allowing the customer – the Army – to get the best products at the most affordable price. The current system in Ukraine limits the ability of private manufacturers to participate in the creation of new weapons – in practice, the state discriminates against the private sector of the defence industry, which is not conducive to its development. In addition, a private manufacturer must agree the export of its products, prices and right to sign a contract with its own rival – UkrOboronProm. The few private enterprises in the defence field that currently exist in Ukraine get no support from it and additionally

have their profits limited to 1%, which is not conducive to the development of production or costly research and development.

The US demonstrates another approach to the operation and development of its defence industry. There, almost a third of the defence budget is spent on weapons acquisition programs, namely on research and development work, as part of the state order (Defense Acquisition System). In addition, the US Ministry of Defense has introduced two programmes to attract small businesses into defence procurement: SBIR (Small Business Innovation Research) and STTR (Small Business Technology Transfer). With these programmes, US federal agencies make it possible for even small research companies to bring their developments to market. It is thanks to discoveries from small businesses under the SBIR and STTR programmes that the US retains its leadership in the field of military innovation. The Defense Advanced Research Projects Agency (DARPA) supports the projects, but officially the SBIR and STTR programmes are coordinated by the government Small Business Administration (SBA). This agency manages extramural funds totalling 2.5% of research budgets. It is interesting that, according to the US Defense Department, more than 50% of funding is allocated to companies with up to 25 employees and a third to businesses with up to 10 people. Moreover, the principle is to selectively target individual projects instead of introducing common benefits or discounts. Therefore, at the start-up stage, a project can receive a grant of up to \$100,000 for a period of six months. After evaluating the technical advantages and opportunities of the project, winning companies receive funding of up to \$1 million for two years to continue developing their idea, based on results from the first phase. During this time, the developer conducts research and evaluates the idea's commercial potential. The key is that at this stage the government does not impose any requirements on the developer regarding licences, military acceptance procedures, quality control or accounting. In other words, designers can focus on their own ideas instead of bureaucratic problems. The third stage is launching the product, and the inventor receives all intellectual property rights to their product. The state does not spend public money here either – the developer must find funding himself from other government agencies or the private sector. Thanks to the SBIR programme, the US has managed to lower the cost of upgrading military equipment; currently, around 55% of the state defence order is fulfilled by small businesses. In such circumstances, even small businesses are able to compete with industry giants such as Boeing or Lockheed Martin, who in turn are forced to reduce their appetites and optimise, which ultimately makes military equipment cheaper. As an example, we can look at the price of the fifth-generation multirole fighter Lockheed Martin F-35 Lightning II. According to the American analytical publication Defense One, the cost of one aircraft fell from \$279 million in 2007 to nearly \$97 million in 2017.

The Ukrainian defence industry has huge potential, however it requires a modern approach to management and implementation of new technologies not only on the shop floor, but also in the offices. Constant contact between manufacturers and users, transparent procurement systems and competition rather than corruption – this is the universal recipe for a home-grown defence industry, proven by time and many countries. ■

Finding the balance

Oleksandr Kramar

What it takes to upgrade Ukraine's military

The current defense industry in Ukraine is not a complex that was designed to be independent, but a fragment of the unified Soviet defense industry. This caused a deep crisis immediately after Ukraine became independent, with the output and employment plunging in the 1990s. That hardly changed throughout the years of independence.

According to Economy Minister Stepan Kubiv, the analysis of the state-owned military and defense industry enterprises by the Ministries of Economy and Defense revealed that there were as many as 3,500. These were split into three categories: efficient companies, companies that can be privatized, and inefficient companies that “require legal solutions, including liquidation”. The latter category includes more than 1,000 companies. The birth in the soviet system turned to be a curse for Ukraine's defense industry: Ukraine is on the lists of the largest military exporters and producers, yet it cannot supply its own armed forces with weapons in full and in a balanced manner.

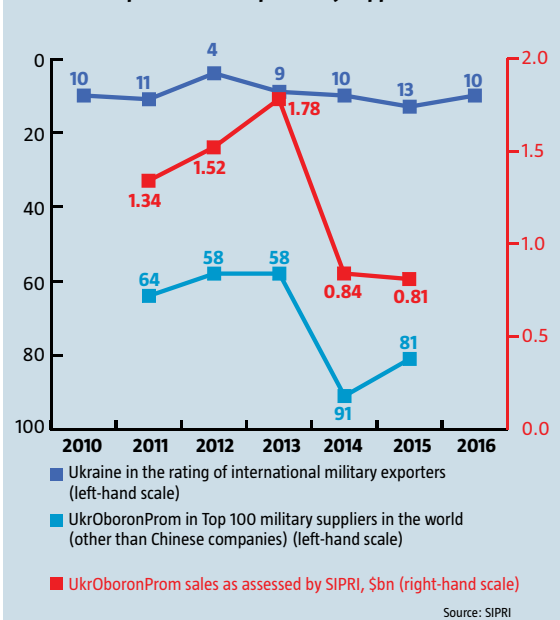
Place in the world

SIPRI placed Ukraine's UkrOboronProm, the state defense concern, as No64 in its Top 100 arms-producing and military services companies in 2011, right after it was established. It moved up to 58 in 2012-2013. Until 2013, the Top 100 list featured no companies from Poland or any other country in Central Europe. In the next two years, however, Ukrainian defense industry companies declined on both international and regional scales, even if Ukraine still looks relatively well compared to other countries in the region. Its current weight as exporter on the world market of military goods is equal to that of Italy, Spain, South Korea, Sweden, Switzerland, the Netherlands, Turkey and Canada. According to SIPRI, Ukraine's military exports of the past decade were fairly equally split between aircraft products, engines and armored equipment. In the past years, this balance has been fluctuating.

IMPORT REPLACEMENT AND DEPENDENCE ON RUSSIA

SIPRI lists Russia as the top buyer of Ukraine's military products in the past years. It was buying 32% of them in 2016 (mostly engines), followed by 17% purchased by China, 13% by Thailand and 6% by Vietnam. Quite possibly, Russia remains a top destination for such exports, even if this is now done through complex schemes involving third countries. For instance, part of the engines sold to a Russian-Chinese

Ukraine compared to the top military suppliers in the world



joint venture in China officially counts as exports to that country. Yet the product can end up in Russia eventually. Also, the media have reported on a scheme used by Motor Sich to bypass Ukraine's sanctions against Russia and sell its military-purpose products to Russia through intermediaries in Belarus. As long as Ukrainian and Russian defense industry companies have no alternative buyers or suppliers for the critical elements or materials, they will continue to find ways to bypass restrictions and bans.

THE BIRTH OF UKRAINE'S DEFENSE INDUSTRY AS A FRAGMENT IN THE SOVIET SYSTEM TURNED INTO A CURSE: UKRAINE IS A TOP MILITARY EXPORTER, YET IT CANNOT SUPPLY ITS OWN ARMED FORCES WITH WEAPONS IN A FULL AND BALANCED MANNER

According to a 2014 statement from UkrOboronProm, Ukraine's defense industry needed alternative suppliers for at least 30,000 components to comply with the program of replacement of Russian elements. When the war broke out, only 55% of components in Ukraine's military equipment and weapons were produced domestically. 10% was imported from Western countries and 35% came from Russia. By the second half of 2014, Ukraine fully stopped this cooperation »

with Russia. By then, 70% of components were produced in Ukraine and 30% came from the West. Today, according to UkrOboronProm, Ukraine does not trade with the aggressor state directly. In 2016 alone, nearly 400 companies from across Ukraine, both private and state owned, joined the import replacement program. The most successful examples include the production of armored vehicles and tanks with 87% of Ukrainian-made elements and 13% bought in the West. Or a shift to complete rejection of Russian-made details in the production of Antonov An-178, military transport aircraft, in 2016 compared to 48% of its details bought in Russia and 11% in other countries in 2015. Today, Ukraine produces 78% of the details it needs for the aircrafts and buys the other 22% from elsewhere, excluding Russia.

What Ukraine inherited from the Soviet defense industry are aircraft repair companies. Antonov specializes on the building of military transport and passenger aircraft, while the producers of attack airplanes remained on the territory of Russia. In May 2016, Vladyslav Shostak, Deputy Head of the Armaments Department at the Armed Forces of Ukraine, reported that the state was ordering the production of a combat aircraft in Ukraine. The subcontractor would be Antonov, while the engines would be supplied by Motor Sich. The problem is that such products are not the specialty of Antonov, and Ukraine lacks the facilities that could produce the necessary electronic equipment. Its domestic capacities are not nearly sufficient to make the complete cycles of modern avionics.

In 2014, **55%** of components in Ukraine's military equipment were produced domestically. **35%** came from Russia. By the second half of 2014, **70%** of components were produced in Ukraine and **30%** came from the West

MOVING BY INERTIA

Established in 2010, UkrOboronProm covers only part of Ukraine's defense industry with 133 companies that are part of it, albeit the biggest ones. Based on the statements available from its website for three quarters of 2015, the lion's share of all of its work was completed over that period by the aircraft and shipbuilding companies (their deliveries were worth UAH 5.53bn and 3.15bn respectively). Those involved in the armored equipment and artillery ammunition accounted for only UAH 1.75bn of deliveries, followed by the cluster of high-precision weapons and ammunition with the deliveries worth UAH 1.31bn. Radiolocation, radio communication and air-defense system companies accounted for UAH 0.56bn.

This shows that the amount of the respective work is not large for the size of the country. It also proves that the structure of this work is dictated by the capacities available in Ukraine, rather than the priorities of the military. This is hardly surprising; it takes huge investment to refocus Ukrainian defense industry, create new and expand or modernize the existing facilities in the areas that are actually crucial. There are no resources for such investments now, nor are they expected to appear anytime soon.

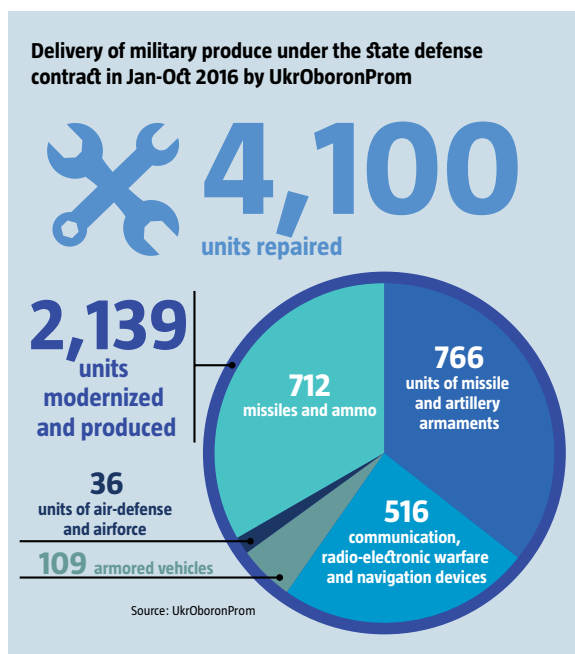
The depreciation of equipment at UkrOboronProm plants ranges between 60% and 80%. The budget allocates a mere UAH 0.4bn to prepare those facilities for production. Another UAH 1-1.3bn is estimated to come from the cuts of the share of the concern's income paid to the state budget (it's paid by all state enterprises) from 75% to 30%, as per the recent decision by the Government.

As for the structure of the output, Antonov, despite its difficult state, sells more (produce worth UAH 2.6bn in the nine months of 2015) than the entire clusters of companies in UkrOboronProm focusing on other products. Antonov's sales are twice the scale of the high-precision weapons and ammunition cluster, and virtually five times higher than those of the radio location and air-defense equipment cluster. The key enterprises of the armored vehicle and tank cluster perform the works worth a dozen or so million dollars each a year. For obvious reasons, they focus on the repair and modernization of such equipment.

Ukraine's defense industry is often criticized for exporting new and innovative armament. Why is it not going to the Ukrainian army instead, the argument goes? UkrOboronProm officials claim that "without investment into production and technologies, the state can currently cover only minimal needs" with the funding currently available. UkrOboronProm director Roman Romanov says that the state order for the concern was underfunded by around UAH 1bn in 2016. The total sum of the state contract for the modernization and repair of military equipment and the production of new armaments amounted to a mere UAH 4.4bn last year.

Since the state contract is so restricted, the strategy of exporting the newest equipment is considered to be the best-case scenario on the top level. President Poroshenko's recent statement on the topic expresses this: "we are facing a choice between buying one Oplot or ten profoundly upgraded and repaired T-64 or T-80. It takes at least 18 months to build an Oplot, while the cycle of a T-80 modernization is 2.5 months. Therefore, the question is whether we get a full tank unit or one tank. While the resource is available, we must urgently modernize the abovementioned tanks, fully supply tank units with upgraded and repaired vehicles within the shortest timeframe possible."

UkrOboronProm works with state-funded contracts, focusing on repairs and less so on modernization. Apart from that, many private companies operate in Ukraine. According to estimates by officials, the ratio of state and private companies involved in defense contracts is 50% to 50%. The big private subcontractors working with state-funded contracts include entities controlled by Petro Poroshenko's Prime Assets Capital and ZNKIF VIK, a closed non-diversified corporate investment fund, of Ihor Kononenko, an MP with the Petro Poroshenko Bloc. In 2017, Kuznya na Rybalskomu (renamed from Leninska Kuznya), a shipbuilding and armament company, will build four small armored artillery Gurza-M boats, two Centaur assault boats, and one special-purpose auxiliary vehicle. The company also won the tender to repair the Hetman Sahaidachnyi frigate. As the company reoriented to state



contracts, it needed an urgent permission to import and export military-purpose products for its own production purposes.

Another major private subcontractor for the state order in 2017 will be the Kremenchuk Automobile Plant or KrAZ. According to Valeriy Holovko, head of the Poltava State Oblast Administration, AvtoKrAZ is expected almost UAH 2bn, a fifth of the total state defense contract. Deputy Economy Minister Yuriy Brovchenko says that this year's order will be for 500 heavy armored cars. This is virtually half of the yearly output of cars by this Kremenchuk plant. Interestingly, in the past years the media often reported an alleged conflict between the factory owner Kostiantyn Zhevahov and the government. It was reportedly caused by the desire of some people linked to the President to force him to give this asset away.

DEFICIT FUNDING

Overall, it is difficult to obtain complete information about the amount and the key elements of the state defense contract. When President Poroshenko commented on this, he said that "81% of the contract comes from the general fund of the state budget. We firmly believe that this 81% will be funded fully". Moneywise, this will amount to around UAH 9bn, according to Poroshenko. The Law on the 2017 State Budget entails a mere UAH 5.8bn for the development of armament and military equipment through the Defense Ministry (UAH 4.5bn in 2016 and UAH 4.75bn in 2015). This is way more than UAH 0.91bn in the pre-Maidan 2013, but clearly not enough for a country with obsolete armaments and the army that is fighting against the Russian aggression.

By the way, the US was often criticized for limited military and technical assistance to Ukraine. However, the amount of it is largely equal to the amount of the contract funded by the Ukrainian government. While the Ukrainian budget allocated

\$250-350mn annually for the repair of the military equipment, Deputy Assistant Secretary of Defense Michael Carpenter claimed that the US military assistance to Ukraine amounted to \$600mn in 2014-2015, which makes it nearly \$300mn a year. Ukraine was provided counterbattery radars, tactical drones and field hospitals. Preparations are underway to transfer to Ukraine 30-meter patrol Island-class boats from the US Coast Guard (Georgia received such boats before).

Apart from the abovementioned spending on the development of armaments and military equipment, the budget allocates significant expenditures on the maintenance of the National Guard, State Border Guard Service. Some of this funding may well go to equipment contracts. In addition to that, the 2017 budget envisages another UAH 11.58bn of virtual "revenues to the special-purpose fund to ensure defense and security of the state" from special confiscations. However, this fund is unlikely to be filled as projected: the amount envisaged in 2016 was UAH 7.75bn, and UAH 1.5bn in 2015. None of this funding came in. The share of money from this fund was quite high in the total defense contract last year. Since none of this money was available, the defense contract only received 50% of the planned funding, and that came from the state budget.

This lack of funding for the state defense contract looks like the bypassing of the 0.5% of GDP that is supposed to go to the development of the defense industry. The budget thus allocates numbers close to that, but a larger share of the money is expected to come from unguaranteed sections of the budget. As a result, the real funding is far lower than prescribed. Meanwhile, even 0.5% of GDP is not enough to modernize Ukraine's armed forces as they face the growing Russian threat. Russia allocated 1.6-1.7% of GSP for the state defense contract in 2016-2017. 65% of this money went to buy series of modern armament and equipment, not to upgrade or repair the available equipment like in Ukraine.

Clearly, Ukraine cannot compete with Russia in terms of funding. However, it should commit to allocating at least an equal share of its GDP to the rearmament of its Armed Forces. This does not require extreme policies. Based on the 2017 budget figures, a targeted increase of VAT by 2% can add UAH 30bn to the state defense budget. If the war tax is raised from 1.5% to 3%, it could deliver a narrowly lower amount of revenues. This would increase guaranteed funding of the state defense contract by virtually six times (to \$1.9-2bn annually and more) and bring Ukraine closer to the share of GDP spent on the defense contract in Russia. Over the course of a few years, this would significantly increase Ukraine's defense capability and help introduce new projects in defense industry, both domestically and in cooperation with Western partners.

These measures would not have critical impact on Ukraine's economy. It would drive inflation 1.5-2% up, and disposable income of Ukrainians after the war tax is doubled would fall one time by 1.5%. All this would be an acceptable price for a significant progress in reinforcing Ukraine's defense capacity. ■



The key to Crimea

Ihor Losev

How the autonomy of the indigenous people of Crimea might help resolve the issue of Ukraine's territorial integrity

The events around the annexation of Crimea brought the problems of the Crimean Tatars to the fore for the Ukrainian government, which had, until then, treated it as a marginal issue. This was inevitable, as returning Crimea to Ukraine will be impossible unless this problem is settled and the status of Crimean Tatars as an indigenous people of both Ukraine in general and the Crimean peninsula in particular is established.

The restoration of Crimea's autonomy in 1991 did little to improve the situation of the Crimean Tatars, as the autonomy was a purely soviet construct that had also been applied prior to 1944. Its purpose was threefold: firstly, to save the Soviet Union, according to Mikhail Gorbachev's plan, by putting autonomous republics and oblasts in conflict with the centers of soviet republics; secondly, to let the Crimean Tatars, who had begun returning to their homeland, know that the peninsula was already autonomous but it was not theirs, which meant that Crimeans on their own soil would be nameless nobodies; thirdly, to establish a never-ending source of problems for Ukraine in the shape of an oasis of separatism, ukrainophobia and pro-Russian political gravity. In addition, the status of the peninsula as Russia's "unsinkable aircraft carrier" was maintained with its powerful military base in Crimea. And so, over 22 years, Crimea was to a large extent a Russian national autonomy that barely tolerated the national and cultural rights of Crimean Tatars and Ukrainians.

A POLICY OF NEGLECT

Even though Crimean Tatars maintained a pro-Ukraine position ever since the country became independent, official Kyiv tended to play up to the local pro-Russian element. Typically, this was explained as a desire to be balanced, wise and farsighted. However, 2014 demonstrated for all to see just what these qualities were worth. The catastrophe that brought "Russian Spring" forced those in power in Kyiv to change this counterproductive policy of neglect towards the Crimean Tatar people to something a bit more appropriate—at least verbally.

One symbol of this worthless policy was what happened with the Ukrainian Coast Guard brigade stationed in the Crimean village of Perevalne. When Russia's "little green men" and local collaborators began to block their base, it was Crimean Tatars who began to bring the isolated Ukrainian servicemen food and water.

Nevertheless, changes in official policy in this area ran up against the effectiveness of Russian tatarophobic propaganda, which victimized not only Crimean

Russians but also many Ukrainians living on both the peninsula and the mainland. Not long ago, in an interview on Channel 112, Ukrainian historian and blogger Andriy Plakhonin noted that, while Crimean Tatars were our co-travelers now, there would come a time when they, too, will want their own independent state. Such notions have been heard around Crimea for many years from officers in the SBU, Ukraine's security agency: "Well, we'll eventually come to an understanding with the Russians, but with the Tatars it will be a problem." Those same SBU officers indeed came to an "understanding" with the Russian Federation: today, they are officers of the FSB.

OVER 22 YEARS, CRIMEA WAS TO A LARGE EXTENT A RUSSIAN NATIONAL AUTONOMY THAT BARELY TOLERATED THE NATIONAL AND CULTURAL RIGHTS OF CRIMEAN TATARS AND UKRAINIANS

Yet there really is a problem and even some Ukrainian patriots on the peninsula are worried about the rebirth of a Crimean Tatar nation. A friend from Sevastopol said over the phone, "Won't I also face discrimination if there's a Tatar autonomy in Crimea?" He seemed to have forgotten that he has been and still is actually discriminated without even any Tatar autonomy, as a Ukrainian speaker and man of the Ukrainian culture...

BETWEEN PHOBIAS AND GENUINE NEEDS

Today, the Crimean Tatar community considers the formation of a national autonomy within Ukraine as their "best case" scenario. And this most certainly does not include the idea of some kind of Tatar ethnocracy on the peninsula. As one of the Mejlis leaders, Eskender Bariev, stated, "There's no need for this autonomy to be called Tatar." What was important, he pointed out, was that the interests and rights of the Crimean Tatars as an indigenous people of Crimea be respected and protected: the right to develop on their own soil, freedom of religion, the preservation of their language, culture, national identity; fair representation of indigenous Crimeans in all local government bodies and agencies. In short, what they want is a guarantee that Crimea's fate won't be decided behind the backs of the indigenous people, let alone to their detriment.

Some top officials in Kyiv already understand this but are afraid that formalizing Crimean Tatar demands in law at the national level could seriously damage the chances of the peninsula being returned ■



PHOTO: UNIAN

Noticed at last. Rallies in solidarity with Crimean Tatars take place in Kyiv after the Russian occupation of Crimea

to Ukraine by scaring the local Slavic population with the specter of a harsh Tatar Islamic autocracy. Given the totality of Russian propaganda on the peninsula, in addition to the aversion towards Crimean Tatars that has been shaped there over decades and the expectation of all kinds of horrors from them, the danger of this kind of phobia is very real. This means that Ukraine's state institutions, its press and its community organizations need to engage in a widespread public awareness campaign to explain that giving the Crimean Tatars the right to self-determination within a Ukrainian state will not constitute a threat for the rest of the residents living in Crimea, or for their rights and interests.

As to hypothetical worries that a Crimean Tatar independent state might be declared, there definitely are marginal elements inclined that way in the Tatar community. So far, however, it's not entirely clear whether they are tossing such ideas around at their own initiative or spurred by Moscow. In particular, there is an organization called *Milliy Firqa*, which was a Crimean Tatar patriotic party founded in 1917 and banned in 1921 under the soviets. Today, however, it is led by on Vasvi Abdurayimov who, back in 2008 at the height of the Russo-Georgian war, wrote an open letter to Vladimir Putin begging him to bring the Russian army into Crimea to "protect ethnic minorities from Ukrainian nationalists."

Such pro-Moscow Tatars are morally isolated detritus in the Crimean Tatar community. Turncoats who were activists in the Crimean Tatar national movement yesterday do not appear to have strength-

ened their ranks—including Remzi Iliasov, Ruslan Balbek, Zaur Smirnov, and Crimean Mufti Emirali Ablayev. ATR, a Kyiv-based Crimean Tatar channel, shows how, prior to March 2014, all these men praised Mustafa Dzhemilev and Refat Chubarov and are now doing everything they can to hound and brand them. Under Russian occupation, needless to say, no word about "independent Crimea" can be heard from their lips.

"CRIMEA WAS TAKEN NOT FROM THE TATARS"

During the dramatic events of the "Russian spring," the Crimean Tatar leaders suffered frustration and despair as they watched Ukrainian troops give in to the invaders without resistance. They felt that the post-Maidan government had thrown them under the bus, along with Crimean Ukrainians. Now it was clear they could only count on themselves and try to somehow survive. And so there were some attempts to cut deals with the invaders about "non-aggression" and "peaceful coexistence."

For this purpose, Lenur Isliamov, the owner of ATR who was a Russian citizen and lived in Moscow, was brought into the new "Crimean government." Here's how he would later describe his time as "deputy premier of the Crimean Government:" "I understood from the first few days that this was all in imitation of 'resolving the Crimean Tatar question' and that they really wanted to deport us all again from the very beginning. At one of our sessions, I finally blew it and said: 'What's going on here? You want to deport us?!' The meeting was immediately brought to a close and I realized that I had guessed right."

Islamov left this “government,” and Crimean Tatar leaders understood that there was no possibility of coming to an agreement and that the status of their people had been much better under the benign neglect of the Ukrainian government than it could ever be under the Russians. But the position of official Kyiv was hardly encouraging, either. As Islamov wrote: “Within two months of coming to Kyiv, I understood that no one cared about us there, either. They were ready to feel sorry for us, to kiss us, to cheer us, but not to help us... Ukraine thinks almost the same as the occupiers: ‘Here’s the circus and the bread—live like the rest of us. What do you have there? May 18 [the Day of Commemoration of the Victims of Deportation]? Light a few candles, say a few prayers down there...’” As far as Islamov could see, a government that so carelessly gave up Crimea would be just as careless about the issue of de-occupying and returning the peninsula. Islamov’s conclusion: “Crimea was not taken from the Tatars. It was taken away from Ukrainians. And Ukraine proved incapable of

THOUSANDS OF CRIMEAN TATARS HAVE UNDERSTOOD THAT A STRONG UKRAINE WAS THEIR BUSINESS AND THEIR MAIN HOPE, THAT UKRAINE HAD TO BE STRENGTHENED IN EVERY WAY POSSIBLE AND BUILT UP AS THEIR OWN, NOT A FOREIGN, COUNTRY

protecting Crimean Tatars, the unarmed Crimean Tatar people.” And indeed, the loss of Crimea was hardly just a problem of the Crimean Tatar people. It’s a Ukrainian problem that needs to be resolved based on a proper understanding of this fact.

Three years under occupation have visibly and clearly testified that “independent Crimea” is no utopia. Ironically, Crimea was theoretically just that, on paper at least, a few days in 2014 prior to being annexed to the Russian Federation. It turned out that, without Ukraine, Crimea is not viable economically and resource-wise—even with the help of such a great power as Russia. Without mainland Ukraine, the lack of potable and industrial water, electricity and quality foodstuffs, and the inability of locals to establish normal economic activity have ensured stagnation, degradation and few prospects for development.

In addition to this, the entire Crimean Tatar people lived through a national shock from Russia’s invasion in spring 2014. It turned out that the tiny 300,000-strong nation had a hard time holding its own in a confrontation with a world power. They came to the realization that danger could appear at any moment and that the only guarantee was in a strong Ukrainian state. Thousands of Crimean Tatars understood that a strong Ukraine was their business and their main hope, that Ukraine had to be strengthened in every way possible and built up as their own, not a foreign, country. That they had to, in fact, Ukraine was where they needed to seek and carve out a worthy place for their people.

Meanwhile, Ukrainian activists also saw that, unless the Crimean Tatar question was resolved equitably, it was highly unlikely that Ukraine’s territorial integrity would ever be restored. Indeed, when Ukraine

stands up before the world community as the legal representative of the interests and rights of the indigenous Crimean people, its position becomes stronger and this offers promise.

It would be naive not to see that these issues are well understood in the Kremlin as well. So it was no coincidence that Putin tried to cut a deal with Mustafa Dzhemilev in 2014—and failed. At that point, Moscow’s rhetoric of promises switched to using the whip against Crimean Tatars who supported Ukraine, conscientiously or not, and to paying off those who were inclined to collaborate. At the same time, it began attempts to establish “Crimean Tatar” pseudo-organizations such as a parallel Mejlis, a puppet “spiritual leadership of Crimean Muslims,” the Millet channel to counter ATR, and other entities with the help of a handful of local quislings—efforts that continue to this day.

Moscow has been somewhat helped by the presence among the Crimean Tatar elite of individuals that are known as sleepers in the language of conspiracy, although their number is very small. Sleepers are deeply imbedded agents who may not reveal themselves for many years, sitting quietly and presenting positions that are attractive to those around them, but, when a right time comes, they begin to follow orders.

THE AUTONOMY THAT IS REALLY NEEDED

The Kremlin is also being helped somewhat by the demoralizing impact of Kyiv on the Crimean Tatar community. Ukraine’s murky official policy towards the Russia’s aggressions, the occupied territories and the need to return these lands to Ukraine has led to enormous disillusionment on the part of Crimean Tatars. Frustration with the unprincipled and sterile position of the central government is widespread among Ukrainians as well, but in the awareness of Crimean Tatars, it is cloaked in an ethnic aspect as well: it’s hard for them to imagine that a populous nation like the Ukrainians cannot manage to find a few hundred suitable and fully functioning leaders in its ranks. Publicly, the Crimean Tatar leaders have been impeccably tactful and have not addressed any harsh criticisms towards the Ukrainian government.

No matter what, the door to Crimea only opens with the Crimean Tatar key, so everything must be done to meet this people halfway. This means that some form of Crimean Tatar autonomy is inevitable and it’s only a matter of what form that will be. It could possibly be a classic soviet and post-soviet national autonomy. Or it could be a canton-like set up along the lines of Switzerland, with Crimean Tatar, Ukrainian and Russian counties separated, an option that has already been raised among Ukrainian experts. In fact, under the soviets this approach of ethnically-based counties applied in Crimea during the 1920s and 1930s. Or it could be the Tyrol model, which deals with German-speaking and Italian communities in the Italian Tyrol, a model that impressed Refat Chubarov enormously when he visited Italy.

Of course, these problems will have to be tackled and resolved. After 2014, maintaining a de facto Russian ethnic autonomy in Crimea will be both impossible and counterproductive. ■

Chase down and chase out

Stanislav Kozliuk

The Crimean Tatars faced deportation from the peninsula under Stalin in 1944. Today, they are facing a policy of quiet expulsion from their lands

The pseudo-referendum to separate Crimea from Ukraine was not even over when activists were already worried about the human rights situation beginning to deteriorate on the peninsula. This was especially true of the Crimean Tatars, who had actively lobbied against the annexation of the autonomous republic. On February 26, 2014, a large demonstration in support of Ukraine had taken place outside the Crimean legislature in Simferopol, organized by Refat Chubarov, a Ukrainian MP and head of the Mejlis, the Crimean Tatar self-governing council. Next to this rally was a pro-Russian demonstration by the “Russian Unity,” organized by none other than Sergei Aksionov, who would shortly declare himself head of the Crimean Council of Ministers.

Fights broke out between the two camps that were to be the basis for a criminal case known as the “February 26 case.” On the night of February 27, Russian soldiers appeared on the streets of Simferopol. By early March, Ukraine’s border service reported that several hundred Crimean Tatars had moved to mainland Ukraine, ostensibly for security reasons, according to private conversations with members of Crimea’s indigenous peoples. It quickly became clear that they were right.

Even before the pseudo-referendum, Crimean Tatars were already being persecuted: in early March, Reshat Ametov was kidnapped. From what has been reconstructed of those events, Ametov had left home on March 3 to join a peaceful rally outside the Crimean legislature in Simferopol. There, three men in unmarked uniforms detained him and he never came home that evening. Some two weeks later, his body was found with evidence of torture about 45 kilometers outside Simferopol. Human rights organizations demanded that those guilty of Ametov’s murder be found, yet information about this incident is still not widely known in Crimea. In addition to this, attacks on individuals speaking the Crimean Tatar language increased, as did abductions and cases of Tatars being driven out of the peninsula.

In April 2014, the situation sharply deteriorated. The local “militia” attacked the Mejlis building and tore down the Ukrainian flag hanging on it. And when people tried to raise the flag again a few days later, the self-proclaimed Crimean prosecutor Natalia Poklonskaya issued an official warning for this kind of “violation.” In the run-up to May 18, the Day Honoring the Victims of Deportation, Crimean Tatars were issued a complete ban on any kind of public event. In addition, as a way to “clean the place up,” local “police” organized a series of mass detentions.

For instance, on May 7, at least 20 Crimean Tatars were detained in Yevpatoria and fingerprinted. The Russian occupiers claimed that this operation was a search for criminals who had supposedly killed a family in Krasnodar. The day prior to this incident, May 6, around 50 armed men broke into a mosque in the village of Mol-

odizhne in Simferopol County and tried to detain more than 100 Muslims. Eventually they released everybody, but demanded that Tatars show up at the police station on their own. A month earlier, in the village of Pionerske in that same county, men in masks had detained 35 Crimean Tatars. Rights activists talked about widespread “anti-Tatar raids.” By the end of 2014, nearly two dozen Crimeans had been abducted by the occupying forces and some of them were never found alive.

Nor did the occupying forces limit themselves to attacks and abductions. In the meantime, it launched a campaign against the Mejlis itself. The renowned Tatar leader, Mustafa Djemilev, was banned from the territory of Crimea. Soon, Refat Chubarov, head of the Mejlis, was also banned. In September 2014, the Mejlis was moved out of its building in Simferopol. Crimean Tatar media were shut down across the peninsula, including the highly popular television channel ATR, which later renewed its broadcasts from Kyiv.

Mustafa Djemilev says that more than **20,000** Crimean Tatars have left the occupied peninsula

“The Crimean Tatars were the main organized opposition to the occupation of Crimea,” explains HR activist Oleksandra Matviychuk, coordinator of the LetMyPeopleGo campaign, which monitors human rights violations on the peninsula and the situation with Ukrainians imprisoned by the Kremlin. “This automatically made them the personal enemies of the authoritarian regime in Russia. In the last three years, they have faced an entire arsenal of persecutions. We’ve seen violent abductions, fabricated criminal cases, the closure of the Mejlis, the shutdown of the ATR TV channel. There have been constant searches of Tatar schools and mosques. You might even say that there’s an undercover deportation in process. The occupying regime has been sending a very clear signal to the Crimean Tatars: clear out or shut your mouths.”

In 2015, the second wave of persecutions began. For this purpose, Russia applied its infamous “antiterrorist legislation,” which provides law enforcement agencies with very broad powers. One year after the occupation started, Crimeans began to be arrested in what came to be known as the February 26 case. First was Mejlis Deputy Chair Akhtem Chiygoz, who was arrested on January 29, 2015. The official reason was that he was suspected of “organizing and participating in massive unrest.” On April 15 in the evening, Crimean Tatar farmer Ali Asanov was arrested as the supposed second suspect in the case. In May, a third Crimean Tatar, Mustafa Degermendji, was abducted in his way to work. Both were also accused of “participating in mass unrest.”

Read more about Ukrainians and Crimean Tatars detained and imprisoned illegally in Russia and Crimea from human rights activist Maria Tomak



In addition to the February 26 case, the Hizb ut-Tahrir case has been making headlines, named after an international Islamic political party that was declared a terrorist organization by Russia in 2003 and banned in the Russian Federation. This trumped-up case involved the most defendants, 19 individuals who were arrested at different times. The process is being handled by one Viktor Palagin, who used to work in Bashkiria, also known as Bashkortostan, a Russian territory between the Volga and the Urals.

“After Palagin was assigned to head the Crimean division of the FSB, the witch hunt among Crimean Muslims began in earnest,” recalls Matviychuk. “At least 19 Crimean Tatars are behind bars today, not because they committed or intended to commit a violent crime, but because of an unproven claim that they belong to Hizb ut-Tahrir, which is actually allowed to freely operate in Ukraine. This tactic was one that Palagin applied back in Bashkiria, where he organized sweeps against Hizb ut-Tahrir for more than five years.”

The latest phase of Crimean Tatar persecutions began more recently. This time, they went after the lawyers and supporters of those who were already being prosecuted. The story of Emil Kurbedinov is well known: he was sentenced to 10 days of administrative detention for simply reposting comments from the Hizb ut-Tahrir Ukraine group in a social network. In fact, Kurbedinov is possibly the best lawyer working for his fellow Crimeans on the peninsula. If we consider that Ukrainian lawyers are unable to act as defense attorneys in Crimean courts, while Russian ones are not exactly keen to go to the peninsula, this is clearly an attempt to scare off local lawyers.

Nor did the occupying government stop at this. It also began to seize property belonging to Crimean Tatars. On February 21, the home of Marlen Mustafayev was searched. He was accused of posting the symbol of Hizb ut-Tahrir in a social network in the summer of 2014 and was placed under administrative detention for 11 days. Ten other Crimean Tatars were detained by the occupying police along with Mustafayev, for recording the incident on their mobile phones and posting the event live online. They were accused of “engaging in an unsanctioned mass event.” Each of them was placed under administrative detention for five days.

Meanwhile, the Russian Federation has, in addition to using force, engaged in more “subtle” work within the community, such as setting up parallel representative organizations—including religious ones.

“Russia has used the tactic of setting up parallel community institutions, in self-government, in the religious sphere, and so on, for ages,” says Matviychuk. “What it can’t control, it simply replaces. After they shut down the ATR channel, the occupiers hurried to announce the establishment of an alternative Crimean Tatar channel called Millet. When they were searching Mustafayev’s home, they called reporters from this channel. But Millet doesn’t actually report on this kind of event, so, as anticipated, they never showed up. And so people who were standing outside the building were forced to record the police activities on their own phones.”

And of course there are the “pocket” community associations. One of these is Yednost Kryma [Crimean Unity], headed by Seitumer Nimetullayev. Prior to the occupation of Crimea, Nimetullayev was a government official, administering Genichesk County, and at one point even the head of the local branch of Party of the Regions. In the fall of 2014, he publicly criticized the Kurultai.



PHOTO: REUTERS

Right to assemble, no more. The occupation authorities in Crimea harshly disperse most rallies or assemblies by Crimean Tatars

“I believe that the Kurultai, as it now is, cannot represent the will of the Crimean Tatar people,” Nimetullayev stated at the time. “Today we have the best opportunity to shut down this Kurultai, and to schedule and hold a new election.”

Nimetullayev also voiced his own plans to set up a Kurultai “in line with Russian legislation.” He even gave an estimated deadline of October 2015. But those plans never came to be. By April 2016, the Crimean “Supreme Court” ruled that the Mejlis was an extremist organization and banned it. Meanwhile, the “deputy speaker of the legislature” and simultaneously leader of the “Krym” movement, Remzi Iliasov, announced plans to set up an “alternative Mejlis.” It was stated that community and religious activists had agreed to set up a special national commission that would organize a national convention for such an election. It turned out that this was supposed to take place in November or December 2016. As with the previous “plans,” however, nothing came of this, either.

“Efforts” with the Mufti of Crimea, Emirali Ablayev, proved more fruitful. The leaders of the Crimean Tatars more than once openly criticized Abayev’s collaboration with the occupiers. In fact, the Russians got to him very simply: by setting up an alternative in the form of a Tavrian muftiyat that was to be a counterbalance and rival to the Crimean one. Djemilev at one time had said that this organization was being used for blackmail. For instance, threats were issued that if the mosques did not accept the authority of the Crimean muftiyat, they would be shifted to the Tavrian one. Moreover, mosques were being set on fire on a regular basis. As a result of these actions, the religious life of the Crimean Tatars on the peninsula was under nominal control of the Russian Federation. Thus, the Crimean Mufti himself was caught on a Russian “hook.” Perhaps the Mufti could have rectified this situation in mainland Ukraine. Plans to this effect were even discussed, but never came to be. Altogether, Mustafa Djemilev says that more than 20,000 Crimean Tatars have left the occupied peninsula. That does not mean they are entirely safe on mainland Ukraine, however. Human rights activists point out that most of those forcibly displaced individuals left behind families and loved ones. This makes them effectively hostages of the occupying government as victims of an undercover deportation. It’s hard to see this kind of state as being “safe.” ■

From trenches to business

Yuriy Lapayev

Entrepreneurship helps ATO veterans deal with life after the war

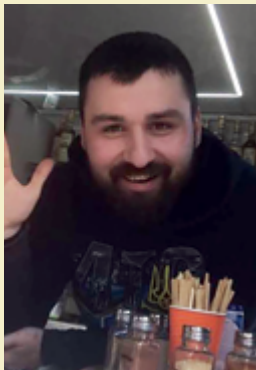
Another flash mob has recently swept through Ukraine. Those who joined the 22 Pushup Challenge did 22 pushups for 22 days. Ordinary Ukrainians and military men, from private soldiers to the Chief of General Staff, took part. Some hit the records, some engaged celebrities, and no one has been left behind. Yet, many people seemed to not quite get the real cause of the initiative. Its main point was not sports or entertainment. It began as an attempt to draw attention to a serious problem - psychological adjustment of former combatants to peaceful life after war. Actually, the flash mob is not a Ukrainian idea. It came from the US where the issue is addressed much more vigorously. Still, Americans have problems too. The number came from the statistics of 2012 reflecting the rate of veteran suicides committed every day.

The situation in Ukraine is more dangerous. The efforts to tackle the issue mostly come from the modest capacities of volunteer organizations dealing with adjustment of ATO veterans and incapable of embracing all the former fighters. Post-traumatic stress disorder (PTSD) was widely spread in Ukraine after the war in Afghanistan. Just like the current war in Ukraine, the

Afghan conflict chimed in with the economic crisis in the country. Inflation, deficit and unemployment could make even normal people deviant, let alone fighters after the war horrors. According to research, PTSD problems are mainly felt in five or seven years after the traumatic event, which means the toughest times for Ukrainian fighters are way ahead.

Under these circumstances, it is vitally important to find something helpful in getting through the difficult periods. Some find refuge in alcohol. Others go back to the military after failed attempts to find a job. Another interesting category of veterans from the war in Eastern Ukraine emerges. These people have managed to launch a private business by applying their war experience in business activity. Ukraine might thus duplicate the success of Israel. The army helped encourage a flurry of business activity there as future entrepreneurs had a chance to find business partners while serving. Military experience teaches fighters take responsibility and assess risks. What is more, war reveals the true nature of a person.

The Ukrainian Week offers several stories of ATO veterans who have launched their small businesses. ■



Valeriy Khartman:

"We will soon say 'We're everywhere', like they do in the Fight Club movie"

Valeriy came from Luhansk to Kyiv in 2012. After seeing the Russians invading his land, he could not stay aside. For several years, he served in Aidar battalion. He was then wounded and went through hospital and post-hospital treatment. Currently, Valeriy is building Veterano Coffee, a network of coffee houses in Kyiv.

Valeriy had a dream to own a restaurant styled after old American movies since he was a child. He got back to the dream because of the war. Once demobilized, he had to deal with employment problems and had conflicts with his bosses. Further depression and lonely life in a hostel for about a year made him realize he could count only on himself. This is how Valeriy got the idea to open a small coffee house. He could use his previous experience back from the time when he had been working at pubs. His state compensation for the injuries incurred in war constituted his start-up budget. His wife became his first business partner. They met at the hospital. "I lacked self-confidence before the war, but my experience as a fighter helped me relax," Valeriy recalls.

I was lucky to meet Leonid Ostaltsev. Together we have developed a new brand. Valeriy's approach is based on high quality. He prefers to have lower profits only to be able to buy more expensive products than those of his competitors. People living close to his coffee places have noticed that. A long queue lines up to his coffee place on the bank of Telbin lake, although a dozen similar kiosks are nearby. The locals have even set up a bench near Valeriy's coffee house.

"It is difficult to compete with big companies, but we don't give up," Valeriy says. According to him, preferential points of sale would make things much easier. A similar scheme is now used in Dnipro. Business opportunities would reduce the number of ATO veterans who risk tumbling into alcoholism or thug for hire life. "Numbers, taxes and book-keeping will keep your head free from bad thoughts," Valeriy adds.

He is willing to share his knowledge of coffee business with all the veterans interested in it. His advice is not to sit back and do nothing, but to start doing something. While The Ukrainian Week was working on this material, Valeriy has managed to open another coffee place and engage his war buddy who is going to cook brownies and other desserts to go along with coffee. Valeriy plans on expanding his network and engage more veterans.



Leonid Ostaltsev:

"My job is to make sure that veterans are comfortable in their new life as civilians"

Leonid Ostaltsev is one of the most famous militarymen. He is the founder of Pizza Veterano, a well-known restaurant in Kyiv. Leonid is always busy. He has plenty of work to do and sticks to his motto "Just do it." He meets visitors at the restaurant, manages personnel and serves as a waiter if needed. Besides, Leonid

is the anchor of Army FM radio program, allowing him to share his successful experience as a businessman. According to Leonid, private business not only solves the problem of unemployment among former fighters, but also serves as some kind of therapy. Businessmen have no time for gloomy thoughts.

When Leonid returned from the front, he and his friends decided to organize the Union of Desnyansky District ATO Veterans to keep themselves busy and help their war buddies. After months of travelling and interaction with former fighters, Leonid is convinced that unemployment is one of the key problems of ATO veterans. Some of them were laid off while serving in the military, some could not stand working at the previous place after their return. Some employers refuse to hire former fighters. Leonid had worked in pizzerias before the war. He was good at cooking and had experience as a chef. Thus, he decided to launch a project of a restaurant chain that employs veterans as a place of mutual understanding among the personnel. Leonid spent quite a lot of time developing his business plan and looking for money. Finally, he launched the

project. Currently, his pizza restaurant employs at least 50% of former fighters and sends part of the revenues to help the wounded fighters. Leonid makes his employees develop a business plan. In such a way, each of his subordinates will be able to launch a private business after working at his place. Leonid believes that it contributes to the adjustment of fighters. He also demands them to visit psychologist every week. Leonid's pizza restaurant is very popular. It is crowded even on workdays, which is why people have to reserve a table ahead. It is not only in Kyiv that the project is successful. Pizza Veterano in Dnipro also has plenty of visitors.

Currently, Leonid and his war buddies are developing the association of ATO veterans-entrepreneurs to support each other and overcome difficulties together. They want to engage municipal authorities in one of the projects. The idea is to introduce a program of business licenses for ATO veterans to open, say, mobile coffee shops. According to Ostaltsev, instead of Soviet-style benefits, the state should create opportunities for people to earn money themselves. The idea is based on the American program supporting veterans of the Vietnam War: it distributed the key places for street vendors among former combatants.

Helping ATO fighters is not Leonid's only goal. "Many people think of ATO veterans as people with illegal guns or alcoholics with God knows what on their mind," Leonid notes. He wants to dispel this stereotype and prove that fighters are people of solid character and great potential. All they need is to be guided into realizing this potential in civilian life. This is what Leonid himself has managed to do.



Oleksandr Matyash:

"One should stick with those like him, they will guide and help"

Oleksandr has his own story and it is not about cooking. A former top manager and businessman of 38, he volunteered to serve in the military. After he returned from the army, he found a partner to produce Regata Club, a brand of underwear for men.

The idea to work in this area dates back to his military service days. Oleksandr realized that quality underwear is a vital thing for fighters, as well as for any other man. The main feature of his current production line is special anatomical fit and a year-long quality guarantee. Unlike the abovementioned businessmen-veterans, Oleksandr had business experience before the war. Still, after the war he realized that he could only count on himself and his war buddies. He believes that it would be good for the state to support not only veterans in their initiatives, but also Ukrainian small business in general. For instance, the government could introduce certain national product quotas in points of sales, as many other countries do. Lending program for small business would also make life easier. Oleksandr believes that business saves many fighters from psychological problems. "Being constantly busy keeps people from messing around," he says.



Andriy Salahornyk:

"War made me realize I have to develop and go forward"

Andriy studied to be a dentist. He also thinks that private business pushes a person to work on tasks, especially when it's something that person likes.

Andriy had thoughts of launching his own business long before the war. He was active in the Maidan and started up Bili Berety (White Berets) civil group, a special-purpose medical division. Later he served in ATO as part of the 59th mobile medical unit.

Currently, Andriy is the owner of SONRISA dental practice in Ternopil and struggling with Ukrainian bureaucracy. He thinks that soviet-style mechanisms of government control have to change and a program for ATO veterans launched. "We have fought and found strength to launch a private business. Don't we deserve tax and utility rate benefits for our companies?" he wonders. ■

Constrained?

America's system of checks and balances seems to be working. But there is still plenty to worry about



Not alone in this. It is over four decades since the historian Arthur Schlesinger warned of a post-war power grab by the executive branch. That did not interrupt a steady flow of powers to the White House which has continued under all the presidents since

The morning after Donald Trump was elected president, Eric Schneiderman, the Democratic attorney-general of New York, summoned his raddled senior lawyers to a war council. Seated in his unfussy 25th-floor office in lower Manhattan, Mr. Schneiderman told them to assume Mr. Trump's brutish campaign pledges were in earnest, and to clear their desks for action.

While the president-elect was digesting his victory in Trump Tower, five miles up the road, Mr. Schneiderman put scores of the 650 lawyers at his disposal on Trump watch. They started trawling through his campaign statements and preparing legal defences against the assaults he had promised on immigration, consumer protection and climate-change policy. With the Republicans who control Congress apparently unwilling to hold Mr. Trump to account, Mr. Schneiderman feared that Democratic attorneys-general might have to act as a thin blue line of resistance to an authoritarian president.

Mr. Schneiderman, a small man who speaks fast and wastes few words, already understood Mr. Trump's capacity for rule-breaking. In 2013 he sued Mr. Trump over the fleecing of students at Trump University, a bogus training scheme for would-be property moguls. In response, the tycoon alleged malicious prosecution and sued him for millions of dollars. In 2014 the New York Observer, a newspaper owned by Mr. Trump's son-in-law and adviser, Jared Kushner, ran a lengthy hatchet job on him. "I did not realise it at the time," he says, "but I was getting a preview of the scorched earth approach he takes to opposition."

Ten weeks into his term, Mr. Trump is behaving much as Mr. Schneiderman predicted. Among other affronts, he has tried to discredit the electoral process by making false claims about illegal voting and has peddled false allegations that Britain spied on him. He has failed to disengage convincingly from his business interests, or reveal the extent of them. He has signed cruel and amateurish immigration rules and, when they faced legal challenge, argued that his border policy was no business of the courts. According to the fact-checkers at the Washington Post, Mr. Trump uttered 317 "false or misleading" statements in his first 63 days as president. "It's been clear since he took office", says Mr. Schneiderman, who joined the attack on the immigration rules, "that this president has less regard for the rule of law and precedent and traditions than anyone in recent memory."

Yet although Mr. Schneiderman's estimation of the threat Mr. Trump poses appears well judged, his sense of America's vulnerability now looks pessimistic. The failure of the Republicans in the House of Representatives on March 24th to pass a health-care bill on which Mr. Trump had staked his image as America's closer-in-chief shows that the president cannot carry all before him. A vigorous repulse to his excesses from journalists, NGOs, companies and millions of protesters, as well as the states, has proved additionally inconvenient. America's constitutional checks and balances appear to be holding up better than many feared. The defeat of the American Health Care Act (AHCA), it must be admitted, was hardly a textbook illustration of James Madison's constitutional ideal that presidential ambition be frustrated by the powers of Congress. The bill's aspiration, to begin the process of repealing Barack Obama's health-care reform, known as Obamacare, is widely shared among Republicans. Under Mr. Obama, House Republicans futilely voted to repeal Obamacare more than 50 times. Getting rid of it was one of Mr. Trump's main campaign pledges. The 30-odd right-wingers, known as the House Freedom Caucus, who opposed the repeal bill, causing Paul Ryan, the Republican Speaker of the House, to withdraw it, intended no rebuke to Mr. Trump. Many caucus members admire him. Their target was Mr. Ryan, whose pragmatism they abhor: they felt his bill, which they derided as "Obamacare-lite", would not sufficiently reduce federal subsidies which help the poor buy health insurance.

NOT QUITE WHAT MADISON HAD IN MIND

Regardless of their target, they dealt a blow to Mr. Trump. He has promised to end the legislative dysfunction in Washington, DC, with his dealmaking skills. In the case of the AHCA, these consisted in threatening to launch primary challenges against his fellow Republicans unless they passed a bill which he appeared not to understand very well ("Mark Meadows, I'm coming after you," he told the caucus's North Carolinian leader, maybe jokingly). Perhaps he will recover some of his lost face, as Bill Clinton did after suffering his own health-care reform foul-up early in

his presidency. But Mr. Trump will have to acquire better negotiating skills. He could also do with lifting his approval ratings; according to polling by Gallup, only 35% of Americans think he is doing a good job, which is unlikely to strike fear into Mr. Meadows.

The debacle has forced Mr. Trump to consider wooing Democratic congressmen (there is talk of him linking his tax reform plans, of which Democrats are sceptical, to his infrastructure plans, which they like), which would require him to moderate his behaviour. Some Republican senators, who have longer terms and more mixed electorates than their colleagues in the House, are already demanding he do so. Though the AHCA defeat did not in itself augur better congressional oversight of Mr. Trump, the spectre that haunted Mr. Schneiderman—a unified Republican government uncritically supporting a rogue president—is looking less threatening.

LAWSUITS, SATIRE AND SOCIAL MEDIA

The courts have provided a more straightforward check. Mr. Trump's immigration rules appeared to be an attempt to honour his campaign promise to keep out Muslims; they were disguised as counter-terrorism measures against high-risk nationalities in an effort to evade the constitutional bar on discriminating on the basis of religion. Both edicts were challenged by broad coalitions of states, NGOs and private firms and subsequently stayed by judges on procedural and constitutional grounds. The president impugned the legitimacy of the first obstructive beak, James Robart—a George W. Bush appointee whom Mr. Trump described as a "so-called judge". Even his own nominee to the Supreme Court, Neil Gorsuch, a Coloradan jurist, thought this too much. "When anyone criticises the honesty, the integrity or the motives of a federal judge, I find that disheartening," he said during his Senate confirmation hearing on March 21st.

The media, leaky bureaucrats and the millions who have flocked to rallies against his presidency (which, though dwindling, are still widespread) have provided such a barrage of extra-constitutional scrutiny that some think a new system of accountability is emerging. "We're seeing a vastly expanded definition of checks and balances, and they seem to be working," says Alan Dershowitz, a legal scholar. In a world worried about the rise of fake news, the best coverage of Mr. Trump's administration has been tremendous. The New York Times and Washington Post have had weekly scoops about the peculiar chumminess between its senior members and various Russians; the scandal has so far forced Michael Flynn to quit as national security adviser and Jeff Sessions, the attorney-general, to recuse himself from his department's investigation into allegations that Mr. Trump's team colluded with Russian hackers during the campaign. Those revelations have also made it harder for Republican congressmen to ignore the issue, as some, including Devin Nunes, who heads the House intelligence committee, would clearly prefer (see article).

Honed by decades of growing partisanship and low expectations of congressional oversight, the response to Mr. Trump from NGOs, left-leaning and otherwise, has been similarly impressive. The American Civil Liberties Union, which sued the administration over both sets of immigration rules, received over \$24m in online donations over the course of a recent weekend, more than six times what it normally expects to collect online in a year. For some, this is a continuation of previous struggles; to brief reporters on its plans to resist Mr. Trump one environmental group

dusts off a history of its (broadly successful) legal stand-offs with Mr. Bush.

Mr. Dershowitz also points to less organised checks, including critical commentary on social media, disapproving foreign allies and merciless late-night comics: Mr. Trump has perked up American satire and the career of Alec Baldwin (pictured). "It's a more transient, not predictable or reliable, not visible or transparent system, which has its own dangers," he says. "But in my view it will be strong enough to be a sufficient check on this presidency."

STILL EARLY DAYS

It is a sad reflection of the state of America that a quasi-constitutional role for "Saturday Night Live" could seem reassuring. The system that the founders created as a way for the different branches of government to counter each other's excesses should not need shoring up by a posse of bloggers and disloyal civil servants. The constitutional frailty this reveals, and of which Mr. Trump's election is to some degree symptomatic, has in fact been evident for some time.

A COMBINATION OF VENGEFUL PARTISANSHIP, INTERNET-BASED ALTERNATIVE REALITIES AND THE PRIMARY SYSTEM OF NOMINATING CANDIDATES, WHICH PROMOTES HARDLINERS, IS TILTING AMERICAN POLITICS TOWARDS EXTREMISM

It is over four decades since the historian Arthur Schlesinger warned, in "The Imperial Presidency", of a post-war power grab by the executive branch "so spacious and peremptory as to imply a radical transformation of the traditional polity." The book was a hit, but did nothing to interrupt a steady flow of powers to the White House which has continued under all the presidents since. As the executive opened up new domains for itself in setting pollution standards for industry, overseeing banking and even ordering the country to war, a clear congressional prerogative, the presidential bureaucracy ballooned.

As it grew, it became increasingly politicised; under John F. Kennedy, 196 presidential appointments required Senate confirmation, now 1,212 do. And it became more centralised. In the 1930s Congress magnanimously permitted Franklin D. Roosevelt to maintain a staff of six "presidential assistants"; recent presidents have commanded an army of over 500 White House staffers, whose mission is to ensure the government bends to the president's will, and that he gets all the credit when it does. This has transformed the character of government, from a semblance of well-advised policymaking to a relentless effort to fulfil presidential campaign promises.

A SPACE FOR AUTHORITARIANISM

At the expense of Congress, recent presidents have also assumed additional powers over foreign policy and civil liberties. In doing so they risk being checked by judges. But they have mitigated that possibility by assembling, in the office of the White House counsel, a battery of ingenious, Supreme Court-quality lawyers; Mr. Obama employed almost 50. The result has been a proliferation of contentious legal precedents, extending the authority of the president, which in unscrupulous hands could amount to a toolkit for tyranny. Following Mr. Bush's and Mr. Obama's example, the

president can order American citizens to be killed secretly overseas, detain foreign prisoners indefinitely without charge and try them on the basis of evidence that the state will not divulge. Despite spasms of concern, both liberals and conservatives have applauded this executive power grab. “I want to strengthen the current Democratic president,” said Newt Gingrich, when he was a bitterly partisan Republican Speaker of the House under Mr. Clinton, “because he is the president.” Scholars of both stripes have often argued that the risks of overreach were justified by the president’s democratic prerogative to fulfil his mandate. The growing dysfunction in Congress, which has seen its lawmaking and oversight give way to shouty tribalism (for which Mr. Gingrich deserves much blame) has meanwhile made that conclusion seem more natural. For if Congress will not pass laws, how else is the country to be governed?

These constitutional evils reinforce each other. Congress, a body the Founding Fathers considered so dangerous that it needed splitting in two, is in its demoralised state especially susceptible to unthinking party allegiance. This has in turn worn away many of the democratic norms upon which the checks and balances depend. Despairing of Senate Republicans’ use of the filibuster to block Mr. Obama’s appointees, for example, the Democrats scrapped the measure in 2013, except in the case of Supreme Court appointments. Now the Democrats are in the minority, vowing to block Mr. Gorsuch, and the Republicans are likely to remove that last defence of scrutiny by the minority party in federal appointments.



TO RESTORE AMERICA’S DEMOCRATIC SYSTEM TO A MORE FOOLPROOF STATE WILL REQUIRE, MORE THAN MILLION-MAN MARCHES OR STEADFAST JUDGES, A DEGREE OF NATIONAL CONSENSUS ON THE WAY FORWARD

At the same time, a combination of vengeful partisanship, internet-based alternative realities and the primary system of nominating candidates, which promotes hardliners, is tilting American politics towards extremism. Put this together with the growth of executive power and the fraying of constitutional checks on it and the risks of something going seriously wrong in the White House are obvious. In 2010 Bruce Ackerman, a Yale legal scholar, predicted it was only a matter of time before America elected a “charismatic president to politicise the bureaucracy and run roughshod over the rule of law”.

In this wider context, the constraints on Mr. Trump look less reassuring. His presidency becomes a predicted step in a process of democratic decline which his unscrupulous leadership is likely to accelerate. To arrest that decline would take substantial reform, with new checks on the executive, a reinvigorated Congress and political parties freed from the thrall of hardliners—all unimaginable today. So it is appropriate to ponder how much damage Mr. Trump could do, even if he remains constrained by the forces Mr. Dershowitz and others find comforting.

Most of his recent frustrations have been self-inflicted, which is in a way reassuring. Though Mr. Trump is sometimes compared to the White House’s last big rule breaker, Richard Nixon, he appears much less competent. Nixon was a skilful, hardworking criminal; Mr. Trump is a blowhard who even now seems unaware of the magnitude and complexity of the office he holds. Still, he and his advisers

will get better at using the presidential toolkit, including its legal precedents and firepower. In the event of a threat to national security, for example, Mr. Trump’s appetite for power and desire to be vindicated over his Islamophobic rhetoric could produce dire results.

OH, FOR THE DAYS OF THE SNUFFBOX

The Trump team already has plans to bring the presidential bureaucracy to heel. “The administrative state isn’t going to administer itself,” says a senior White House official. One plan, he suggests, is to send “tiger teams into the beast, to ask, ‘How have you implemented the wishes and policies of the president?’” Leakers, beware.

How successful such tactics are may depend largely on Mr. Trump’s political fortunes—which could be much better than many of his opponents assume. Even if his ratings remain low, the realities of a polarised electorate and a favourable electoral map mean that the Republicans may well retain both congressional houses in next year’s mid-term elections. Mr. Trump will also have the chance to nominate over a 100 federal judges, perhaps including a second Supreme Court justice. Both developments could strengthen him considerably. If an FBI investigation into the Russia connection turned up something serious, a Republican congress would still be loth to impeach Mr. Trump. Mr. Trump’s contribution to the decay of democratic norms already appears vast. Each time he badmouths an institution or makes false claims about a predecessor, opponent or peer, America’s democratic framework takes a hit. Some of the damage may be permanent. A show of decency once mattered in American politics; then 63m Americans voted to elect as president a man they had heard boasting of his ability to assault women. It was also recently accepted that a sitting president must publish his tax returns and disengage from his business interests. Mr. Trump, who has done neither, does not appear to have any problem with the profits flowing from his presidency.

As the Washington Post has reported, he has spent almost a third of his time as president at a Trump-branded property, including his Mar-a-Lago estate in Florida, where club members have been treated to the sight of the president urgently discussing North Korean missile launches over salad. Because another of his presidential haunts, the Trump International hotel, a short walk along Pennsylvania Avenue from the White House, is also popular with foreign dignitaries, Mr. Trump has been sued over an obscure clause of the constitution that forbids public servants from accepting fees or gifts from a foreign state. Some legal scholars have, rather valiantly, cited as precedent Benjamin Franklin’s seeking Congress’s approval before accepting a jewel-encrusted snuffbox from the king of France as a retirement gift. The distance and obscurity of the precedent illustrates the main difficulty of using the law to restrain the president’s behaviour. No one has ever seen anything like it. Perhaps Mr. Trump will be adequately constrained nonetheless. The reassuringly trenchant responses to his excesses from the judiciary, states, bureaucracy and NGOs suggest a democracy more vital than some fear. It might even one day seem ridiculous that a figure as unserious as Mr. Trump could have seemed so threatening. But even in that best case, it will take something more to restore America’s democratic system to a more foolproof state. It will require, more than million-man marches or steadfast judges, a degree of national consensus on the way forward—which is the very thing that America most conspicuously lacks. ■



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A change of mind

Piotr Buras

Three new paradigms of EU integration

In his autobiographical and excellent overview of culture and society in Europe at the turn of the 19th and 20th centuries, “The World of Yesterday”, the Austrian writer Stefan Zweig showed how quickly the categories and concepts describing the world around us can become obsolete. The lead up to World War I and the 1920s were separated by a mere decade, but when viewed in retrospect those two periods seemed to have little in common. For Zweig writing in 1940, that entire bygone world was nothing more than an implausible legend.

No surprise, then, that Zweig’s book is currently one of the most read and most quoted. There is a keen sensation that the post-Cold War era is in inexorable decline (or has already reached its nadir). Alongside this we see that the concepts and convictions which have thus far organised our world have become dated (read, outdated). Globalisation and interdependence until recently have been seen as the guarantors of peace and cooperation. These have turned out to be the source of conflicts and the instruments of pressure. “It’s the economy, stupid!” has ceased



to be treated dogmatically—the problems of identity and culture move people just as much as their financial situation. Belief in the inevitable triumph of liberal democracy has been replaced by questions about the alternatives.

This miscalculation is just as relevant to the European Union. This is not merely the case in regard to the wave of populism and Euroscepticism which is washing over the entire continent. What is more important is that this, alongside other factors (in particular Donald Trump becoming the president of the United States), is profoundly, though not yet entirely visibly, changing the fundamental assumptions, or paradigms, upon which the project of European integration rests.

Firstly, freedom has been replaced by security as the value which organises thought on the future of Europe. European integration was above all a peace project, not a freedom project. The fathers of Europe were guided by the conviction that democracy based on freedom was the only guarantee that the era of conflicts and war on the Old Continent could be ended. Integration above all served liberalisation (of markets) and the furthering of openness (of borders). Its foundation rests on the four freedoms (the free movement of people, goods, capital and services).

It is becoming ever more frequent to discuss freedom in terms of its “excesses” and populists are feeding on the rising social need for stability, certainty and the protection of property. Employees concerned about cut-price competition of the labour market (social dumping) see economic patriotism as a way of securing their interests. For many people the price of security (or an illusion of it), e.g. the return of border controls, does not seem excessively high when compared to the perception of the threat of terrorism or the changes in the local environment due to migration. This means that the force which most strongly shapes the political imagination of societies and elites today is no longer the wish for greater openness and integration which has driven change in Europe over the last decades, but rather an overwhelming desire to increase security and stability.

The paradigm of security means that pressure on the four freedoms will increase, in particular on the free movement of labour. It is an area where the European elite can most easily send society a signal that they understand their concerns and need for security. Austria's Chancellor Christian Kern has already announced that he wants to introduce the principle of precedence for Austrian citizens on their labour market. But the paradigm of security is already having an impact on changes in anti-terrorist legislation and asylum policy. The erosion of European standards in those areas could have long-term effects, pushing back the legal and psychological boundaries of what is possible to accept and imagine.

Secondly, the idea of EU cohesion rules out thoughts of different speeds of integration. The

discussion on how to reconcile the member states' various capabilities and ambitions of integration is not new. The diversification of integration has in fact long been the case (not all countries are in the Schengen zone or the euro-zone).

Nevertheless, it had been assumed that an imprecisely defined horizon of the integration process existed which all countries were heading towards, sometimes at a different pace and in a different choreography. Different speeds of integration were, though, rather viewed as a necessary evil.

This paradigm of cohesion is currently out of favour—varied integration is less often seen as a challenge and more often as a solution to the EU's problems. Advocates of this view state that the only way to prevent the EU from breaking up is to loosen the bonds of integration and to allow member states more freedom in deciding which projects they wish to participate in.

Thirdly, Europe has ceased to be transatlantic and has become post-Atlantic. The EU was always essentially also a transatlantic project. The significance of the United States was not determined solely by the fact that Washington offered Europe security guarantees. It was equally important that it was overwhelmingly in America's interests for the countries of Europe to be united and in close cooperation.



FREEDOM HAS BEEN REPLACED BY SECURITY AS THE VALUE WHICH ORGANISES THOUGHT ON THE FUTURE OF EUROPE.

EUROPEAN INTEGRATION WAS ABOVE ALL A PEACE PROJECT, NOT A FREEDOM PROJECT

President Trump's statements and measures praising Brexit, encouraging other countries to leave the EU, and criticising the EU as a project which only serves the interests of Germany may demonstrate that this approach will change.

Josef Joffe, the renowned German publisher defined the US some years ago as “Europe's pacifier”, i.e. a power which can assuage Europe's quarrels. America's rejection of the idea that European unity is a good in itself may inflict worse damage on Europe than any potential ‘big deal’ between Washington and Moscow.

The signs that Trump could support the centrifugal forces in the EU are worrying. However, there exists a further threat at least as serious. This concerns the reaction to Trump's security, trade and visa policies which could sow divisions in Europe and lead to some countries attempting to reach bilateral deals with the new America to the detriment of the EU's common stance.

There is much to show that the revision of the three paradigms of integration which is currently under way is leading to an inevitable parting of ways with “The World of Yesterday”. ■

Piotr Buras is Head of the ECFR Warsaw office. This text is based upon the author's essay “Prepare for a new Europe” published by the Warsaw based Stefan Batory Foundation.

Unfreedom day

Siargei Pulsha, Minsk

The breaking up of Minsk protest rallies has not dented opposition to Alexander Lukashenka in Belarus society



PHOTO: REUTERS

An unlikely victory? The breaking up of a protest in Minsk and the arrest of 700 demonstrators hardly looks like a step towards success. Yet, it is important to bear in mind that everything possible was done to prevent people from coming out onto the streets in the first place

After a large demonstration was quite roughly broken up in Minsk on March 25 and in other regions of the country on March 26, some gleefully and others sadly remarked, “There was no Maidan in Belarus.” And they would both be completely wrong. First of all, no Maidan could have happened because no one was planning one. Secondly, even if the people did not win this time around, they’ve made the most important step towards victory.

MAYHEM IN MINSK

It may seem strange to say that the forcible breaking up of a protest in the capital and the arrest of nearly 700 demonstrators is a step towards victory. But you have to be in Minsk and remember the story of what led up to this protest, especially on the part of those in power: they did everything possible to prevent people from coming out onto the streets of the capital. Such a bombardment of propaganda and police officers to “clear out the territory” was last seen during the presidential campaign. And there is no election happening now.

A week before the demonstration, a hunt was launched against community activists who were in a position to lead the protests in one way or another. The government caught them wherever they could: on the street, at home

and at the workplace. In order to catch a local activist in Molodechno who had locked himself in his apartment and refused to come out, the police set the entrance area on fire, called the fire department, and simply smoked the person out as a supposed evacuation.

All those who were detained were pinned with the article on participating in prior acts of protest and sent them off under administrative arrest. In this way, more than 300 people across the country were already in jail even before the protest started.

Official Minsk also set the propaganda machine going full-force. Ukrainians, for instance, know about the “attempt to break into Belarus from Ukrainian territory with a jeep full of weapons.” Of course, this was just an enactment for the republican television channel. Ukraine’s border service immediately reported that a car of that description had not crossed at any of its checkpoints, so it must have been hiding on neutral territory.

Imagine you are this “smuggling terrorist.” You had to avoid all the Ukrainian border crossings using secret paths in order to then drive out of the forest and storm the barricades on the Belarusian border crossing? Only a real idiot would do something like that! Of course, the “jeep full of weapons” did not exist. It was one of the of the stagings for propaganda purposes: to create an atmosphere of fear among Belarusians and scream on every TV screen: “Don’t go to any demonstrations! Ukrainian militants from Praviy Sektor will be there!”

RAIN ON THE PARADE BEFORE IT HAPPENS

Suddenly, just before March 25, President Aliaksandr Lukashenka announces that some terrorist group, supposedly financed by Lithuania and Ukraine, has been exposed in Belarus and it’s preparing for mass unrest. The noble Belarus cops have arrested “a few dozen militants” who had a “training camp” in the forest outside the county capital Osipovichi.

The only problem is that “Batska” [Belarusian for Daddy] has announced this to the entire nation while the “militants” are so far nowhere to be seen. Their arrests begin only after the President’s statement. The television channels present the big story, showing the entire audience all the metal components prepared and cached in the woods—why on earth go through all the bother of burying stuff in the bush when any scrap yard in Minsk will cut it up for you by the tonne?—, as well as “weapons, grenades and ammo” that were supposedly seized from the militant during a search.

Clearly, the plan had not been properly worked up. Anyone who has been through military service could tell that the grenades were dummies, the ammo training quality—with long grooves along the sides to practice filling magazines—, and the weapons, also either dummies or hunting rifles that the AK cartridges that were seized,

even training ones, would never fit. Could it be that the KGB decided that they could not risk putting real weapons in the hands of ignorant Belarusian propagandists.

These video clips kept being shown on television for weeks. Meanwhile, 26 individuals had been arrested and were being held in jail for the crime of being involved in “mass disorders” that had never even taken place. Most of them were one-time members of the White Legion, a paramilitary organization that was dissolved 17 years ago, who teach in schools or sell books today, or members of the Youth Front, the former youth wing of the Belarusian National Front, which is still around. What connected the two groups? Last summer, they all visited a government-approved sports camp! Maybe this is the “military training camp” everyone was referring to.

Those who were organizing Freedom Day tried to do everything strictly within the law, submitting their permit application for a March 25 rally and march well within the stated timeframes. In the midst of these efforts to scare the public, the government agency was at a loss and failed to make a decision either way, in violation of all legislation, until the very last moment—the Friday night before. This not only defied Belarusian law but also gave the organizers little choice: they abdicated responsibility for the event.

When the news from all over talks about arrests, when, day after day, the television shows weapons that were intended to be used at the big rallies on March 25, when top officials keep exposing “militants and terrorists,” when every day brings new arrests, when the event is not even allowed, after all, who’s going to show up at the rally? Especially if it’s pretty much guaranteed that they will be trundled people off there...

“YOUR SCAREMONGERING ISN’T SCARING US”

As March 25 drew near, all of Belarus’s sociologists, political pundits and other “experts” were unanimous that there would never be any mass demonstrations in the country, ever. Why? Because supposedly Belarusians were very, very scared of a Maidan, of events such as Ukraine had seen, and they would not take part in protests because they were afraid of all this.

On March 25 itself, Belarus’s leadership abandoned the capital to the riot police and internal armed forces. The gathering point for the rally, a small square in central Minsk not far from the Academy of Sciences, was surrounded by OMON, internal army and other special forces for 1.5 kilometers on all sides. Water cannons, armed carriers, paddy wagons and unidentified jeeps with metal contraptions on them were demonstratively rolled out into the streets. Some specialists said that the jeeps were armored to break through any barricades by the people and to quickly put up their own.

Not only was the Academy of Sciences subway stop closed, but the ones before and after it were also closed down. All the highways going into Minsk were patrolled by highway police and soldiers with machineguns. Every single car was being stopped and checked.

Belarus had not seen such a concentration of soldiers in a single part of Minsk since March 2006. Nor had anyone seen soldiers in helmets with riot shields or pump-action tear gas grenade launchers. It looked like every last police and internal forces unit was dragged into Minsk that day. All this effort, just to scare people. The calculation was that, seeing the massive preparations to stop thing, people would be scared and scatter to their homes.

But they were very wrong. Both the experts and the troops. People saw it all, but they weren’t afraid. Whatever fears they might have had, about being arrested, about being detained, about soldiers armed to the teeth, about a possible Maidan, had somehow evaporated.

WORSE THAN THE WAR IN DONBAS?

Close to the police barriers an unexpectedly large number of people showed up. And they were not afraid. The police would go on the attack from time to time, grabbing the most visible of those in the crowd, whoever they could get their hands on. Whoever they could, the demonstrators fended off. Those who were not recaptured were not worried. “In the paddy wagons, the new people who came on board passed on their fare to the driver,” was the way one detained reporter, Artsiom Shraibman, described the mood on the TUT.BY portal.

What’s more, the demonstrators did not engage in any aggressive resistance with the law enforcers. With this kind of demonstrative non-aggression, the police was obviously at a loss and began to grab anyone they could. Even people who had just gone out to buy a loaf of bread and found their building barricaded with shields when they returned. But even these people seemed unperturbed by what was happening.

“There are a couple of teenagers in here with us, a farmer from Zhlobina, and an HR specialist from EPAM,” wrote Shraibman. “A lot of folks were taken by accident just because they happened to be walking by in the general area. Many of them were genuinely surprised to see a journalist locked up. ‘Isn’t that against the law?’ they asked me. And I asked if they weren’t foreigners, to be asking something like that!”

Certainly, what was going on at the police stations reminded people of the Gestapo. For instance, a British reporter for FSRN, Filip Warwick, was detained in Minsk. When asked where he was being kept, at which station, the answer was always the same, in Minsk, and the police officers identified themselves as “Ivan Ivanovich,” meaning John Doe. He was beaten and hogtied after he sat on the floor and said he wouldn’t get up until they allowed him to contact his embassy.

Warwick was only able to return to the hostel where he was staying at nearly two in the morning, where he woke up his French colleague and asked her to hold his hand—they were not actually close friends—while he whispered intermittently to her about what had happened to him. More than a week later, he was still talking in a whisper and it appears he is suffering from PTSD now. Shocked, he immediately changed his return ticket for an earlier flight and refused to leave the hostel. The Frenchwoman smiled, but admitted that she had never felt so scared herself.

Warwick is actually known to many Ukrainian readers because he traveled the length and breadth of Donbas at the height of the conflict in 2014. So it’s hard to believe that such a young man would be easily unnerved. Yet it seems that Minsk on March 25 was scarier than the war.

But even this didn’t scare Belarusians.

A DATE TO REMEMBER

“I’m going to remember this day for the rest of my life,” says Facebook activist Raman Lievkovski. “No, not because they arrested me or took me away, but because I DIDN’T see any fear! When a dozen or so of us accidental passers-by was pressed into the Akian store by a sea of black uniforms and special equipment, I saw no fear. »

Five meters from us they were pushing people into buses. One, a second one, a third, but the young people were simply laughing their heads off! And I was even angry myself, thinking, 'What's there to laugh about?? You're going to be next!' But they weren't afraid. And when I was sitting in the dark, crowded paddy wagon, I would toss out "Welcome aboard!" and, instead of fear, I heard back, "Hey, yourself!"

Lievkovskiy went on: "We got into a fight with the cops, who were pretty scared and couldn't manage to take a phone away from someone, and kept calling for their higher-ups until they finally settled for an ensign! We argued with the 'coworkers' in a long queue at the district police department. My eyes swam when I began the process of filling out forms, and people said firmly, 'I went to a rally on Freedom Day.' I didn't see any fear. Not in people's eyes, not in their souls. I'm proud to be from Minsk!"

After it was all over, standing at a bus stop, I heard one demonstrator say to another, nodding towards the riot police with their shields and batons who had barricaded the avenue: "Today, we came out peacefully. If we decided to come not peacefully, even those won't help them."

And that is why Freedom Day, March 25, 2017, was also Victory Day. Victory over fears. Over the Maidan, special forces, and armed young janissaries. The only fear that remains is what will happen when the people, driven to despair, decide to come out "not peacefully." Strangely enough, I fear for Belarus's OMON...



THE LUKASHENKA REGIME DESPERATELY NEEDS MONEY BUT HAS SHOWN THE INTERNATIONAL MONETARY FUND CLEARLY WHERE THEIR LOANS ARE GOING: ON WATER CANNONS AND APCs

WHO'S AFRAID OF WHOM?

Who really lost in this situation was Lukashenka. He showed that he's afraid, and mostly afraid of his own people. Why did he do this? It wasn't necessary to whip things up. He could have just let people rally in the center. Or even not in the center, to just give orders for City Hall to direct the situation and permit the organizers to use an alternative site on the edge of town.

Instead, Lukashenka stupidly got scared, especially after a series of protest actions against his policies, especially economic ones, in the provinces. Batska has always been proud of the people's support and here he suddenly saw that he was losing it. More than once in the past, he said openly, "I will leave when the people ask me to do so." Now he could see that Belarusians were capable of doing just that—on March 25. Even if the event only rallied 10-15,000 people from the city of Minsk, with its population of 2 million.

First of all, Lukashenka has no safety blanket. Earlier, large-scale demonstrations only took place during presidential elections, where he was typically touted as the winner, with 83-85% of the vote. He could, of course, claim, "The majority are on my side. These folks on the square are a minority." But there is no election in the wind today, so there is no one to appeal to.

Secondly, he can only blame himself for driving himself into the trap of populist rhetoric. The President cannot say that some fifth column has come out on the streets

of Belarus because he apparently jailed them all even before the event. After all, some 300 Belarusians had already been charged under administrative and criminal articles of law and arrested. So Lukashenka was left to face his own people.

And the main thing that he hears from them today is "Go!"

In the end, the people now stand on one side of an invisible barricade while Lukashenka and his circle, surrounded by his shield-bearing police, are on the other. The people have already tested those shields once.

"A Maidan in Belarus? Never heard of it"

Mikala Statkevich, ex-candidate for president, the main street fighter of Belarus's opposition, sat in jail for five years for the 2010 election. Statkevich took responsibility on himself for organizing March 25 but was unable to carry it out, in the end. On March 24, he found himself in the KGB isolator, from which he was only released on March 26. Interestingly, the KGB did not actually say why they had arrested him and some Belarusians remembered the extrajudicial killings and disappearance of Lukashenka opponent in the early 2000s.

A week before, he was asked if Belarus would have a Maidan. "There won't be any Maidan in Belarus," said Statkevich with a smile, "because the Belarus language has no such word."

Right now, it's unlikely that anyone is ready to predict what will be in Belarus. An economy can't be fixed using billysticks. The Lukashenka regime desperately needs money but has shown the International Monetary Fund clearly where their loans are going: on water cannons and APCs. In short, talks with the IMF may not be frozen, but they are certainly suspended, for now. A Belarusian government delegation flew to Moscow the day before March 25, the latest in a series of attempts to agree about natural gas and oil supplies. Nothing came of the talks. Russia has stopped giving out credits, not just to Belarus, but to anyone.

In Europe, there's already talk of renewing sanctions against Lukashenka and his circle, if Belarus begins jailing political opponents. If the two dozen or so "militants" aren't released soon, the prisoners of conscience certainly will be.

With the economy in a tailspin, public protests are only likely to grow. The night before March 25, Statkevich said that a single demonstration would not resolve anything, that the government needed to be "squeezed as though by a python, tightening the circle every time and pressing harder and harder until it agrees to real talks." Statkevich understandably cautious. "We could take down this government with a single protest, but the danger there is that Russia will intervene," says the politician. And no one wants to lose their independence.

That's why people came out on Freedom Day in Minsk, to celebrate the anniversary of the first Belarusian state in modern history, March 25, not to "take down a bloody regime." And that's why the rally was peaceful from the very start for its participants. Unfortunately, the country's economy is declining so much that soon there might not be enough money even to pay the enforcers. "At that point, this bloke (Lukashenka – Ed.) will be brought out already tied up," said Statkevich.

The Belarus opposition's next planned rally, the Chornobyl Way, is for April 26. More likely, however, street actions are only likely to be visible in the fall, when things get even tougher. ■

Grzegorz Motyka:

"Nothing divides Poles and Ukrainians except disputes about one piece of history – the Volyn crimes"

Interviewed by **Hanna Trehub**

The *Ukrainian Week* spoke to the Polish historian about the Volyn tragedy in modern political and media contexts, the potential of this theme as a tool for Russia in modern hybrid warfare and optimal historical memory policy for democratic societies.

Discussion of the Volyn tragedy has ceased to be purely historical and at a certain point moved into the political and media spheres, which changed its quality, in particular adding emotional intensity. When did this change occur and due to which factors?

In 2003, the administration of President Aleksander Kwaśniewski was preparing commemorations for the 60th anniversary of the Volyn Crime and expected a clear gesture condemning the "anti-Polish action" of the UPA (Ukrainian Insurgent Army) from its Ukrainian counterpart. By that time, a lot had already been said in Poland about Polish crimes against Ukrainians – suffice it to recall the condemnation of Operation Vistula (the forced resettlement of Ukrainians after the war) by the Senate of Poland in 1990 or President Kwaśniewski in a letter to participants at the 2002 Krasiczyn Conference. However, in Ukraine, Volyn 1943 was starting to be talked about as a war in which both sides committed such crimes. Today, this concept is most clearly conveyed by Volodymyr Viatrovych's book, although he simply summarised a concept popular among certain circles of the Ukrainian intelligentsia. The dispute first became evident during a discussion between the foreign ministers of Poland and Ukraine, Bronisław Geremek and Borys Tarasiuk, as part of commemorations in 2003. The former, answering questions about historical events, said that Poland should properly deal with Operation Vistula and Ukraine with Volyn 1943. In response, he heard that while Polish responsibility for the deportation is beyond any doubt, it is necessary to talk about common guilt for the events in the Volyn region.

What role did the issue of the Volyn tragedy play for the Solidarity movement that returned Poland to democracy in 1989? Why was much less to be heard of these historical facts back then, at least in Ukrainian-Polish dialogue?

After 1989, Polish collective memory policy focused on the communist legacy. Of course, this all happened gradually: today, we are seeing the removal of traces of quite insignificant communist figures, which sometimes leads to public discus-



PHOTO: ANDRZEJ LOMAKIN

sion. In 2000, I organised an academic conference, The Armed Underground in the Lublin Region against Two Totalitarianisms. It concerned the soldiers of the Armia Krajowa who fought at first against the Germans and then against the Communists (the last combatant of the post-war underground, Józef "Lalek" Franczak, died in 1963). To my surprise, the conference was met with some resistance from professors. Today, from a 2017 point of view, it is difficult to believe that not even »

Grzegorz Motyka is a historian and researcher on the Ukrainian-Polish confrontation in the mid-1940s. Has been a member of the Council of the Polish Institute of National Remembrance (INR) since 2011. Mr. Motyka graduated from the Catholic University of Lublin in 1992, where he studied history. He started work at the Institute of Political Studies of the Polish Academy of Sciences and also worked in the INR Public Education Office until 2007. In 1998, he defended his doctoral thesis on "Polish-Ukrainian Fighting on the Current Territories of Poland, 1943-1948", later earning the Habilitation degree. He has worked as a senior lecturer at the Department of Ukrainian Studies, Jagiellonian University, and as a professor at the Pułtusk Academy of Humanities. In 2011, he was elected to the Council of the INR. Publishes academic and popular-science articles in *Karta*, *Więź*, *Zeszyty Historyczne*, *Gazeta Wyborcza*, *Rzeczpospolita* and *Wprost*. Mr. Motyka is the author of 4 monographs and over 60 articles on Ukrainian-Polish relations between 1939 and 1989, the suppression of national resistance movements by the Soviet secret services in Ukraine, Belarus, Lithuania, Latvia and Estonia in 1939-1953, and Polish People's Republic government policy on national minorities.

20 years ago the struggles of the post-war underground whipped up so many emotions.

Speaking of Volyn-43, the leaders of Solidarity realised they were dealing with a serious problem. Here it would be appropriate to mention Jan Józef Lipski's essay "Two Fatherlands, Two Patriotisms", in which he wrote that the Volyn events are clearly on the Ukrainians' conscience. After 1989, the concept that we must take example from the famous 1965 letter of Polish bishops to their German colleagues, in which they called for mutual forgiveness, prevailed among the elite of Polish Solidarity. In other words, the Poles should openly talk about their transgressions: the mistaken national policy of the Second Polish Republic, the 1938 destruction of Orthodox churches in Chełm Land or Operation Vistula. They hoped that in reply the Ukrainians would sooner or later condemn the anti-Polish purges in Volyn.

It was clear that intensive historical research was needed to dispel any doubts about those events. In 1990, Polish historians carried out a huge amount of research work and, despite some disparity, came to the single conclusion that in 1943-1945 there was an "anti-Polish campaign" organised by the Ukrainian Insurgent Army. I first visited Kyiv in 1995 and spent three weeks in the archives, which assuaged my final doubts: the UPA and OUN(b) [Organisation of Ukrainian Nationalists] organised the anti-Polish purges from beginning to end.

Ukrainians tend to find the situation where they are forced into reconciliation unacceptable. In particular, when it comes to the case of Volyn-43. Is this fact taken into consideration in Poland? Because ignoring this only fuels the conflict...

During Polish-Ukrainian discussions in 1990, the idea that nothing divides Poles and Ukrainians except history was often heard. I think today we can say that nothing divides Poles and Ukrainians except disputes about one piece of history – the Vo-

lyn Crimes. Over the past 25 years, we have achieved a lot and this should be remembered. It is another matter that this dispute runs very deep and is largely modern. I will try to explain this in a few sentences.

For Polish society, the topic of Volyn-43 is very important. It is one of our bloodiest parts of World War II. Around 100,000 people were killed then (even Ukrainian historians who deny this figure acknowledge that tens of thousands of Poles fell victim). It is logical that this topic raises many emotions. Starting from the 1994 conference in Podkowa Leśna, two approaches took shape among Polish panellists.

According to the first, the Ukrainian underground during World War II and after it fought for Ukraine's independence, but the methods of this fight (massacres of civilians) can in no way be justified. Supporters of the second approach, mainly representatives of so-called Kresy groups say that the methods of the OUN(b) and UPA were so terrible and cruel that they discredit these formations' aspirations for independence. So they should not be considered as such.

Instead, the Ukrainians suggest a completely different description of the past. Advocates of the "Polish-Ukrainian War" theory, in which "both sides committed similar crimes" claim that the OUN and UPA, of course, fought for independence, but their methods were no better and no worse than those used by other underground movements. Such radically different interpretations strengthen the misunderstanding. I do not think I need to explain to you that when Poland denies the pro-independence nature of the UPA, Ukraine immediately loudly points out that every nation has the right to choose its own heroes. However, it should be remembered that for Poles the approach of sym-



NO ONE LIKES TO ADMIT TO MISTAKES – THEIR OWN, THEIR FAMILY'S OR THEIR NATION'S. GOOD HISTORICAL MEMORY POLICY SHOULD CREATE A SPACE WHERE IT IS ALSO POSSIBLE TO TALK CALMLY ABOUT THE TRANSGRESSIONS COMMITTED BY ONE'S OWN PEOPLE

metrical guilt sounds like "forget about Volyn and the victims from there, and if you do not do this, then you are xenophobes with postcolonial syndrome". Recently, I came across the phrase "Polish society is unable to forgive" in this context.

I agree with your scepticism regarding a "mandatory" apology. Discussion on this topic is very complex, because it is immediately interpreted as an attempt to force one side to bow to the other. Therefore, first of all I suggest that they both openly condemn the crimes committed. It would be enough to say one sentence that no representative of the Ukrainian state has ever said: "the UPA organized anti-Polish purges and crimes that cannot be justified – we condemn them." In July 2016, Petro Poroshenko made a step in this direction, which I really appreciate, by laying flowers in Volyn Square, Warsaw.

Russia, which is now waging a hybrid war against not only Ukraine, but also the Euro-Atlantic community, does not hesitate to take advantage of any conflicts and points of dispute, particularly between Ukraine and Poland. Do Poles take this factor into account when it comes to discussion about the Volyn tragedy (and at the same time about the vision for our region's future)?

The Volyn-43 issue does not affect the current cooperation between Warsaw and Kyiv. Poland has supported and supports Ukraine's actions to preserve territorial integrity and we all should be important to stay so in the future.

However, the debate on Volyn-43 was quite passionate. The controversy started because of the Ukrainian parliament's decision to recognise the OUN and UPA as fighters for independence (with penalties for those who deny this fact), which was made one hour after President Bronisław Komorowski's speech.

Many times I have heard that the voting time was chosen by accident, that it was just carelessness and so on. Maybe that is true. But perhaps it was something else – a cold-blooded move, because it was obvious that the Polish president in the middle of an election campaign would not be able to protest strongly.

Many Poles took this decision by the Verkhovna Rada as a slap in the face.

I say this sincerely, because I am convinced that only open conversation will help us overcome misunderstandings in historical matters. For a significant number of Ukrainians, the UPA is important because of its fight against the Soviet Union for independence. But only open discussion about the crimes of this formation against ethnic minorities will allow others to understand the Ukrainian position. Denial will not help...

The broad historical narrative of the Second World War, unfortunately, does not include a level that would describe these local conflicts that the clash of two totalitarian regimes gave rise to in Europe, nor the uncertain fate of nation states that lingered since the end of World War I. This applies to Ukrainian-Polish relations in particular. There is still much unsaid about this local history. How can these topics be articulated?

In the case of formations that led an armed struggle during the war, it seems that examples of various war crimes can always be found. The Polish Underground also sometimes resorted to contemptible acts and atrocities. Many books have been written on this topic in Poland. But this does not mean that we should equate the activities of the Polish and Ukrainian underground. The OUN(b) and UPA made a decision to depolonise and eliminate the Polish minority from the territory of Volyn and Eastern Galicia (the territory from Ivano-Frankivsk all the way to Krynica-Zdrój in present-day Poland). They wanted to expel or physically destroy the Poles, and this decision was made by the central leadership of the Ukrainian underground. On the other hand, the Polish movements were not given such orders – the murders of the Ukrainian population were at

the initiative of local commanders. This is the fundamental difference.

Decommunisation is a very important issue that has caused debate in Poland, Ukraine and the Baltic States. During the Second World War, Central Europe was caught between two totalitarian systems (German Nazism and communism). Both committed terrible crimes, though they found their victims in different ways. It is quite difficult to accept the fact that the Red Army, i.e. the armed forces of a totalitarian state, defeated the Nazis and saved the people of liberated countries from a policy of genocide. One occupation replaced another, although the second one did not foresee the destruction of entire peoples. Communism was not good, but the destruction of Nazism was. I follow the discussion

THE VOLYN-43 ISSUE DOES NOT AFFECT THE CURRENT COOPERATION BETWEEN WARSAW AND KYIV. POLAND HAS SUPPORTED AND SUPPORTS UKRAINE'S ACTIONS TO PRESERVE TERRITORIAL INTEGRITY AND WE ALL SHOULD BE IMPORTANT TO STAY SO IN THE FUTURE

in the former Soviet Union with great interest: who should be the beneficiary of its victory over the Third Reich – Russia alone or all the nations of the former Soviet Union? Remember that, after Russians, Ukrainians were the second largest group in the Red Army, so the victory over Nazism belongs to them too. In this debate, it is important not to whitewash the crimes of communism, but at the same time pay tribute to those who destroyed Nazism.

What, in your opinion, should historical memory policy look like in order to preclude speculation, propaganda and bad faith? It is no secret that history and the way it is presented to society has changed under different governments...

Even in authoritarian states, government must reckon with the mood in society. In Poland, the memory of Volyn-43 survived, although the authorities did not allow research on this topic. Equally, the cult of the UPA was preserved in Western Ukraine, despite excessive force from the Soviets who did much to destroy it. Paradoxically, when we gained our freedom at the beginning of the 1990s, those who remembered Volyn and those who venerated the Ukrainian Insurgent Army could consider themselves victims of the totalitarian regime.

For me, good historical memory policy should be based on professional research. The worst thing is when it is run by people who like a sugar-coated version of their own history that is far from the truth. This often leads to the manipulation of public sentiment. Let's remember one more thing: no one, of course, likes to admit to mistakes – their own, their family's or their nation's. So good historical memory policy should create a space where it is also possible to talk calmly about the transgressions committed by one's own people. ■

April 22–23, 7p.m.**Men in Motion****National Opera of Ukraine
(vul. Volodymyrska 50, Kyiv)**

The development of male dancing at the turn of the 20th century until this day has shown some stars of world ballet in action. The program of artists from Berlin, London, Oslo, Milan, Amsterdam, and Ukraine will perform Kyiv audiences both classical and modern works. The father and director of this performance is Kyiv-born Ivan Putrov, principal at the Royal Ballet of Great Britain. He dedicated this project to the legendary dancers of the past: Nijinsky, Nureyev, Baryshnikov, Vasyliiev, and Dowell.

**April 29, 8p.m.****Oleh Skrypka and the
NAONI Orchestra****Freedom
(vul. Kyrylivska 34, Kyiv)**

It's impossible to imagine contemporary Ukrainian music without the folk influence of Oleh Skrypka. His songs are lively and true, but more than anything, they grab the listener by the heart. The secret of his success? Virtuoso performances of colorful Ukrainian traditions in contemporary musical rhythms, coupled with a deep genuineness that always emanates from this musician. Not surprisingly, fans are waiting impatiently for the next performance by their idol. Together with the NAONI Orchestra, Skrypka will present updated versions of his many songs, along with the compositions of other musicians.

**April 12, 7p.m.****In Brackets****Ya Galereia Art Center
(vul. Khoryva 496, Kyiv)**

The capital will soon see an art show by the renowned Ukrainian artist, Mykhailo Vainshtein, a thematic painter and author of graphic works and sculptures. The exhibition is based on photographs by the artist from the sixties and seventies, which were published as part of an art book in 2016. However, unlike the album, the exhibit has its own structure and is set up in two parts. In the first, we feel the presence of the author, as the works are a kind of reflection of his interests and preferences. The second part is not personal, reflecting the widest range of situations and moments.

**April 13–May 9****Pure Art****Art Arsenal
(vul. Lavrska 10-12, Kyiv)**

The organizers of this show decided to call "Pure Art" works that are naïve, amateur or outsider art. This type of art is differentiated in academic and traditional circles by its immediacy, sometimes even by its naivete. For "naïve" painters, the main thing is not the techniques of painting or the commercial benefit of selling works, but simply the need to paint. According to the curators, the project is intended to actualize and popularize this part of the art world and to challenge viewers to discuss and debate.

**April 19–23****Kyiv International Short
Film Festival (KISFF2017)****Ukraina Cinema Hall
(vul. Horodetskoho 5, Kyiv)**

Over the course of this five-day festival, Kyivans and guests will be able to discover some of the best short films around today. In addition to a traditional competition and extra-competition program, the festival will also present the curators' Top Ten selection, best practices from leading film schools, well-known film festivals, a retrospective of Ukrainian filmmaking, radical film and much, much more. The Ukraina Cinema Hall will not be the only site where movies are being shown: Open Air showings will take place in Mariyynskiy Park, the focus on avant-garde will be at the LIRA Cinema Hall, while roundtables and panel discussions will take place at the Kyiv Academy of Media Arts.

**April 20, 20:00****Sound & Vision at
KISFF2017****House of Cinema
(vul. Saksahanskoho 6, Kyiv)**

This unusual project is presented as part of KISFF2017. Five Ukrainian groups selected a short film each from the festival program that they then put to new music. The highlight of this project is that all this will be presented live by the musicians during the presentation of the films themselves. This is the second time this kind of event has been organized. This year's list included such groups as Yuko, Ptakh Jung, LVNA, Son Sovy [Dream of the Owl], and one more guest whose name the organizers are keeping secret.





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