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The Ukrainian Week

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ТИЖДЕНЬ

A difficult return

Maksym Vikhrov

The new law on the reintegration of the occupied parts of the Donbas qualifies them as such and names Russia as the occupier. Yet, it does not launch the process of deoccupation or change the mechanism envisaged in the Minsk Agreement.

Ukraine's strategy in the Donbas is as it was before: to wait for the Russians to leave the occupied parts of the Donbas, then follow the Minsk scenario. The inevitability of the Russian withdrawal sooner or later raises no doubts. Yet, Kyiv is likely to face a big problem with the territory.

PHOTO: UNIAN





Reintegration of the Donbas requires, first and foremost, the establishment of state power hierarchy there. Right now, Kyiv controls a system of military-civil administrations on the part of the Donbas it governs, i.e. 2/3 of the region. They ensure that the frontline area is controllable and are unquestionably loyal to Kyiv: the heads MCAs are appointed by the National Security and Defense Council and coordinate their work with the SBU Anti-Terrorist Center. Another factor ensuring calm in the region is the presence of the Ukrainian military.

Kyiv will have far less leverage in the currently occupied parts of Donetsk and Luhansk oblasts, if freed. The Law on the Special Procedure of Self-Governance in Some Areas of Donetsk and Luhansk Oblasts states that the power will go to local councils once the “republics” are abolished. The Government will make agreements with these councils. They will control the “people’s militia” and approve the administration of the local prosecutor offices and courts. In theory, the only way for Kyiv to increase its influence in what is currently ORDiLO, an abbreviation for the Occupied Regions of Donetsk and Luhansk Oblasts, is to dilute the local councils with pro-Ukrainian deputies through elections. However, Kyiv will hardly be able or willing to use this opportunity.

First of all, it is wrong to assume that pro-Ukrainian forces can quickly win the support of the voters who have spent years under occupation and intense brainwashing. Second of all, Kyiv is hardly interested in a change of the current political landscape in the Donbas. It has powerful tools to influence the territory it controls, yet it is not trying to create a pro-Ukrainian alternative there. Instead, it places its stakes on the local bosses from the ex-Party of Regions ranks. As a result, most deputies in local councils are still from that cohort.

THE INDUSTRY IN THE DONBAS HAD BEEN GENERATING LOSSES LONG BEFORE THE WAR BEGAN. NOW, BARELY ANYTHING IS LEFT OF IT. THE REGION'S ECONOMY WILL THUS HAVE TO BE BUILT FROM SCRATCH, NOT RESTORED AFTER DEOCCUPATION

Worse, those in power in Kyiv are repeating the mistake of their post-Orange Revolution predecessors who had once left the separatist revolts in Severodonetsk and calls to create a South-Eastern Ukrainian Autonomous Republic known infamously as PiSUAR, unpunished. Today, most criminal cases for separatism in the Donbas do not lead to a guilty verdict, while a number of pro-separatist mayors — in Druzhkivka, Dobropillia, Rubizhne — remain in their offices. The impression is that Kyiv will lean on people like them rather than on pro-Ukrainian cadre in ORDiLO as well. It is quite likely that the loyalty of the Luhansk and Donetsk Kadyrov-style leaders will have to be bought with generous subsidies. Meanwhile, they will be nurturing local independence, just like Chechnya does in Russia. Plus, there will be no guarantee that the flows of donations makes the local bosses more loyal to Kyiv than Moscow.

The other aspect of the challenge is the reconstruction of ORDiLO after deoccupation. The estimated cost ranges anywhere from USD 1.5bn to USD 50bn. Ukraine’s Western allies pledge to cover a lion’s share of that. In 2015-2016, Ukraine’s government attracted USD 1.5bn of donor money to restore the part of the Donbas it controls. In 2018, the EU will unfold a EUR 600mn development program in the East. Assistance comes from other places, even the Vatican.

This could give Kyiv a chance to try and show the Donbas residents that unity means “improvements today”. To do this, it would have to deliver quick restoration of the Donbas with noticeable results. That, however, raises concerns.

In 2016, the budgets of Luhansk and Donetsk oblasts received UAH 3.8bn for restoration. They managed to use less than 20% by

the end of the year. In 2015, the EU allocated EUR 3mn to renovate five dormitories for IDPs in Sloviansk and Kramatorsk. Two years later, the work has not been done, part of the money is gone, and corruption scandals are brewing locally. This incapacity puts Ukraine in a negative light in the eyes of the Western donors. But the key concern is that it leaves local problems unsolved.

Similar problems will be far more acute in ORDiLO: its concerns go beyond lost residential buildings and destroyed infrastructure. The industry in the Donbas had been generating losses long before the war began. Now, barely anything is left of it: some plants were hit by the shelling while others were dismantled and taken to Russia by the occupants. Some have been looted. So the economy will have to be built from scratch, not restored after deoccupation. Otherwise, the region will remain an area of social disaster. For now, the occupants are suppressing social disappointment. But local chieftains will inevitably use it against Ukraine, blaming the hunger and unemployment on Kyiv, if they have a chance.

Ukraine has seen that in its recent history when the restructuring of the coal mining industry was launched in the Donbas. In an effort to help the region soften the social impact of that restructuring, Kyiv was drafting transition roadmaps while the World Bank and the IBRD were allocating significant donor funds. The implementation of these good intentions failed: new jobs never appeared, professional training programs delivered no results while a lion’s share of the funding was misused. As a result, dozens of miners’ towns degraded, while the local elite (actively involved in making the restructuring a failure) blamed it all on Kyiv by fueling anti-Ukrainian sentiments.

The media aspect of integration will take more than counterpropaganda. The Donbas will have to be drawn back into the Ukrainian media space. In May 2017, the Ministry of Information Policy presented its Strategy of Information Deoccupation and Reintegration of the Donbas. This is a solid document mentioning things like the creation of special content for the residents of ORDiLO, as well as work with the IDPs that communicate with people on the occupied territory. Here, again, turning theory into practice can be challenging.

Information integration requires, first and foremost, cooperation with the local authorities. The Donbas was never an easy place to cooperate with. Before the war broke out, the Party of Regions people had implemented their own information policy in the East. Kyiv barely had any say in it compared to Donetsk. If ORDiLO is deoccupied and gets its “special status”, Kyiv will have even less influence on what the local media say. Plus, Kyiv still has little systemic information policy even in the part of the region under its control. Ukrainian broadcasting covers only 70% of the part of the Kyiv-controlled Donbas, and the Information Policy Ministry asks Western donors for transmitters.

Information work is impossible without cultural, education and civic organizations. We have seen some progress in that: Ukrainian artists are going to the Donbas more often; local libraries are being filled with Ukrainian books; children are taken on tours to other parts of Ukraine and more. Yet, all these measures tackle the problems on the surface. After vacations in the Carpathians, local children often return to their schools with pro-separatist teachers who can only be sacked through a public scandal. It is scary to think of how many pro-separatist teachers will work in ORDiLO schools.

All this considered, the prospects of deoccupation look gloomy. An end to the fighting and withdrawal of the Russian forces from Ukraine’s territory will be a huge victory of Ukraine and the civilized world. Yet, Ukraine will then have to start another fight: one for the real, not formal integration of the Donbas. The beginning of it will most likely be full of defeats on all fronts, from political to economic and informational. ■

In the grasp of the Kremlin

Alla Lazareva, Paris



"Legal procedures are continuing, but it is not worth expecting justice from the Russian court," said Mark Feigin, the lawyer for Ukrainian journalist Roman Sushchenko jailed in Russia on fake charges, while in Paris. "It will be possible to free Roman only if one particular person wants to do this – the resident of the Kremlin. So everything needs to be done to make it unprofitable, unwelcome and uninteresting for Putin to keep Sushchenko behind bars."

This conversation took place during a meeting with the Roman Sushchenko Support Committee last autumn. Stunned by the bad news, Roman's colleagues, friends and French acquaintances searched for any kind of means to influence the situation. Then France became absorbed in presidential and parliamentary elections. The fact that Francois Hollande decided not to run for re-election initially gave rise to the hope that the French president, free from electoral pressures, would be able to be more rigid in dialogue with Putin during his last months in power. What did he have to lose? Roman worked in Paris for six years with official accreditation from the Ministry of Foreign Affairs. But the miracle never came.

Over the past year, hundreds, if not thousands of human rights activists, politicians and colleagues from all over the world have expressed support for the Ukrainian journalist. All possible political and legal mechanisms have been activated. Roman Sushchenko is featured in all the Ukrainian and numerous international lists of political prisoners that Moscow has illegally imprisoned and is holding in its territory. But, unfortunately, purely legal ways of freeing an innocent person from Russian captivity do not work. "Only a prisoner exchange can save Sushchenko", say representatives of the Ukrainian security forces. Obviously, Kyiv has not yet been able to offer the Kremlin an interesting enough candidate. In the meantime, Roman is reading books, practices, as he himself says, "restrained optimism" and paints beautiful pictures using ballpoint pens and onion skin. "I have learned to believe that everything will pass, D-day will come, the door will open and I will step outside," he explained to his colleague from Ukrinform in an interview.

Roman Sushchenko was lured into the trap that, as the journalist's lawyer told *The Ukrainian Week*, was prepared in advance. He went to Moscow on the invitation of his brother at the end of last September. An old ac-

quaintance invited him to a meeting during which Roman was kidnapped. "He was simply pulled out of the car, had a bag put on his head and that was it," the journalist's wife Anzhela later told the Ukrainian edition of DW.

Russian human rights activist Zoya Svetova came across Roman in the remand prison completely coincidentally after noticing the unusually tanned man in the crowd of arrestees. The news was shocking and no one wanted to believe it. It was even more difficult – and still is – to embrace the fact that generally accepted democratic mechanisms do not work in the cases of Roman Sushchenko, Oleh Sentsov, Mykola Karpiuk, Oleksandr Kolchenko, Valentyn Vyhovskyi, Volodymyr Baluch, Mykola Semena and the other Ukrainians illegally imprisoned by Russia. Consuls, diplomats, lawyers, relatives, friends, colleagues and the public are undoubtedly trying: they seek visitation rights, send letters, go to court hearings, organise protest demonstrations, actions of support, information campaigns and flash mobs. But as far as release is concerned, all that is left is to rely on the powers that be or hope for a miracle.

OVER THE PAST YEAR, HUNDREDS, IF NOT THOUSANDS OF HUMAN RIGHTS ACTIVISTS, POLITICIANS AND COLLEAGUES FROM ALL OVER THE WORLD HAVE EXPRESSED SUPPORT FOR UKRAINIAN JOURNALIST ROMAN SUSHCHENKO. ALL POSSIBLE POLITICAL AND LEGAL MECHANISMS HAVE BEEN ACTIVATED

Roman Sushchenko's wife Anzhela exchanged letters with Brigitte Macron. The President of Ukraine recently told a press conference that Mrs. Macron personally appealed to Putin in a letter requesting the release of Roman. "I hope that by the end of the year we will have some positive news," said Petro Poroshenko, adding that he also asked President Macron to facilitate the release of the Ukrainian journalist during a private meeting.

Only Yulia and Maksym, Roman's children, and his wife know how hellish the last year has been for them, as well as the political prisoner's parents who are waiting for their son in Cherkasy. "Long months of struggling, stress and sleepless nights," wrote Roman's daughter, also a Ukrinform journalist, on her Facebook page. "And that's not even the hardest thing. Our support, protector and head of the family is in the grasp of the Kremlin. We have to do everything possible and more to bring him back home!"

God himself probably does not know what plans the resident of the Kremlin has for Ukrinform Paris correspondent Roman Sushchenko. Moscow is silent, hiding behind fabricated allegations. His relatives are waiting. International diplomacy is discovering how limited the potential of negotiating with a tyrant really is. But D-day will come! It is impossible not to believe this – we just do not know when it will finally happen. ■

The paradox of the strong hand

Not one attempt to bring order in Ukraine through a strongman has met with success. Yet many Ukrainians would still like to see one in power

Andriy Holub

In October 1992, the first change of Cabinet took place after the country declared independence when Leonid Kuchma replaced Vitold Fokin. Compared to these days, Kuchma had unprecedented support in the Verkhovna Rada: 316 deputies voted in his favor. The situation in which the new Cabinet found itself offered little to cheer the new ministers. Prices were up 2,000%, public administration was in chaos, and crime was on the rise. On November 18, 1992, Premier Kuchma presented the Rada with his Government's anti-crisis plan.

"Given the general political situation in our country today, we need to understand that we're at the very edge, the last fence, beyond which there is nothing but chaos and mayhem,

beyond which catastrophe awaits us," said the newly-appointed PM. "Understanding this, we have come to the conclusion that what is needed is systemic actions based on the logic of survival, the logic of pragmatism and severity."

THE PIONEER

Kuchma then proposed that the Verkhovna Rada approve a "system of emergency measures," saying that this was the only option for the salvation of the young state and its people: "We really don't have much choice." That same day, the legislature voted, once again with more than 300 in favor of Kuchma's proposition and gave up its right to the final word in legislative activities. Within a month, the necessary Con-



The lucky one. Leonid Kuchma managed to double his powers over the time he spent in different public offices, including his presidency

stitutional amendments were approved, allowing the Government to pass the necessary decrees in lieu of legislation, for six months. The only restriction was that the Rada had veto power during the first 10 days after a decree was published. The result was a Cabinet that controlled both the executive and legislative branches of government. Such a situation has never been repeated in Ukraine since.

During this “grace period,” the Kuchma Government passed 83 such documents and the Rada vetoed only one of them. Moreover, some of those decrees remain in effect today, a quarter-century later. But the important point is not this. Despite its emergency powers, the Kuchma Government was unable to stabilize the situation in Ukraine or to stay in power much longer. What got in the way was objective reality—Ukraine’s nearly 100% economic dependence on Russia at the time, which was impossible to change overnight—and political tugs-o-war, both in general and in the Cabinet itself.

By September 1993, the Kuchma Government was out. In fact, it was the third time Kuchma had tendered his resignation in less than a year of being in power. Some of his key ministers, Deputy Premier Ihor Yukhnovskiy and Economy Minister Viktor Pynzenyk, were already gone. Nor did the Cabinet gain strength through its covert power struggles with President Leonid Kravchuk. Thus came the end to the first attempt at using a strong hand to bring order to the newly independent country. Nevertheless, Kuchma managed to gain considerable political influence and within two years he returned to power, this time as president.

PRECEDENTS OF FAILURE

Although this first attempt to concentrate power in one pair of hands failed, at least two more attempts were tried: a 1995 Constitutional Agreement between President Kuchma and the Rada, and Viktor Yanukovich’s 2010 summary cancellation of the restrictively amended Constitution of 2004. The latest attempt to rule with an iron hand is being investigated by law enforcement agencies.

In 1995, a shift in the balance of power took place, once again under Leonid Kuchma. When it was originally instituted, the president’s powers as Head of State were far narrower than in the 1996 Constitution. At the start of independence in late 1991, Ukraine was more of a parliamentary-presidential republic, which was why the new, second president decided to shift the balance of power in favor of the presidential chain-of-command. The Verkhovna Rada accepted this. Kuchma gained the power to form the Cabinet of Ministers and the heads of oblast state administrations, aka governors. As for the Constitutional Agreement, opinions differ on that to this day. Opponents say that the agreement was in violation of the then-Constitution and undermined the country’s legal foundations. Supporters claim that it was the only way out of a dead end and that the Kuchma Administration was forced to choose it because the Rada kept delaying the passing of a new Basic Law.

Most of the powers that were granted to the president in 1995 were included in the new Constitution that was passed the following year. And that was how Leonid Kuchma became and remains the strongest president of Ukraine in terms of the sheer range of legislative power granted to him. Economically, his first term as president brought to an end the hyperinflation of the mid-1990s with the introduction of the hryvnia three months after the new Constitution, in September 1996. But that short-lived positive change was soon replaced by an even worse situation, with many Ukrainians not receiving wages and pensions for several years until Kuchma ap-

pointed Viktor Yushchenko premier in April 2000, one year into his second term. Politically, his second term was plagued by political scandals both domestically and internationally: the murder of journalist Georgiy Gongadze in September 2000 and the sporadic “Kuchma, Go!” [*Kuchmu het!*] campaign, the Kolchuga caper, and the vicious presidential election of 2004, which led to the Orange Revolution.

The other attempt to play the role of a strongman was Viktor Yanukovich’s presidency. During the Orange Revolution, the Verkhovna Rada amended the Constitution to remove many of the president’s powers, a compromise forced on Yushchenko in exchange for an unprecedented second run-off. These amendments remained in force until Yanukovich was elected in February 2010. He promptly went to the Constitutional Court to have these amendments declared null and void, and restored all the powers that Kuchma had enjoyed. But Yanukovich proved to be not so much a strongman as a cowardly crook when he fled from his post during the Euromaidan Revolution. Having greater powers did not help this ex-president take a single step to strengthen the country he was in charge of. On the contrary, his administration brought Ukraine to the edge of destruction and ended in revolution and war.

PATERNALISM OR LEADERSHIP?

In short, in no case did the strengthening of a single person’s powers lead to positive changes for Ukraine or to a measure of stability that was acceptable to the majority. Nevertheless, opinion polls continue to show demand among Ukrainians for a strong hand in power. For instance, when a KIIS poll taken in June 2016 included the question “Does Ukraine need a strong leader with broad powers to run it in the current circumstances?” 82% of respondents said “yes” and only 9% said “no.”

Other sociological centers have reported similar results. Director of the Ilko Kucheriv Democratic Initiatives Fund Iryna Bekeshkina says her center has not run a similar question in a long time but in the last one they had, around 60% of respondents favored a strong hand. “We weren’t actually asking about a strong hand, as such, but about a strong leader

THE DESIRE OF ORDINARY UKRAINIANS TO SEE A STRONG HAND RUNNING THE COUNTRY COMES TOGETHER WITH A CONTRARY TENDENCY TO MINIMIZE CONTACT WITH THE GOVERNMENT AND EXTREMELY HIGH DISTRUST IN NEARLY ALL PUBLIC INSTITUTIONS. THIS SEEMS TO BE THE GREATEST RIDDLE OF THE “UKRAINIAN SOUL”

who would stand above all laws and debates,” she says. “This is a standard international poll question. In Ukraine, demand is considerable, about like the results in Israel during its wars. In other countries, there is less demand.”

Meanwhile, there is evidence that Ukrainians want a strong leader, not just to head the country but in other spheres as well. For instance, Ukrainians want to see new political parties. Still, such a “wish list” party continues to primarily be one not based on an ideology but based on a strong leader. A 2015 poll by the Razumkov Center, 41.6% of respondents agreed that a modern party should be run by a “strong, authoritative leader who does not change over a long period of time.” The two main features of a political force that Ukrainians would consider “new” are also tied to its leader and not its activities: the party should be led by an uncorrupted politician” said 48%, while 44% agreed that this same

person must be “a leader who shows real mettle in difficult situations.”

Sociologists do warn, however, that domestic demand for a strong hand should not be confused with a tendency towards authoritarianism. Bekeshkina explains that when her organization ran surveys in Ukraine about a “strong leader,” one question had to be added to the standard international survey: “Should a strong leader adhere to all laws or can this person occasionally bend them for the sake of the interests at stake?” 80% of Ukrainians responded that such a leader should uphold all laws. “That’s why Ukrainians are not talking about an authoritarian figure but for the hope that some ‘good God’ will come and resolve all their problems,” says the sociologist. “What they really mean is not a strong hand, but ‘a good hand.’ This is paternalism rather than authoritarianism.”

Yevhen Holovakha, deputy director of the Sociology Institute of the National Academy of Sciences agrees: “The notion of a strong hand is more related to a strong democratic leader. Most Ukrainians want their leader to be democratic but also have the necessary political will and ability to take serious steps in reform. So there’s no point in thinking that this is about an authoritarian figure who will run things as he pleases. It’s about a responsible, democratic leader who will be consistent in undertaking practical transformations.”

THE THREAT OF MOB RULE

Yet, the desire of ordinary Ukrainians to see a strong hand running the country comes together with a contrary tendency to minimize contact with the government and extremely high distrust in nearly all public institutions. This seems to be the greatest riddle of the “Ukrainian soul,” and the main proof that an authoritarian leader is unlikely to gain the support of voters in the foreseeable future, no matter what that person did.

Holovakha says that the tendency among Ukrainians to anarchy or mob rule is more of a threat today than the likelihood that the country will be seized by dictator. “Unfortunately, this is a historical phenomenon that was already evident in the Middle Ages and could lead to serious negative consequences,” he explains. “Not all social problems can be resolved through protests. Some need to be dealt with through careful, dedicated work on the part of the entire society. For one thing, a certain amount of stability needs to be maintained in order to prevent a swing to anti-democracy. Right now, Ukrainians don’t seem to be able to establish this balance.”

He notes that the main reason for this is not enough experience living in democratic conditions. “There’s also the problem of responsibility on the part of politicians,” Holovakha goes on. “They often jeopardize things by working for their own narrow interests, which they should not be doing. They have to really uphold constitutional processes.”

When asked why he sees this particular threat just now, Holovakha answers: “We have another 18 months before the next round of elections. If the situation is destabilized, instead of democratic elections, the country could find itself once again run by an ochliocracy, mob rule, and this is a serious danger for Ukraine today.”

LEADER OR SCAPEGOAT?

And even if a strong leader were to appear on the horizon, Ukrainian voters are unlikely to recognize the person and to give them enough time to get things done. In part, this is because they appear unable to forgive their politicians any mistakes. All of Ukraine’s presidents have found them-

selves walking this same frustrating path: starting out with a high level of public trust immediately after the election, their ratings tend to nosedive in a very short time. Perhaps it is because Ukrainians are less interested in a strong hand than in a scapegoat on whom all their real and imagined problems can be pinned. In some ways, this is a hangover from the paternalistic soviet past that many voters still expect. On the other hand, there is also little public oversight of the government in Ukraine to this day. And so the inevitable mistakes made by those in power tend to generally benefit individual members of the government and not the entire society in the longer run.

“Initially, the majority of voters have very high expectations that the new person will come and take care of everything,” says Holovakha. “However, this can’t happen just like that. And so there is cyclical disenchantment. The fact is that any government will do its job right if it’s subject to serious oversight. Period. But it will tend to give priority to its own interests, including staying in power. That’s why a democratic system of control over those in power is so important.”

The negative experience of Ukraine’s electorate with strong hands is slowly turning into the awareness that the government needs to be overseen all the time, not just episodically and mainly in the form of public protests. After the Euromaidan Revolution, some of these democratic systems of oversight and control began to emerge, such as the volunteer movement in support of the armed forces. And so today, volunteers have the highest level of trust among voters. According to Razumkov Center surveys taken over 2016, they enjoy the complete trust of 13-16% of Ukrainians. By comparison, the press enjoys only 6% complete support from the public.

Often activists from these volunteer organizations raise issues with the defense sector and abuses among government officials. They have also been able to establish positive examples of cooperation with state agencies that has led to real solutions to long-existing problems. But there are other examples as well. After the Euromaidan, Ukrainians gained substantial informational resources, such as open access to information about state procurements and public spending. However, systems like ProZorro have been seen by too many as a panacea against abuse, not as just a measure for public control of government spending. And so when the system is gamed, disenchantment sets in again.

“Right now, western control has appeared in Ukraine and that’s really good,” says Holovakha. “Still, it’s not enough. There has to be internal control as well. Once there is both external and internal control, then we will have a normal government. Hoping that a ‘normal person’ will come is pointless, because there are no ‘normal people’ in government. There are only those who are answerable and those who are not... And this is especially true of post-soviet countries. We need to remember where we came from and why this is fundamentally impossible. Soviet society was a strange place with absolutely no democratic principles for resolving problems. Everything was hidden, including public opinion.”

Public oversight is precisely the way to establish the public agenda for those in power. And they cannot ignore it. So far, most Ukrainians are still waiting, in their heart of hearts, for the wise leader who will resolve all the main issues on the agenda without their involvement. Yet the problems and issues only seem to grow with time, and to be postponed, while Ukrainians wait for this mysterious benefactor to appear. ■

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The technology of information warfare

How to maintain some kind of order in the media environment without infringing on free speech

Denys Kazanskiy

Freedom of speech is an indispensable feature of any democracy—a claim that few would argue with. So any restrictions on this freedom is typically seen as a worrisome development and treated as a threatening sign of imminent dictatorship.

But what should be done if a democratic country finds itself at war? What should it do if this aggression has a considerable informational component? How can such a country counter expansion if, nominally at least, no laws have been broken? And here we find ourselves with an equation that has so many variables that a solution is not straightforward.

How can the degree of freedom of speech be defined when there's a war going on? This is a very difficult question. But it's always possible to go further and complicate it even more. For instance, imagine if what you're faced with is not a standard war but a hybrid one. A state of war has not been declared but the fighting continues. There's a war but martial law is not in effect.

After the start of Russia's military aggression against it, Ukraine was faced with a very difficult choice. On one side of the scale was democracy; on the other was national security. If Ukraine were to untie the government's hands and allow it to curtail free speech in the name of security, officials would immediately be tempted to abuse their expanded powers. And then their pressure would fall not only on enemy pro-Russian media but also journalists who publish articles critical of the work of the Government. What's more, these same officials have long ago prepared an explanation for taking such a step: anyone who writes about corruption when the country is going through a very difficult time is undermining Ukraine's combat capabilities and "rocking the boat." And that means they're working for Vladimir Putin. These kinds of accusations have already been thrown at investigative journalists more than once, as well as at activists from a variety of civic organizations.

But this coin also has another side. Events in 2014 showed most obviously how powerful a weapon properly disseminated information can be—or badly disseminated, as the case might be. Indeed, in a slew of examples, this weapon proved more effective than traditional tanks and machine-guns. Just recall how easily demoralized Ukrainian soldiers in Kramatorsk handed over their weapons and equipment to Igor Strelkov's Russian militants in April 2014. In such a situation, the most up-to-date equipment was worthless, as nobody would have actually used it.

The result of the disinformation campaign in spring 2014 was thousands of victims. Many members of illegal armed groups admitted themselves that they decided to go to war against Ukraine after seeing Russian television programs about the "bloody punishers" and "crucified children." Understandably, in a situation where the media is openly working to stir up a conflict, the issue of countering this kind of in-

formational aggression is a matter of survival for the country being targeted.

The question is how to determine the fine line between informational security and censorship, or between fighting the aggressor and impinging on freedom of speech? This requires a different approach that matches the current reality, after which instructions need to be drawn up that would make it possible to identify information resources to which sanctions and restrictions might be applied.

In the three years of the current information war, Ukrainians have felt for themselves the broadest range of technologies and techniques. The easiest to deal with proved to be the open propaganda that floods the airwaves day and night on Russian state television channels. They were simply blocked in Ukraine. But what about resources that engage in covert propaganda and more subtle manipulation? How to distinguish them from completely legitimate media?

There are some criteria that can immediately be applied with confidence as they typically reveal an anti-Ukrainian position in the particular medium. Any single one of these criteria will not be enough to declare that this medium is deliberately working against Ukraine. But several of these criteria combined are a pretty good indicator that what we are looking at is weaponized information, and not honest journalism.

1. Direct or indirect accusations blaming Ukraine for starting the military conflict in Eastern Ukraine.

This is pretty obvious. Yes, the government of Ukraine deserves to be criticized for its corruption and lack of professionalism, but what it absolutely cannot ever be blamed for is starting the current war. The entire civilized world saw the obvious long ago: Ukraine is the victim of military aggression. In 2014, Russia invaded and annexed Crimea, while in the Donbas, its citizens continue to kill Ukrainians to this day. The presence of RF military forces in Luhansk and Donetsk Oblasts has long been confirmed by plentiful evidence. So any attempts to shift the blame from the occupying forces to the country being occupied is deliberate manipulation.

2. Promoting the idea of "peace at any price." On the surface, this seems to be a good proposition, but, as everyone knows, the shortest path to peace is capitulation. Trying to take advantage of the fact that Ukrainians are tired of war, Russia has been promoting the idea of stopping the conflict, regardless of the conditions attached. "The main thing is for people to stop being killed." Except that "peace at any price" generally means peace on the enemy's terms. If Ukraine were to agree to these terms, that would mean that the deaths of some 10,000 individuals were in vain. Moreover, conceding to the Russian satellites in Donbas will almost immediately lead to a break in Ukrainian society and a serious political crisis in the country.

3. Exaggerating costs and failures, and focusing on the negative. Here the line between objective reporting



When the government doesn't act. The office of Inter, a pro-Russian TV channel, was put on fire in 2016. This was one of the many episodes of public frustration with information policy in Ukraine

PHOTO BY UNIAN

and enemy propaganda gets very thin. Understandably, most articles about corruption, government missteps, and the sabotage of reform in the Ukrainian press are not connected in any way with working for Russia. These problems definitely exist in Ukraine and their scale is extremely worrisome. Not only can they be written up, but they should be. Still, in a situation where a given resource persistently publishes articles with a negative slant, it merits closer monitoring. The pro-Russian press tends to publish and republish the same collection of scary stories with headlines aimed at the Ukrainian reader. If a publication exaggerates the losses of the Ukrainian Armed Forces at the front without evidence, if it persists in scaring readers with the warnings of the utter collapse of the hryvnia and winter without heating, if every article contains quotes from pro-Russian pundits and politicians, it's pretty clear that we're looking at a disinformation resource that, one way or another, is working in the interests of Russia.

Criticism should be constructive and that's a very important flag. It's one thing when the purpose of a critical article is to understand the problem and offer some possible solutions and another when the author just pours on the negatives simply for the purpose of making the reader feel hopeless and helpless.

4. Making a big deal of the language issue and stirring up inter-regional enmity. Here, things are pretty obvious. "Pressure on Russian-speaking citizens" and pathetic stories about how certain regions are living off the backs of others are the favorite fare of Russian propagandists.

5. Attacking the concept of eurointegration. This is yet another indicator that the resource is working in the interests of the Kremlin. Manipulative articles about the negative economic consequences of losing the Russian market and integrating with the EU, and constant reminders that "no one in Europe is waiting for Ukraine to arrive" are the typical content of Russian and pro-Russian media. Moreover, these claims meander from one publication to another, often with minimal changes.

In addition to content, there is another important criterion that makes it possible to evaluate a source and that is its source of funding and the ultimate beneficial owner. In such obvious cases as the Vesti paper or Ukrainian Media Holding's NewsOne, there's no point in even looking at the content to understand that these news resources are working on Russia's behalf: they are all financed by members of the Yanukovich "family" who fled to Moscow.

What can be done with these media resources? There's only one answer: issue a warning, withdraw their license, and close them down. The purpose such outfits is not the news business but the destruction of Ukraine's sovereignty, which means that allowing them to operate in Ukraine is a form of suicide for the country and its citizens. Yes, this kind of step will be seen by some as undemocratic, but even completely democratic countries that have never attacked free speech have had to resort to such measures. Recent events have shown just how serious a weapon information can be. This means that developing defenses on the informational front is as important today as improving the battle-readiness of an army. ■

Upgrading the Rada

How capable is Ukraine's Parliament of working differently and re-inventing itself?

Roman Malko

The epoch of universal reformation that Ukraine is struggling through today simply could not avoid touching one of the most sacred of its institutional cows, the Verkhovna Rada. Nor is it merely a tribute to a trend. In its quarter century of independence, Ukraine's legislature, which has gone through many a cataclysm and achieved heroic deeds, has changed very little in its essence, stubbornly remaining a kind of soviet preserve. Few would question that the process of reforming it, from the legislative work of MPs to the internal reform of the secretariat, has not only long been due, but even overdue.

Indeed, it would be hard to find an MP who publicly is against the idea of modernizing this shrine of democracy. But this is the bit that is little more than a tip of the hat to a trend. In practice, Ukraine's MPs fear any change to their cozy little nest like the plague and will do anything in their power to prevent it.

The first attempts to organize the work of the country's highest lawmaking body when Volodymyr Groisman was Speaker. In February 2016, the European Parliament's Needs Assessment Mission to the Verkhovna Rada of Ukraine led by Pat Cox, who was President of this parliament in 2002-2004, published *Report*

and Roadmap on Internal Reform and Capacity-Building for the Verkhovna Rada of Ukraine. And it did a great job. For nearly half a year, it immersed itself in all the subtleties and explored the underwater reefs of Ukraine's parliamentary system: the result was brilliant. Europeans finally understood who they were dealing with and the deep abyss into which the highest legislative organ of a country that they hoped to draw closer had fallen. Most importantly, they were not intimidated by it and did not give up. A total of 52 realistic recommendations were drafted that, if implemented, will make it possible for the Verkhovna Rada to achieve greater openness and accountability in its legislative activities and would bring it in line with the highest standards of European parliamentary systems.

On March 17, 2016, the Verkhovna Rada even passed Special Resolution № 1035-19 "On measures to implement the recommendations on internal reform and capacity-building for the Verkhovna Rada of Ukraine," in which MPs recognized "Ukraine's irreversible course towards European integration" and, "guided by the provisions of the Association Agreement," resolved to recognize the recommendations of the European Parliament's Mis-



Taking over the task. Volodymyr Groisman handed the EP recommendations on VR reform to Speaker Andriy Parubiy after he switched to the prime-minister's seat

sion as the basis for VR internal reforms and capacity-building and to take all the necessary steps to implement it.

What the European experts recommended changing has been written up in detail many times and all the related documents are openly available. To sum it up, it has turned out to be a kind of reformers' Bible that offers MPs guidelines to genuinely reach hitherto unreachable heights in self-improvement. Indeed, every Ukrainian who is even a little interested in politics should consider reading them over as well. At least then it would become clearer why there is little point in taking the word of their elected representatives at face value as they continue to say one thing and do another, what it is they are so afraid of, and why a year has passed and Ukraine's lawmakers still have barely had the courage to start this admittedly difficult and risky process.

FANTASY VS REALITY

So far, the only thing on the long list of items provided below—which has effectively become a list of commitments—that has been achieved has been strictly technical changes that don't require a vote in the Rada chamber. They may not be so obvious, but they are definitely there.

For instance, before, issues were not considered in packages, whereas today this practice is firmly established, thanks to the initiative of Speaker Andriy Parubiy. This approach, when bills that are related to the same issue are debated in a package on specific days has been praised by MPs themselves. Committee heads have said that this is correct, logical and convenient, and not only because deputies don't have to constantly shift their focus. When bills are scattered and come up for debate in a random queue, their quality suffers. This seemingly minor change, which is actually not written down anywhere, should be a standard policy by the time the next convocation is elected and be practiced as a rule.

Ukraine's MPs seem to adapt to good things quickly and aren't willing to drop them. For instance, Mondays have traditionally been a day off from the weekly session work. Earlier, Monday was an ordinary working day: a coordinating session in the morning and then the plenary session. But in the late 1990s, more than 100 deputies decided to pick up some wisdom at the National Academy for Public Administration under the President's Office. In order not to miss their Monday lectures, MPs decided that, while they were studying, Monday would be a free day. They even passed a Special Resolution instituting this on a temporary basis, but the practice became permanent. Today, it's almost impossible to get a deputy to work on a Monday.

One more fairly important matter is greater openness in the legislature. Not just access to the building itself and a near doubling of VR excursions in the last year. Most of all this means access to a site with documents, transcripts of plenary sessions, and any information about what committees are doing. Not everything happens according to plan but journalists have become used to working this way. Portals called "Public Discussions of Bills" and "e-Conciliation Board" have been set up. Next in line are the Verkhovna Rada's "e-Bill" system and the implementation of a new IT strategy under the auspices of the European Parliament. This means that the session hall will be reorganized and the Rada voting system updated, as it is badly outdated. Fortunately, this last project is expected to be funded largely by Ukraine's international partners rather than the country's budget.

Considering the active assistance and cooperation with a variety of donors, such as the USAID RADA program, the EU/UNDP "Rada for Europe" project, the US-based National Democratic Institute, and the Westminster Foundation for Democracy, which are not only providing consultations and expert assessments, but also funding to finance projects, considerably more could have been achieved, but the hold-up is with Ukraine's own MPs. A year ago, a Rada reform department was set up, but donors could not

understand why everything was so difficult. Only when they were invited to a working group session did they "get" it.

ACTION VS IMITATION

To speed up the reform process and encourage MPs to work more actively, last October a working group of top MPs met in Paris at the initiative of Pat Cox, including speakers, faction leaders and leaders of groups. The only groups that did not have people at this meeting were the Opposition Bloc and Yulia Tymoshenko, who sent her deputy. A series of supposedly agreed positions on reforming the Rada were approved at this time and a list of bills that needed to be voted on to improve the VR Rules of Procedure and the work of the Rada would be voted on. Everybody kissed and shook hands, and photographed themselves with Mr. Cox and members of the European Parliament. But the minute the plane with the delegation landed in Boryspil, the situation changed radically and all reform efforts stopped.

At that point, the Speaker supposedly also approved a decision to set up a working group consisting of representatives of all the VR factions, the VR Secretariat and the Cabinet of Ministers. "Let's get down to some real work" seemed to be the message. "Let's pick those items on the Roadmap that are the least disruptive and can please everyone and slowly move forward." At first, interest in the working group was high. Everybody wanted to join it. But when it turned out that this would not be closed, as such, but that it would also not be a public working event and there would be no TV cameras, interest disappeared instantly. Instead, discussions raged for a couple of months. Another few months went by and the working group met six times: all the possible issues were discussed and different options were considered. Meanwhile, the latest "Monnet Dialogues" took place in Irpin, just outside Kyiv, where all the faction reps said that they were ready. Finally, they seemed to have reached an understanding and even drafted up two bills on committees and all the members of the working group and VR factions signed off on them.

The first bill deals with synchronizing VR committees in relation to the number of ministers with portfolios in the Cabinet. Following the European system, where most legislatures work on the basis of 20 committees that are correlated to ministries. In the current situation in the Rada, a slew of committees either have no connection to any ministries or are connected to more than one at the same time, the key function of control disappears from their activities. Making laws is only a fragment of the work of MPs. Of course, there might be committees that don't have a clear connection, such as the regulation, budget and Eurointegration committees, but this should be the exception. Another exception could be *ad hoc* committees that are connected to some urgent issue that has come up. But they are temporary and are formed for a brief period. For instance, the British Parliament now has a committee that is responsible for Brexit. As soon as that issue is resolved, the committee will be disbanded. In general, this approach is with reference to permanent committees, which will strengthen relations between ministries and committees, and encourage better quality legislative work. Moreover, passing this bill would remove the option of horse-trading and setting up fake committees just because someone felt like it.

The second bill, also related to committees is about their distribution. Today, the composition of committees depends not only on the number of members in a given faction but also on backroom deals. The bigger the faction, the more it gets, while small factions get little—and sometimes nothing at all. To maintain some kind of correlation and fairness, a system used in most European countries is being proposed: simple mathematical proportion. And though bigger factions will continue to have the

advantage, the system nevertheless balances everyone's chances better.

However, when it came to actually approving the already agreed-upon bills in the Rada, everything went on hold. The bill on the distribution of committee members is not even registered, while the one that involves synchronizing committees with ministries has already been brought down successfully three times. It turns out that, from the very start when the working group began to function, of most of the members that represented factions admitted honestly that this approach was not convenient for them. Even the proposal that these bills be passed but come into force with the next convocation—of course, no one would redistribute the committees now—had no support. Unfortunately, it seems that the current group of MPs is simply not prepared to undertake any serious reforms.

And however much deputies might talk at every opportunity about the need for these reforms, they have no intention of turning their words into deeds. They're more than happy to talk about reforms, to embrace their foreign counterparts, and to travel abroad at donor cost, but they aren't prepared to have their "rights" impinged upon. Every MP who looks into any reform first wants to know what benefits it will bring—if not for the MP personally, then for that their people or aides. In the last few years, deputies have probably travelled half the world at the cost of Ukraine's

IT SEEMS THAT THE CURRENT GROUP OF MPS IS SIMPLY NOT PREPARED TO UNDERTAKE ANY SERIOUS REFORMS. EVERY MP WHO LOOKS INTO ANY REFORM FIRST WANTS TO KNOW WHAT BENEFITS IT WILL BRING—IF NOT FOR THE MP PERSONALLY, THEN FOR THAT THEIR PEOPLE OR AIDES

international partners ostensibly on behalf of reform. They will probably request that the next Monnet Dialogue take place in Paris, because, you see, Irpin doesn't work for them: it doesn't quite have that charm. So far, donors haven't said much although they can obviously see that they are being used, that their money is being milked and the results aren't there. How much longer they will put up with this is anyone's guess.

SELF-SERVING VS SERVANT OF THE PEOPLE

Right now the Rada is waiting for the Venice Commission to vet Bill #5522 "On amending the Verkhovna Rada Rules of Procedure," which should bring the main legislative rulebook in line with the Constitution. It has already been debated in all the committees, but whether MPs will actually vote for it in the end is anybody's guess. There are also elements that appeal neither to the ruling factions nor to the opposition ones. And this has not even touched on one of the sorest points—changing the work schedule to include more plenary weeks. Or the option of changing the voting model to allow most legislation to be passed by a simple majority of those present in the session hall, provided there is a legitimate quorum, which also requires amendments to the Rules and the Constitution both.

In the House of Commons in the British Parliament, which has 650 deputies, the passing of purely technical bills requires only 26 MPs to be present. Of course, there are important pieces of legislation that require the presence of half or even two thirds of elected MPs, but that's not the point. The point is that this is the problem of a particular MP who was supposedly interested in a particular bill but did not show up for the session to vote. That MP will then have to publicly explain why this happened.

Another problem in the Rada today is the dominance of legislative spam. Just since the start of summer this year, MPs managed to slap together 4,500 bills, a vast number of them of dreadful quality. The committees cannot rework this quantity, nor can

the Secretariat. All this soviet-style make-work takes place for one purpose only: to brag to the MP's voters. The fact that out of hundreds of bills, none might pass in the end, does not bother anyone. Reducing this legislative storm can only be the result of clear restrictions and screening. One of the points of reform proposes establishing the legislative process in such a way that a bill is only registered after it has received all approvals and been brought to a proper state, including a clear outline of the resources needed: where the funding to implement it will come from and what the social impact of passing it will be. Of course, those same MPs are supposed to approve these changes, too, and so it's easy enough to imagine that they are in no hurry to do so.

The same situation holds for reforming the VR Secretariat. It includes quite a few units and departments whose functioning is irrelevant. The systems for hiring people and paying them salaries need to be overhauled. There's plenty of talk about the need to minimize the paperwork involved, and this is truly very important. But, once again, this means changing the way the Secretariat works. The IT department needs to be reinforced and its staff expanded...

The way the press works within the Verkhovna Rada is a separate issue, again. Something needs to be done so that the poor MPs aren't offended that they are being persecuted and can't work properly, while members of the press don't really overdo it at times. Here, what is needed is a Rada pool and a change in the way journalists are selected to work in the legislature. Right now, more than 4,000 pen-wielding and camera-shooting sharks are accredited, which is clearly nonsense: there simply aren't that many real media outlets that are writing about politics in Ukraine. In the British Parliament, for comparison, there are only about 100 accredited journalists, but they actually work and offer results, rather than hanging around and acting important. Journalists are selected very straightforwardly: the media outlet applies and the application is reviewed as to whether the outlet really does write about the Parliament. If yes, then is it about the actual work of the legislature or is it about what brand of purse someone is carrying? Only then is an accreditation issued.

Indeed, a good deal has already been achieved in reforming the Rada Secretariat. Things are slowly but surely moving along. Speaker Parubiy and acting VR Chief-of-Staff Petro Bondar are doing their best to push this cart forward. Not long ago, a communication strategy was approved that covers several years and provides for the proper branding of the Rada, setting up a VR pool, and working with the press. It has already passed the Committees for freedom of speech, culture and spirituality, and is inline for the Rules of Procedure Committee to review. But it, too, is running into the fear of MPs. Any reform within the Secretariat that requires staff lists, changes to the number of staff and a clear system for paying salaries depends, first and foremost, on a vote in the legislature. And that's where the resistance will rear up.

Recently, Bondar met with the Secretary General of the European Parliament, Klaus Welle, in Brussels, and the two agreed on the assistance of European Parliament experts in carrying out a complete performance audit of the Secretariat in order to demonstrate all the pluses and minuses of its work and which of its activities need to be changed. They also promised to follow best available practice in European parliaments. This should radically change the entire system: from the selection of employees and principles and areas of work to how the workload is distributed among units and who is responsible for what. The Europeans are prepared to help to the point that a ready document can be presented for approval to MPs in the Verkhovna Rada. The question, again, is whether the same fate awaits it as awaited the Roadmap with the 52 recommendations. This will be the ultimate indication of just how ready Ukraine's parliamentarians are prepared to reform. ■

Implementing recommendations from the European Parliament Mission

No	Recommendation	Status
1	Adopt a concept for an 'end-to-end' legislative process.	Two concepts have been drafted. Requires amendments to the Rules of Procedure.
2	Institute the practice of preparing a White Paper with an explanation of the policy objective and broad measures being proposed, and submitting it to the relevant VR committee whenever a substantial piece of legislation is involved.	Requires amendments to the Rules of Procedure, the Law on the Cabinet of Ministers and the Law on committees.
3	Register only legislation that is in compliance with Art. 92 of the VR Rules of Procedure and is accompanied by a credible financial and economic assessment.	Partly being implemented.
4	Conduct a thorough analysis of proposed legislation in the VR Secretariat to avoid duplication or contradictions with the body of national legislation.	Partly being implemented. Requires amendments to the Rules of Procedure.
5	Establish a special unit within the VR Secretariat to verify the admissibility of bills in line with the Rules of Procedure.	Partly being implemented.
6	Select the top 20 individual member's bills for consideration in each VR session in proportion to the relative size of the faction or group.	—
7	Set up a separate time-slot during each plenary week and in committee calendars to consider individual member's bills.	—
8	Guarantee enough time for proposed legislation to be studied in VR committees.	Requires amendments to the Rules of Procedure.
9	Regularly review committee staffing needs and expertise and adjust resources accordingly.	Partly being implemented in committees.
10	Revise the monthly calendar of VR business to introduce a 'mixed' committee-plenary session week during the week currently allocated solely to committee work.	Under review at the Venice Commission and the VR Committee for the Rules of Procedure and organization of work in the VR.
11	Revise the functioning of the Conciliation Board and hold its meetings in camera.	—
12	Set up a VR pool of full-time political correspondents for key media organizations.	In the process of being implemented.
13	Change the procedure for adopting legislation so that ordinary laws can be adopted by a simple majority, provided that a quorum, set according to international norms, is present.	Requires amendments to the Constitution.
14	Establish a standard format and content for annual ministry reports to the Rada.	—
15	Establish clear guidelines and a system for MP requests and appeals.	Partly implemented. Working in test mode.
16	Establish an annual work plan in each committee for systematic rather than ad hoc oversight activities.	Partly being implemented.
17	Reduce the number of VR committees to closely parallel ministerial portfolios.	Draft is being reworked in subcommittee.
18	Institute the "d'Hondt method" to ensure proportional representation in VR committees.	—
19	Introduce the "rapporteur system" to the VR Budget Committee.	Partly being implemented at the subcommittee level.
20	Undertake more consistent follow-up to Accounting Chamber reports in the relevant committees.	—
21	Institute the practice of annual and special reports by the Human Rights ombudsman to the VR.	—
22	Ensure the right of citizens to comment on bills that are registered and subject to public discussion.	Working in test mode on the VR portal.
23	Establish an e-parliament transition strategy.	Being drafted.
24	Develop a strategy for digitizing legislative workflow within the legislative triangle.	Partly working.
25	Increase the number of IT specialists to ensure that the e-parliament transition is properly implemented.	—
26	Develop a digital strategy to build up the popularity of the VR online platform.	Partly being implemented.
27	Invest in the necessary cyber security systems.	Partly implemented. A strategy is being drafted.
28	Elaborate a comprehensive communication strategy.	A draft has been completed.
29	Review the VR communication department structure and integrate independent media channels into the structure of the VR Secretariat.	Partly implemented and propositions drafted.
30	Adopt a new law on the implementation of the AA and EU acquis.	Not implemented
31	Adopt the practice of annual work plans for legislative harmonization.	Partly being implemented.
32	Require all Cabinet bills to be submitted with an explanatory note on conformity with AA commitments and the EU acquis.	Being implemented.
33	Appoint a point person on approximation in each committee.	Partly being implemented.
34	Strengthen the staff capacities of the VR Secretariat and the secretariat of the European Integration Committee.	Partly being implemented.
35	Commit to a full audit of VR accounts by the Auditing chamber.	—
36	Consolidate the regulatory framework governing the Secretariat into a single internal regulation on staffing.	In process.
37	Combine all VR administrative units into a unified Secretariat, including the VR Library and the Institute of Legislation.	—
38	Establish a new and modern Human Resources Service and policy.	In process.
39	Elaborate a comprehensive HR development strategy for the VR Secretariat.	In process.
40	Distinguish terms and conditions of employment for VR internships from permanent civil servants.	Currently meets recommendation requirements.
41	Consider moving towards an independent VR civil service.	Requires changes to legislation.
42	Register all VR aide positions, paid or voluntary, with the HR service as a requirement for access privileges.	Requires changes to legislation.
43	Set a realistic but low number of VR aides per MP that are eligible for accreditation.	Requires changes to legislation.
44	Regulate the status of the VR opposition.	—
45	Set up an interparty dialogue or mediation unit within the VR Secretariat.	—
46	Strengthen internal party capacities by improving interparty dialogue in the VR.	Partly being implemented.
47	Establish informal platforms for political dialogue to strengthen inter-party and intra-coalition dialogue in the VR.	Partly being implemented.
48	Establish the right of the Speaker or other presiding officer to identify MPs involved in disruptive or violent behavior and suspend them from participation.	Requires changes to legislation.
49	Introduce the institute of VR ushers to help maintain order during plenary sessions.	Requires changes to legislation.
50	Allow MPs to challenge any penalties at the next meeting of the VR Rules and Procedures Committee.	Depends on how Recommendation #49 is implemented.
51	Provide assistance and advice to the presiding officer at a plenary session by a procedural expert from the Secretariat.	Partly being implemented.
52	Draw up a Code of Conduct for national deputies of Ukraine (MPs).	Being drafted.

Parties on sale

Andriy Holub

The main trends in Ukrainian party construction: political business, regionalism, more leader-driven projects

"The UkrParty legal group offers a wide range of political parties from their owners. Ready-made new parties are available, as well as political forces with long-standing registration and an extensive structure of regional offices." Such an announcement could still be found on the internet at the end of 2016. Currently, the legal group's page cannot be accessed. Perhaps this was due to the fact that journalists exposed UkrParty in a number of articles on the market of political parties in Ukraine. However, this does not mean that such activity has stopped. Type "buy a party" in Google and choose from one of several proposals on the first page.

A more effective way to find a customer is targeted advertising. UkrParty owes its infamy to People's Deputy Oleksandr Chernenko. According to him, the advertisement was sent directly to the email address created for him in the Verkhovna Rada after his election as an MP. Chernenko is not the only one.

"I regularly – not only before elections, but also after them – get messages about parties being sold. There are quite many "shell parties". We know how new parties emerge these days. They really are new and have a leader. However, first an empty shell is bought, then it is filled up. This deforms the development of the political system itself," says political scientist Volodymyr Fesenko.

This topic was raised during a roundtable discussion organised by the Razumkov Centre think tank following the publication of a study on the transformation of the Ukrainian party system since independence.

The cost of a "ready-made party" starts at USD 25-30,000. The experts and scientists who attended the roundtable agree that the development of a market for parties is one of the worst recent trends in the formation of a political system.

It is difficult to judge the exact number of such "shell parties", but approximate conclusions can be drawn. According to data from the Committee of Voters of Ukraine, a record for the creation of new political parties was set after the Euromaidan. In 2014, 37 were established, in 2015 – 79 (a record for the entire period of independence) and 41 new parties were registered in the first nine months of 2016. In total, the Ministry of Justice lists 352 political parties in its register. However, this data is from January 18, 2017, and is only updated once a year. According to information announced during the roundtable, there are already 355 parties.

Representatives of 60 parties took part in the last parliamentary elections in 2016. This takes into account both the candidates running and the representatives of political forces in electoral



commissions. Slightly less than half – 29 – had their party list on the ballot paper.

From early 2016, parties were required to submit financial reports. By October, 162 registered political forces had not filed them. The National Anti-Corruption Bureau of Ukraine (NABU), which is responsible for processing these reports, contacted the parties for explanations. Some provided them, but another thing is more interesting: 86 requests were returned to NABU because no parties were present at the addresses indicated in the official register.

REGIONALISM

Another trend pointed out by experts and academics is that so-called regional parties are becoming more common. According to the results of the last local elections in 2015, any such party is represented only in one region or several at most. Sometimes such political forces directly associate their name with a certain political or historical region, for example, Vinnytsia European Strategy or the Ukrainian Galician Party. In some cases, political forces are created on a national basis, such as the KMKSz, the Party of Hungarians in Ukraine.

"What pushes regional elites to do this? There are interesting details in this. Take the party Cherkashchany (The Residents of Cherkasy Oblast), it's a very interesting combination. There are ex-Party of Regions members and ex-Yulia Tymoshenko Bloc members, as well as former representatives of the Party of Free Democrats. They united on a local basis. What does this regionalism give us? Issues of regionalism, in my opinion, are a trend that is gaining momentum. Political forces have found a mechanism to bypass the law on political parties and create these regional entities," says Professor Maria Karmazina from the Ivan Kuras Institute for Political and Ethnic Studies at the Ukrainian National Academy of Sciences. The research presented by the Razumkov Centre also indicates the active establishment of parties of a "regional and local character". The reasons behind this are decentralisation and the local elections in 2015. Among additional examples of such new political forces are the Khersonites (The Residents of Kherson Oblast), Gypsy Party of Ukraine and Georgian Party of Ukraine.

Previously, this explanation was stated in reports by the Committee of Voters and the Democratic Initiatives fund. It also happens that the names of parties do not contain clear links to a region, but they are essentially the party projects of certain influential local leaders. Accordingly, they gain popularity in their core region, but nowhere else. These projects include For Real Action controlled by husband and wife entrepreneurs, Oleksandr and Halyna Hereha, which has entrenched itself in Khmelnytskyi Oblast, Odesa Mayor Hennadiy Trukhanov's Trust Deeds, Viktor Baloha's United Centre in Zakarpattia and a number of others.

LEADER-DRIVEN PARTIES

The last group of projects is closely linked to another trend – the creation of new leader-driven political projects. This trend is not new, rather a continuation of the entire history of parties in Ukraine. Suffice it to mention the Yulia Tymoshenko Bloc. According to the official register of the Ministry of Justice alone, more than 10 parties named after their leaders are currently registered in Ukraine. In addition to the Petro Poroshenko Bloc – Solidarity and the Radical Party of Oleh Liashko, the list includes far less hyped party projects such as Serhiy Kivalov's Ukrainian Sea Party, Oleksandr Feldman's People's Initiatives and Valentyn Nalyvaichenko's Justice. Among the most recent examples is Nadiya Savchenko's Public and Political Platform.

In fact, there are at least twice as many leader-driven projects in Ukraine. In certain cases, the leader is not mentioned in the official name. For example, whenever anyone writes about

the newly created Movement of New Forces, they are certain to add the words "Mikheil Saakashvili's". Linking party projects to leaders also contributes to their short-lived nature. According to the majority of participants in the roundtable, the life cycle of a Ukrainian party ranges between 5 and 15 years. As long there is a leader, the party exists. As soon as the leader loses his or her position, the party disappears from the political horizon.

This leads to a vicious circle. According to Yuriy Yakymenko, Director of Political and Legal Programmes at the Razumkov Centre, the leader is often the only indicator voters can use to distinguish political forces from the masses of similar ones. The life cycle of parties is too short to create any other indicators.

THE PERFECT PARTY

According to sociological surveys referred to by the Razumkov Centre, an ideal party for Ukrainians is a political force aimed at "protecting the national interests of Ukraine". Significantly more respondents choose this answer than any others. The closest competitors, such as protecting the interests of the inhabitants of a certain region, protecting the interests of a particular social group or protecting ideological principles, do not equal the first option even when combined. An ideal party has two equally important main tasks: to get into the Verkhovna Rada and have its candidate elected as president, then winning local elections to a lesser extent. If they cannot complete these main goals, then it will not be possible to protect the interests of voters. At least that is what they think. Moreover, an "ideal party" should certainly be built around a leader. According to a May 2015 survey, 41.6% of respondents think that a modern party should be headed by "a strong, authoritative leader who does not change for a long time". Competitive selection of party heads and collective leadership combined are supported by only 29%.

On terms of policy principles, the average "ideal party" is strictly socially oriented (high taxes for the rich, price regulation and the protection of employees). Poor citizens should be protected more than the middle class is. Proponents of such a party also want the state sector of the economy to expand.

In addition, supporters of this "ideal party" often believe that the Ukrainian nation is made up of all citizens, regardless of their ethnic origin, and that all religious denominations should be equal. Such a party supports Ukraine's accession to the EU and NATO. According to the majority of respondents, it should be funded by members, and not at all by the state (61% vs 19%). In this aspect, the desire to develop a party system as quickly as possible is confronted with the level of development in society, as MP Pavlo Pynzenyk noted at the roundtable. "Each convocation of the Rada has a 'compromise limit' in view of public opinion. We adopted a law on the state financing of parties anyway, which most people hate us for," is how he responded to criticism of the current legislation on party funding and the need for its improvement.

Regarding the paradox in public opinion, sociologist Irina Bekeshkina remarked that people barely trust parties in Ukraine, but vote for them anyway. The main reason is that the parties protect the interests not of society, but of financial and industrial groups. "At the same time, 20% replied that they would be ready to fund parties that protect their interests compared to 10% earlier. Who should fund parties then? The most popular answer is the leader. So the parties are a match for the people," Bekeshkina says.

Even for this imaginary party with transparent funding, the road to Parliament would not be straightforward. Other inherent problems would hinder them: the dependence of media outlets on their owners and infighting (for example, eight "Maidan" parties were created after the Euromaidan protests). Still, it would be nice to see such a party in the field. ■

Economic growth vs doomsayers

When Ukraine officially cut ties with ORDiLO in early 2017, apocalyptic forecasts began circulating: the economy would collapse and the hryvnia would die...

Oleksandr Kramar

Indeed, the hypothesis that the Euromaidan and the conflict with Russia were making it impossible for Ukraine's economy to grow has been floating around for more than three years now, promulgated by the open and covert pro-Russian lobby trying to shape public opinion in Ukraine. In fact, though, things have turned out quite the opposite. After the Association Agreement with the EU was signed, Ukrainians, of

which grew 25.7%. Residential construction also grew, but only 15.3%—which is nevertheless six times faster than GDP and four times faster than the processing industry. Retail trade turnover for the first 7 months of 2017 grew 8.0% at comparative prices, compared to the same period of 2016—which is still more than

THE NEW DRIVERS OF UKRAINE'S EXPORT BUSINESS HAVE A SOLID FOUNDATION: **LOCAL SOURCES OF RAW MATERIALS AND OTHER SIGNIFICANT COMPETITIVE ADVANTAGES THAT UKRAINE CAN BOAST OVER FOREIGN COMPETITORS**

course, have not started to live the way Germans or Belgians do, but the country's economy is slowly recovering and some sectors are even looking quite dynamic these days.

Since the beginning of 2017, GDP has been growing faster than last year. In QI and QII of 2016, it grew 0.1% and 1.5% compared to 2015, whereas in QI and QII of 2017, it grew 2.5% and 2.4% compared to 2016. Rather than shrinking as a result of what is described as "ruinous impact of the blockade of ORDiLO" by some, in QII GDP even grew a seasonally adjusted 0.6% compared to QI 2017. This trend has been taking place against the background of ever more obvious diversification across the economy, but especially in manufacturing.

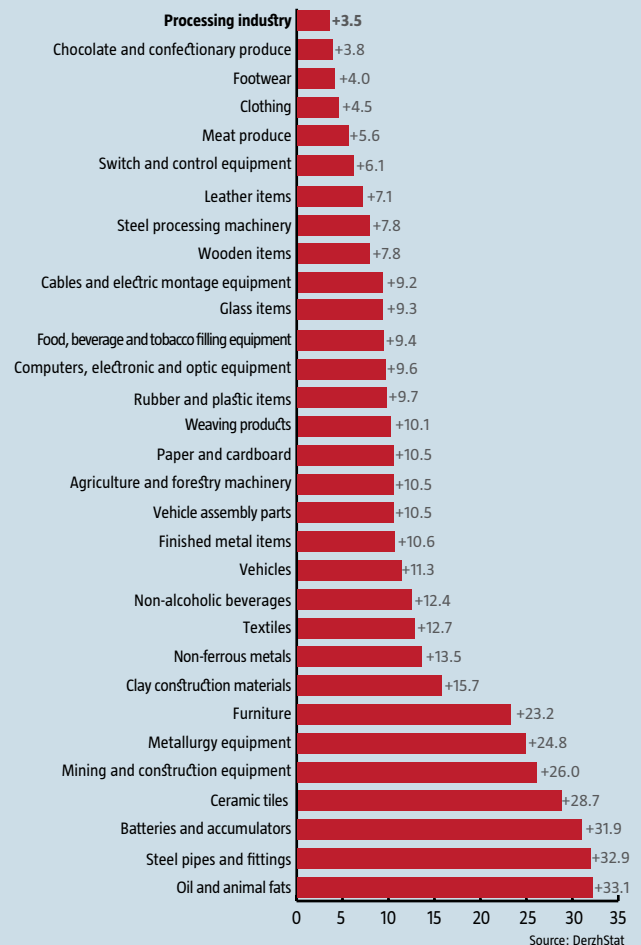
Sectors that were less significant in the overall economy until recently have been growing far more quickly than the one-time engines that drove it. This explains why, even with very dynamic growth in a slew of sectors, the overall expansion of the processing industry and GDP remains modest: the relative weight of these sectors remains considerably smaller than that of the traditional heavyweights. Still, continuing diversification has been demonstrating clearly its positive role in keeping Ukraine's economy steady in the face of future shocks and the situation on global markets.

WHO'S LEADING?

Two of the main drivers of growth in 2017 have been construction and retail trade. Nearly 25% more construction works were carried out over January-July of 2017 than during the same period of 2016. This was mainly due to the construction of engineering facilities, which grew 29.5%, and non-residential buildings,

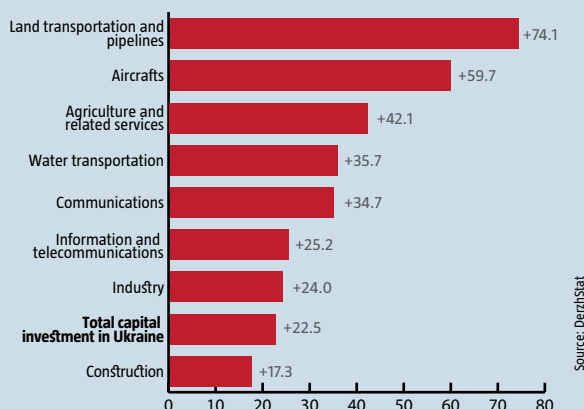
Locomotive of industrial growth

Output growth in some segments of processing industry, Jan-Jul 2017 compared to Jan-Jul 2016, %



Investment priorities

A growth in capital investment in individual industries in H1 of 2017 compared to H1 of 2016



three times faster than GDP growth and more than double that of the processing industry.

Freight transport also added to the growth: over January-July 2017, turnover was up 8.7% over the same period of 2016. Interestingly, water transport played a key role in this positive trend. Passenger transport was up 9.3% over this period, with air carriage leading the way: passenger travel jumped 42.3%. However, even train travel was up substantially, showing 6.6% growth. The transportation sector has also seen some of the fastest growth in investment. Capital investment in this sector grew 22.5% over the first seven months of 2017, with aviation investment surged 59.7% while ground transport, including pipeline investment, skyrocketed 74.1%.

Compared to construction, retail trade and transport, the processing industry has turned into an outsider—but only at first glance. In fact, the industrial branch of the economy is seeing widely divergent processes and in several sectors, growth has either significantly surpassed average statistics or has already moved into the double digits (**see Locomotive of industrial growth**).

So, overall processing grew a modest 3.5% over January-July 2017. However, food processing grew 7.9%, machine-building rose 7.7%, textiles were up 12.7% and furniture-making 23.2%. The trend towards strong growth in sectors with a higher added value can also be seen in the lumber industry. While basic subsectors like sawing and planing actually shrank by 2.0% during the first 7 months of 2017, the woodworking industry grew 7.8%, while the pulp and paper industry saw 10.5% growth.

Secondary industries are also seeing sharp growth in Ukraine. For instance, in the building materials sector, production of ceramic tile and slabs surged 28.7% during this period. Glass and plastic production also grew over 10.0%.

A slew of subsectors in machine-building and heavy engineering also saw growth that was severalfold higher than the processing industry. For instance, manufacturing output of batteries and accumulators surged 31.9%. Equipment for steelmaking, mining and con-

struction also surged nearly 25%. Output of electronic and optical equipment grew 9.6%. After a long decline, locomotives have started to come off the line in greater numbers as well, nearly double what was produced in the first 7 months of 2016.

NO ORDİLO

As *The Ukrainian Week* predicted, the steel mills on non-occupied Ukrainian territory have almost completely compensated for the loss of processing facilities in the occupied territories that were taken over by Russia's proxies. Back in April and May, output in the steel industry was only about 85.5% of what it was in the same months of 2016 when production at enterprises in ORDİLO stopped being included in the sector's overall statistics. But by June, according to DerzhStat figures, it was back up to 97.9% of production for the same months of 2016, when industry output figures still included the volume produced by enterprises in ORDİLO.

Between April and July 2017, output of pig iron in non-occupied Ukraine grew from 1.47mn t to 1.55mn t, steel—not including semi-finished continuous casting—grew from 888,000 t to 975,000 t, finished rolled steel from 897,000 t to 985,000 t, and pipes from 94,700 t to 110,000 t. With the exception of pig iron, these indicators were already higher than output in July 2016, even though that included production in ORDİLO. In some segments of the steel industry and metal processing, such as the production of pipes and metal construction materials, which grew 32.9% and

In dollar terms, Ukrainian exports of goods for H1 of 2017 expanded by nearly a quarter—**24.2%**. This trend is a reflection of both diversification in its structure and changes in the overall Ukrainian economy lately

12.6%, output has considerably outpaced 2016 levels.

In the coking industry, output in April 2017 was only 65.7% of what it had been in April 2016, but in May it was up to 75.2% and by June it was 93.2% of what it had been the previous year. Between April and July 2017, overall output grew 22.0%, from 743,000 t to 906,000 t, far more than had been produced in non-occupied Ukraine in the same months of 2016.

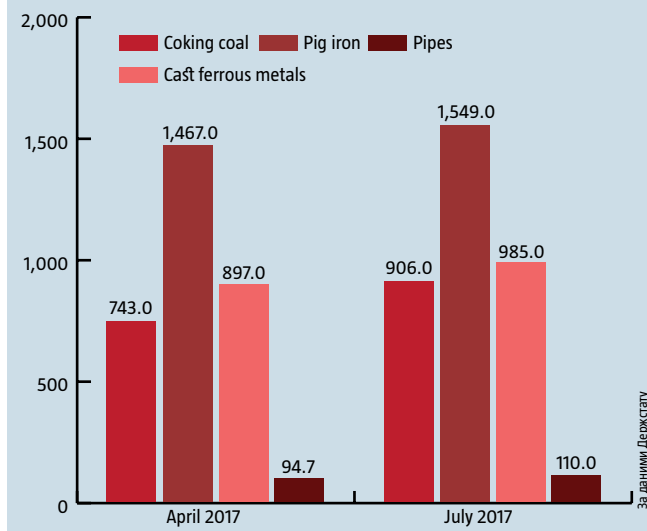
Extraction of bituminous coal also reached 95.7% in May 2017, compared to May of 2016, which included extraction in occupied Donbas, while in June, output in Ukrainian mines outside the occupied territory was 107.2% of what it had been the previous year, a figure that included DTEK production in ORDİLO. What holds back full compensation of the extraction lost in ORDİLO is the generally protracted lack of reinvestment in state mines that, despite high demand for their coal, continue to reduce output while Akhmetov's DTEK keeps increasing it.

ENERGY-CONSERVATION

The positive dynamic of Ukraine's industrial sector is partly the result of a reduction in energy consumption at manufacturing facilities, making it possible to save considerably on fuel. Both GDP and the processing industry have been moving up since the beginning of the year despite shrinking consumption and power generation, which went from 11.8bn kWh in June 2016 to

Less ORDiLO

Metal and coking coal output on the Kyiv-controlled territory after trade with ORDiLO was stopped, April-July 2017, '000 t



11.4bn kWh in June 2017, and from 12.6bn kWh in July 2016 to 11.7bn kWh in July of this year. Coal-fired TEs or cogeneration plants produced 3.8bn kWh of power in June 2017, compared to 5.5bn kWh in June 2016, and 4.5bn kWh in July 2017, compared to 6.4bn kWh in July 2016.

As Ukraine's GDP and industry become less energy-hungry as structural changes kick in, domestic extraction of natural gas has been going up. The gas extraction industry is thus one of those sectors of the economy that have been making a positive contribution to GDP growth and are increasing energy security in Ukraine.

Overall, domestic extraction of natural gas was more than 250mn cu m more in the first seven months

THE POSITIVE DYNAMIC OF UKRAINE'S INDUSTRIAL SECTOR IS PARTLY THE RESULT OF A REDUCTION IN ENERGY CONSUMPTION AT MANUFACTURING FACILITIES, MAKING IT POSSIBLE TO SAVE CONSIDERABLY ON FUEL

of 2017 than for the same period of 2016. What's more, this growth is increasing month by month: in the three spring months, extraction grew about 100mn cu m over 2016, whereas it grew 110mn cu m just in the first two months of summer. Extraction of gas condensate also grew more than 5.0%, with 385,000 t extracted over January-July 2017, compared to 365,000 t during the same period of 2016. Of course, this is still too little to cover domestic demand for natural gas and to eliminate the risk of periodical shortages on the domestic market. Still, the sector has plenty of potential to grow.

THE RACE FOR EXPORT MARKETS

In dollar terms, Ukrainian exports of goods for HI of 2017 expanded by nearly a quarter—24.2%. This trend is a reflection of both diversification in its structure

and changes in the overall Ukrainian economy lately. This is gradually easing Ukraine's dependence on the export of those products whose manufacture no longer enjoys a competitive advantage on global markets. This means, specifically, the chemicals industry and steelmaking, which have been too reliant on cheap energy.

The result is that in HI 2017, exports of once-key industries like chemicals—not including pharmaceuticals—constituted only 3.3% of all exports, a decline from the 6.4% they represented in 2013, and the 7.3% they represented in 2008. They have been surpassed already by exports of processed wood products and furniture, which represented 3.9% in HI 2017, compared to 2.7% in 2013. Light industry is also starting to catch up to these traditional industries, with a 2.4% share of all exports in HI 2017, compared to 1.8% in 2013.

Important changes are also taking place within the chemicals industry. For instance, exports of soap and other cleaning products are expanding rapidly, recording 24.1% growth in HI 2017 compared to 2016, essential oils have risen 22.5%. Meanwhile, exports of fertilizers, more than 80% of whose production cost is due to expensive imported gas, have sharply gone down.

Similarly, the ferrous metals industry, which was once the foundation of Ukraine's export business, is ever-more-noticeably losing position to the volume of food exports. This is not about all the products of the agro-industrial complex (AIC) or about raw farm products, but only about food that has been processed at domestic plants: oils, sugar, flower, meal, produce, meat and dairy and so on. Its share of overall exports from Ukraine has already passed 20.0% and looks to be able to take on the top spot. Already its volumes are close behind those of unprocessed products from the AIC and ferrous industry.

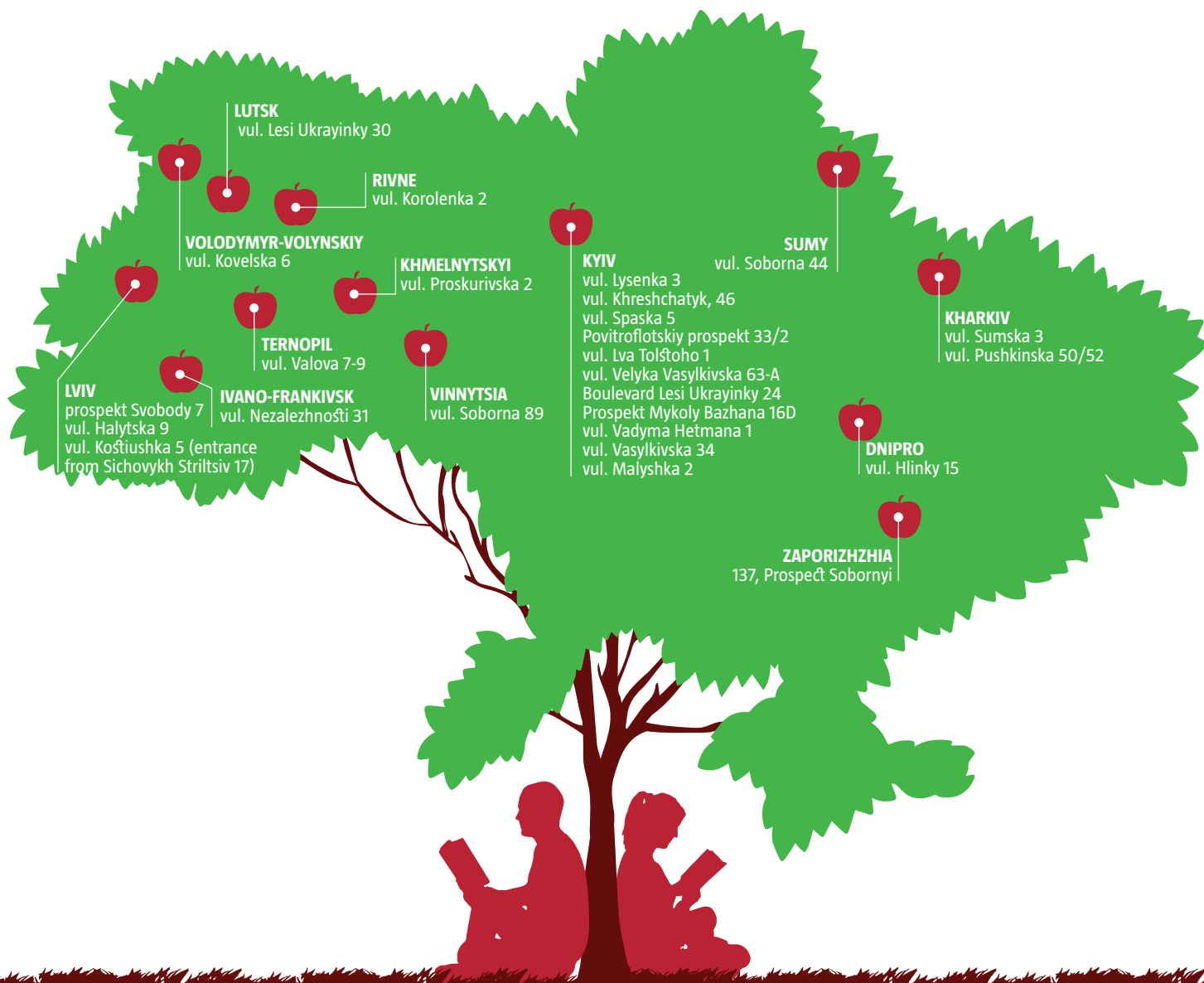
In contrast to products made by the outdated, energy-hungry chemical and metallurgical industries, the new drivers of Ukraine's export business have a solid foundation: local sources of raw materials and other significant competitive advantages that Ukraine can boast over foreign competitors.

Predictions of an early death to Ukraine's machine-building industry after the break with the Russian Federation and the "loss of traditional markets" have also proved to be greatly exaggerated. This industry's share of total exports was a solid 11.4% in HI 2017 and many of the individual groups it manufactures are showing both positive dynamics and considerable volumes of exports. For instance, US \$1.2bn worth of electrical equipment was exported in HI 2017, representing 21.1% growth over 2016 volumes for the same period, other machinery and equipment grew US \$775mn or 5.5%, while shipbuilding products jumped US \$109.0mn or 117.8%.

As this shows, Ukraine's economy is recovering despite a slew of extremely negative factors: a difficult business environment caused by an ineffective and corruption-ridden public administration system, law enforcement agencies and judiciary, and by limited access to capital and a lack of FDI. The fact that economic growth can take place under such very unfavorable conditions is testimony to the colossal economic potential of the country once the problems with the government system are resolved. ■



BOOKSTORES



LUTSK
vul. Lesi Ukrayinky 30

RIVNE
vul. Korolenka 2

VOLODYMYR-VOLYNSKIY
vul. Kovelska 6

KHMELNYTSKYI
vul. Proskurivska 2

SUMY
vul. Soborna 44

KHARKIV
vul. Sumska 3
vul. Pushkinska 50/52

TERNOPII
vul. Valova 7-9

VINNYTSIA
vul. Soborna 89

KYIV
vul. Lysenka 3
vul. Khreshchatyk, 46
vul. Spaska 5
Povitroflotskiy prospekt 33/2
vul. Lva Tolstoho 1
vul. Velyka Vasylkivska 63-A
Boulevard Lesi Ukrayinky 24
Prospekt Mykoly Bazhana 16D
vul. Vadyma Hetmana 1
vul. Vasylkivska 34
vul. Malyska 2

LVIV
prospekt Svobody 7
vul. Halytska 9
vul. Koštiushka 5 (entrance
from Sichovykh Striltsiv 17)

IVANO-FRANKIVSK
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Paul Rawlinson:

"The climate of tax compliance is changing all the time"

Interviewed by Lyubomyr Shavalyuk

Baker McKenzie, a global leader in legal consultancy, opened its Ukrainian office 25 years. As he visited Kyiv to celebrate the anniversary, the company's Global Chair Paul Rawlinson spoke to *The Ukrainian Week* about the global trends and the legal challenges they bring.

Some initiatives of Donald Trump have caused a large number of lawsuits from individuals and businesses in the United States. Have you noticed a rising demand for the services of Baker McKenzie in this regard?

The big changes in global economy, sometimes political and sometimes economic, namely the approach of the Trump Administration or Brexit, do provoke the need for the lawyers to understand, what is going on. Sometimes we advise clients on how those changes impact them. Sometimes clients need to take more practical actions, in particular with changing regulations.

So clients come to our international law firm to get advice on how to protect their interests, how to lobby for effective change. If you look at Trump's deregulation reducing the tax burden in the US economy, as well as "America first" principle, which threaten the basis of international trade, all those issues affect our clients. In one form or another, we advise clients, either on the regulatory side of things (our Washington, D.C., office is very strong in that side), or on taxes, which our tax group deals with. It depends on where advice is needed. Lawyers are increasingly being called in to help clients navigate those big changes wherever they occur in the global economy. As an international law firm, Baker McKenzie has been doing it for a long time, as we have been in the international market for decades. As you know, today we celebrate the 25th anniversary in Kyiv. So we have been through the ups and downs of the Ukrainian market as well.

Global trade has been facing several threats in recent years, like TPP without the US, renegotiation of NAFTA, some hardships with the TTIP and WTO, Brexit. Can you say that business has a rising need in the services of your firm to address these challenges?

Historically, we have had multilateral and bilateral trade agreements. Multilateral trade has been the key theme of the last 20-30 years. But now we have the rise of populism and the election of President Trump. The voters who supported Trump in the US and Brexit in the UK are trying to pull back from that previously-held consensus and to protect their national interests in a much more direct way. They are saying in effect that "we want to control our borders, our trade and we want to renegotiate those deals, so that they are in the interests of the home economy."

The early days of the Trump Administration were certainly volatile, but now we seem to have settled in to a little bit more of

normality in a sense of just looking at ways to improve international trade, rather than to dismantle it. Similarly with the Brexit discussions, in the early days it had all been about leaving the single market and 'having control of our borders', but now we are talking about the two-year transition. Maybe the United Kingdom will still be in the single market in some way, maybe it will be in the EU Customs Union for a prolonged period. In general we are starting to see a little more measured response, because people understand that businesses are threatened by the disruption of the international trade, which is counterproductive for the domestic economy.

In my opinion, we are so interdependent on international trade, with so many different channels of trade, that it is very hard to roll it back. One can reassess what is in the national interests and take care of the right decisions. One concern is big foreign investors buying up state assets, and people start to worry about how far we go down that track. This is a legitimate discussion to have, but I do not think one can roll back international trade, given how globalized the economy is now.

To answer your question, yes, we are involved in advising our clients about all those things, because they affect the supply chains and the investment decisions. We help answer the questions of how to get a stable environment where return on investment can be generated; we discuss whether we need a different philosophy on the settlement of supply routes, manufacturing, distribution, availability of finance and all that is needed to make all these things happen.

Regarding all those problems, do you think demand for your company's services is increasing in the whole world or only in certain countries or regions?

Last year we expanded our business. There was no drop-off in business so we grew about 5% globally, which is a good result on a generally flat market. We also grew in the key markets, namely in the US and the UK. If you look at the sort of work we were doing, generally speaking, there was some drop-off in M&A activity, particularly in the UK with Brexit. Still, it was compensated by advice in international trade, tax, compliance work and litigations.

Paul Rawlinson was appointed Global Chair of Baker McKenzie in October 2016. Born in Manchester, UK, he got his B.A. in Law from the Kent University in Canterbury, followed by Licence en droit from the University of Paris XI in 1985 and L.S.F. from the College of Law at Guildford in 1986. He has been with Baker McKenzie since 1986.

Change is what lawyers are good at. When lawyers are not busy, it is because there is nothing to do. There is no change in the economy, no change in investment decisions. Changes in the global trade did result in a slightly different structure of work, but overall we grew and we see that trend continuing.

I think Brexit will start to have a greater impact on our work, if we do not get more certainty soon. In the US, the economy is booming, because the Trump trade mantra, if you like, is pro-America, so clients are looking to invest in the US, take advantage of the climate, which seems rather healthy. Whether that trend continues, depends on whether Trump is able to get his tax reform and proceed with the deregulation agenda that he has set out to do.

For many companies, sanctions against Russia stand for a legal issue. What kind of issues do your clients usually face regarding sanctions?

We have quite an active global practice of compliance with trade sanctions, from the US to the UK and other markets. Clients want to know details. The political angle of sanctions is not something we have influence over or want to get involved with. Sanctions constitute a quite complex technical area. It does not mean you cannot do business, but you have to do business on certain restricted terms. Our clients get really high value services from us in that area, because there are not many law firms that know how sanctions are working in different markets.

Whether advising clients in the UK or in the US you need people here, in Kyiv, people in Moscow, in affected countries, to understand the situation and to help clients navigate the risk, not get caught by the sanctions and enable business to operate to the extent that you can.

And we have people who spend every day working in this area.

The Panama Papers were leaked more than a year ago. Could you say there has been an increase of demand for your services and the services of other law firms following that scandal?

The Panama Papers is an example of one of the areas of law that we get involved with, namely data protection, data privacy, and cyber security related risks of inadvertent or criminal exposure. Not so long ago, data privacy was not a high-risk problem, but when we ask our clients now of one of the things that keep them awake at night, data privacy is right up there, along with corruption, compliance and cyber security risks. The regulatory environment is changing and making that behavior more risky because of the fines that go with it now, very substantial fines. The whole risk assessment of that area has gone sky high.

When we look at the clients' readiness for that, generally speaking, there is a need to adapt quite quickly, because the risks have gone from low and medium to high level. Clients' systems, processes, policies are quickly getting out of date, so there is a need to deal with it quickly. It is the area of compliance actually affecting business of our clients and law firms.

Expertise is needed as well, because lawyers have to really understand how it all works. It is a very technical area of understanding how to house data, share data and monitor the use of data. It is not easy.

The problem of the Panama Papers has some links to another global problem, which is a financial trend of recent decades, namely tax minimization with the help of offshore companies. Do clients ask for your assistance in this area?

The climate of tax compliance is changing all the time. What you are allowed to do under the rules is one thing, and what the public believes you should be doing as a socially responsible company, is another thing. Even if it is possible to minimize tax exposure, the question is whether it is the right thing to do, and the company will get a very different mix of considerations.

Generally speaking, the highest demand for advice in this area is in the US and the European Union countries, where there are relatively high-tax jurisdictions and lots of people, lots of assets. Mostly global organizations have this issue, also to do with internal taxation of transfer pricing between different entities in different countries. The whole compliance issue of tax gets very complicated, when the company is in a global supply chain.

The policy area is getting more interesting because companies need to balance their interests of reducing the tax burden legally and being perceived by their shareholders, markets and customers as fair and socially responsible employers. That is also changing.

As this trend regarding tax minimization evolves, some countries and international institutions are trying to fight against it. What problems does that imply for business?

I think, ultimately the call for a global treaty on tax regime that everybody buys into is aspirational, but we are a long way away from that. Governments are quite skeptical about it, because they want the taxes themselves. Still, they want people to know they are doing the right thing. In the end, it is very hard to see a complete overhaul of the global system that everyone buys into. I think, we are getting to the point, where there is much more open dialogue of what is acceptable and what is considered lawful by the community. I think that is changing.

Whether institutions need to do more, is a good question. I think, it will evolve, but I don't see any magic "silver bullet".

THERE HAS TO BE SOME RECOGNITION THAT MACHINES ARE NOT GOING TO WORK ONE HUNDRED PERCENT ALL THE TIME. **I THINK WE WILL GET AN AREA OF REGULATION COMING OUT ABOUT HOW EACH INDUSTRY RESPONDS TO AUTOMATION IN ITS SECTOR**

There has been a huge debate regarding the impact of Industry 4.0, the technological changes on business and employment. What legal issues would you highlight in this regard?

The key issue here is the replacement of human labor with automated solutions, and it affects our industry and all the others too. The first issue is the impact on people, jobs and job security. There is a lot of literature on this impact. As low-level jobs are being automated, we can respond by having high-level jobs for humans.

In our business, there is no replacement for good judgement and collaboration amongst people. Still, even in the legal sector, the machines can do a lot of stuff that used to be done by people. For instance, in the work with documents, you can do searches, de-segregate legal work into different value propositions, automated work, mid-range, associate and high-level partner work, which require experience. Getting that right is a challenge.

In terms of the legal implications, this is fascinating, because no one fully understands reliability of a robot. What if a robot gets it wrong, what if it gets the recommendation wrong, what if the driverless car does not work and kills somebody, what if the machine throws out the wrong tax bill? All of these are things to be addressed with legal answers. There has to be some recognition that machines are not going to work one hundred percent all the time. I think we will get an area of regulation coming out about how each industry responds to automation in its sector. In the same way people dealt with innovation in each industrial revolution. It brings some legal challenges. The Internet was obviously the challenge. How do you regulate the Internet? Should it be regulated? We are still grappling with these issues, but we have, by and large, the legislation in place, which governs the regulation of the Internet and automation. With artificial intelligence taking it to the new level, some legal solutions will have to be thought through to understand, who is liable, who is responsible and how we can build it into the allocation of risks. ■

Ivan Tomych: "Over 10 million hectares of farmland are in the shadow economy"

Interviewed by **Lubomyr Shavalyuk**



PHOTO: ANDREY LOMAKIN

Recently, the debate on lifting the moratorium on the sale of agricultural land has died down somewhat. This was largely due to the fact that the IMF removed this issue from its list of conditions for providing the next tranche of funding. However, the reform of relations in the land sphere and introduction of a land market as its result are still relevant topics. Ukraine must finally realise the potential of its most powerful resource. ***The Ukrainian Week*** spoke to Ivan Tomych, head of the Ukrainian Association of Farmers and Private Landowners, about the conditions under which the moratorium was adopted and the stages of land reform.

Under what conditions was the moratorium on the sale of agricultural land imposed and what came after this?

When the Land Code was drafted, it did not initially contain a moratorium. It envisaged the adoption of a number of laws necessary for land reform. A list of these is recorded in the Final Provisions of the Code. The land market could not have been launched until they were passed and implemented. This was reflected in the Transitional Provisions on the Prohibition of the Purchase and Sale of

Agricultural Land. This approach was decisive in obtaining the votes in Parliament for the Land Code in autumn 2001.

A legislative base for land reform began to be established in 2002, when the 4th convocation of the Verkhovna Rada was elected. I headed the Agrarian Committee in that parliament. Despite the fact that various factions were represented in it, we immediately identified a common position on land reform and the necessary legislative support.

The first issue we raised before Parliament concerned the allocation of land plots to citizens. Then there was a list of laws on the system of land use and protection, state support for agriculture (this was not mentioned in the Land Code, but was part of the package of laws required for land reform) and so on. As a result, the 4th convocation of the Verkhovna Rada adopted 11 fundamental laws listed in the Final Provisions of the Land Code. Three more laws were not passed, although we had done a great deal of preparatory work by holding several parliamentary hearings and government days on the issues. The parliamentary committee monitored all developments.

Ivan Tomych is president of the Ukrainian Association of Farmers and Private Landowners. Born in 1958 in the Ivano-Frankivsk Oblast, he graduated from Kamianets-Podilskyi Agricultural Institute in 1987 and subsequently received a doctorate in Agricultural Sciences. Was involved in agribusiness for many years. Since 1997, he has been the head of various professional agrarian associations. Tomych was MP in the 4th convocation of the Verkhovna Rada.

We identified a number of issues and determined which laws needed to be developed in order to eliminate them. Frankly speaking, another year of the 4th convocation Verkhovna Rada was needed to complete the land reform. **What happened after the 4th convocation of the Verkhovna Rada finished its term?**

2006 (the 5th convocation was elected in March 2006 – Ed.) was already an unproductive year – the decisions made were less effective. Parliamentary elections took place. How many fundamental laws did the new parliament and all subsequent convocations adopt? One, for all parliaments since the 5th convocation. After 2006, it was as if all the parliamentary hearings and legislative basis that we left behind had disappeared – like they had never existed. The MPs began to solve the land issue from another perspective, aiming to quickly sell off the land. The process of land reform did not reach a logical conclusion and was interrupted. In order to prevent mayhem in the land sphere, Parliament resorted to annual extensions of the moratorium on the sale of agricultural land.

What are the problems in the land sphere today?

Everything in the field of land relations today is a catastrophe. If we continued the land reform after 2006, that would not be the case. Now, more than 10 million hectares of agricultural land are in the shadow economy. This refers to plots that were not inherited by anyone when their owners died; the land for which rental contracts were never renewed; reserve and state-owned land, in particular belonging to the Ministry of Defence, not to mention the Academy of Agrarian Sciences, which is already spoken about a lot in other contexts. These resources serve thieves instead of citizens and the budget.

But that's not all. Now it has come to a point that nobody could even imagine previously: seizures of property and land, as well as murders resulting from land conflicts. All this is taking place in the peaceful part of Ukraine and poses a serious threat to stability. According to my data, there were 6,800 attempts and successful cases of land grabbing in 2016. The criminals often used weapons and murders took place. That is to say that ownership rights are not guaranteed; moreover, they can also be a threat to life, which could subsequently threaten social security in the country.

These are just the main problems with land relations. In addition, there are a number of problematic issues that can be analysed for hours: the cadastre has not been filled with the necessary data, there is no separation between state-owned and communal property, and many, many more. But the key problems I mentioned threaten a civil war, and I have repeatedly emphasised this. If we had launched the land market on July 1, 2017, as originally planned, I believe that a tragedy would have been inevitable. I was criticised for this position a lot, but my task

was to prevent such a development. I personally spoke to the current prime minister several times on this topic and I think he is, to some extent, aware of the processes that are taking place. It seems that the president is reluctant to put any more pressure on him, which he said to parliament while delivering his presidential address.

So at the moment there is no question of introducing a land market as soon as possible. Currently, the main issue is how to formulate approaches to resolving land issues and turn them into opportunities as a public agreement between the oligarchs that have real influence and the population of Ukraine, which is mostly poor.

Would it be enough to pass laws to resolve the problematic issues in order to launch the market for land?

Not at all. We have a clear position. We do support land market. But before it is introduced, it is necessary to resolve all the problematic issues that we are talking about. It is also about bringing land out of the grey economy, having a complete land register and full demarcation. This is the foundation. But the rest is more important. A civilised market implies the presence of sellers and buyers. There are many sellers of land in Ukraine: due to its circumstances, several million owners of land plots are ready to sell them within one to two months once the ban is lifted. But there are no buyers in the countryside. There are only oligarchs and multinational companies that will work through Ukrainian intermediaries. They will buy up the land. We cannot imagine the depth of the problem that may arise from this.

Large agricultural holdings operate on global financial markets. There is the example of the company Mriya, whose founder Ivan Huta I know well. He started with 50 hectares. I am not going to criticise him, but facts are facts. What happened to this company (Mriya went bankrupt scandalously in 2016 – Ed.)? Will we be able to talk about any sort of stability controlled by Ukrainians if such firms cultivate and subsequently own the best land in the country? Definitely not. The national interest is lost here. In Ukraine, a few companies de facto cultivate a third of the country's land resources. The land holdings of individual companies sometimes reach 1 million hectares. There are certain manipulations when land is registered to brothers, in-laws, daughter companies and so on, but I know what I'm talking about. This is not the limit: land banks could grow to a few million hectares if nothing is done.

How can we preserve national interests while introducing a land market?

The national interest will be preserved and the nation will control the situation when we have at least 400-500 thousand family-run farms. We want to create conditions for the mass establishment of such farms in Ukraine. Europe is strong because most countries, such as Austria, France and Germany, pursue a national policy towards the development of small farms. On average, 13 hectares per farm.

It is clear that each region will have its own specific character, but these farms will operate in a global context and must have all the right conditions for domination. Which is a challenge. Today, 60% of gross agricultural production is made with the same technology as 100 years ago: a plot of land, a hoe and manual work. At best, there is some small-scale equipment. This is a tragedy. But at the same time, it is a sign of the huge potential in

human resources and capital that has not yet been given the opportunity to show itself.

So our main battle is to introduce a national policy of support for small farmers. This will make it possible to overcome poverty, protect the land and build an economically stronger country. People will start screaming that we want to turn Ukraine into an agrarian country again, but that is not the point. The war led to us losing a significant part of the country's potential in industrial, personnel, material and technical aspects. It is utopian to think that we will be able to quickly revive the machine-building sector, for example. Especially since the war is still on the table. However, with land it is possible to set off a socio-economic explosion that will improve the well-being of citizens within one year.

With the support of the state, the effect could be enormous. If we have up to 0.5 million family farms, this will provide up to 2 million rural jobs. If you create the right conditions and opportunities to earn the living, people will go there. The experience of the 1990s showed that academics, professors, ballerinas and pianists started farming. I can give you specific examples. At that time, people saw the opportunity to realise themselves and start a business. A lot of them managed to do it. Therefore, it is only possible to make the country more successful in a short time by developing the agrarian sector based on family farming and co-operation. Such an arrangement should not be monopolistic, but should occupy at least half of the land, compared to 20% today. In approximate-

CURRENTLY, THE MAIN ISSUE IS HOW TO FORMULATE APPROACHES TO RESOLVING LAND ISSUES AND TURN THEM INTO OPPORTUNITIES AS A PUBLIC AGREEMENT BETWEEN THE OLIGARCHS THAT HAVE REAL INFLUENCE AND THE POPULATION OF UKRAINE, WHICH IS MOSTLY POOR

ly four to five years, when such a system is formed and farmers have substantial capital and opportunities to attract financing, we can talk about involving an additional accelerator for agricultural development by introducing a land market. That is, the land market should be set up on this base – an agricultural system with an emphasis on family farms. Then it will be a factor in improving the well-being of Ukrainians.

We have been fighting for this concept for a long time. Despite different approaches, it was adopted at the governmental level on September 13, when there was an announcement that next year's budget would include UAH 1 billion (US \$37.7mn) in support of this concept. The only problem is that over the years of independence, we have adopted dozens of concepts and programmes, but none has been implemented. Therefore, I would very much like the situation not to develop as usual this time, so that this three-year concept is constantly improved and then extended to a longer period. I am under no illusion that everything will be implemented very quickly, but there is some hope. We will fight for their implementation.

Expectations towards the government are high. It must do what nobody has done before: make a transparent, direct, effective, non-corrupt support system for farmers that will gain the trust of the tens and hundreds of thousands of ordinary people who will be able to change their lives within two or three years by taking advantage of state support for agriculture. Then next year may be a turning point. It is possible to form 60-70 thou-

sand farms during this time. Today, we have only 33 thousand, so we can at least double this amount. This is not enough, but on this basis, we can continue on to growth rates that will provide 400-500 thousand farms in five years. Then there will be a chance for development.

Otherwise, the problems in the land sphere will only keep growing. The scale of land grabbing shows that the issue is so deeply rooted that the consequences will be catastrophic if it is not solved soon.

How long is needed to pass all the necessary laws? Is the current parliament prepared for this?

I believe that this parliament is not able to complete the land reform. The reform in general, not just the adoption of one single law on the circulation of agricultural land. There is no other way to look at it, because there is no coalition and the professional composition of the current Verkhovna Rada is very weak. Therefore, I do not hold out any hope in this regard. The only thing I would like is to prolong the moratorium and put resources in the budget to support farmers.

What is the government missing to create an effective support system for small and medium-sized farmers?

If you analyse the implementation of all agrarian programmes during the period of independence, you can see several common key factors. First, the political will of the top figure responsible for a particular focus area. In our case, the Prime Minister. Does he have the will? I cannot say for sure. I can see that Hroisman wants to do something and he is beginning to understand the issues, but that is not enough.

Second, the ability of the public administration system to perform the tasks at hand. I remember how we supported the farmers with President Kuchma. Within three months, the whole system of government joined us. Back then, it was still monolithic and could be called the most manageable system in the history of Ukraine. Kuchma constructed it based on authoritarian principles. But at the time, it worked. Then, Ukraine had a historic chance to put what I am talking about into practice, which would have dispelled all the dangers that eventually materialised. Instead, manipulations started at the end of the year 2000: the system of government and the administration of agriculture began to falter. Agricultural holdings sprang up against this background.

The transformation of collective and state farms began, the land was liberated and a scramble for it started because of the oligarchisation of the agrarian sector. Yes, it had positive sides too. In 1998-1999, farmers worked by bartering, they exchanged animal hides. People were paid in sawdust and straw. The changes that were made also had a beneficial effect in any case. By 2001-2002, all the land was sown, yield increased, as well as exports, and investment appeared. But the development process was uncontrolled and biased towards the holdings, which forced out everyone else. The system of government did not cope with this threat. Big business began to finance the government and form their own parliaments that worked against the interests of Ukraine. Today, the administration system has collapsed.

Consequently, two factors are important: political will and the system of governance. Without them, nothing will happen. I am convinced that certain actions will be taken in the right direction. But small steps will not give us anything. We need radical, resolute action. Reforms

are needed in the fullest and deepest sense of the word. Conceptual changes that will lead to a new quality of life and economic opportunities.

In this context, it is necessary to limit the resources and financial capabilities of those who have funded political projects in today's parliament. To be frank, I am sure that only an entirely new political scene with great credibility will have the chance to quickly change the situation. Because the current system of governance and the level of public trust do not allow us to believe that this task can be solved quickly.

If we assume that the moratorium will be lifted without making the necessary changes that you are talking about, what dangers will emerge?

The fact that we are not improving the circumstances for launching a land market is a consequence of inaction by the authorities, both executive and legislative. If this process continues for a long time, there will be certain risks. If the land market is introduced in such conditions, the bomb will explode. There are many examples.

First: as of today, almost 3 million hectares of land have been sold through corporate rights (see Rent seeking on land at ukrainianweek.com) in companies that signed long-term rental contracts with the owners of land plots. This means there are 700-800 thousand people who do not know that they have sold the land. If a land market is launched, the owners of these corporate rights would be able to enter the market. The original owners will then realise that their property has been sold. What will they do when they open their eyes? They might have relatives who fought in the ATO and have weapons. They could use them.

Second: about 10-15% of land plots are claimed by several people. If one of them wants to sell, how can this be agreed with the other co-owners? There could be conflicts. It would be good if they were resolved in court, but what if it ends in fighting and shooting?

Third: there are a number of companies that do not clearly identify who the real owner is. When they join the struggle to buy up land, what will happen to their owners? There will be showdowns like in the 1990s.

Fourth: millions of hectares have been sold in a hidden way. How? For example, a plot owner needs money for medical treatment, education or other needs. They go to the head of a local agribusiness firm and ask for money secured against the land plot. They sign an acknowledgement. If the market is launched, then the owners who bought such plots will go to register them. The previous proprietors will then claim that they did not sell anything.

All these are small issues. And there are much bigger ones linked to transnational corporations. Do you think that the distribution of their land is completely transparent? There is so much confusion there that problems could reach a level where the authorities and National Guard would have to get involved. In the end, tension could rise to an extent where it spirals out of control.

Which legislative acts necessary for land reform have already been passed and what else should still be approved?

The 4th convocation of the Verkhovna Rada approved 75% of the legislative acts provided for in the Final Provisions of the Land Code. 25% is left – not much work. The Law on the State Land Mortgage Bank has not been ap-

proved, the Law on Land Valuation is outdated and there is no law to define the legal basis for seizing land in private ownership. That is, we adopted all of the laws except three. There were 11.

After the 4th convocation of Parliament, nobody returned to this and nobody was even interested in what had been done. They just started realising their own programme. For them, the main issue was the introduction of a land market. Since the phrase "land market" was getting on people's nerves, it was changed to "land circulation". Since then, only this law has been torpedoed and nothing else.

But the main problem lies in the regulatory acts that implement the legislative framework. Even the laws passed by the 4th convocation of Parliament still need 70-80% of their subordinate legislation to be implemented. For example, the Law on Separating State and Communal Land has been approved, but not implemented. The Cadastre Law was passed, but the cadastre itself is only half-full. Even there – the easy part has been filled and the difficult bit could take years and years.

In other words, in recent years the adoption of by-laws and the implementation of laws have advanced by about a few percent.

Who benefits from the current situation?

When the land reform began in 1990 and later, left-wing political forces did their utmost to not give people any land and stop the land reform from being successful. They expected that a socialist system of government and some form of the "Eurasian Union" would return. In this way, they hurt the country, with great support from the population.

THE NATIONAL INTEREST WILL BE PRESERVED AND THE NATION WILL CONTROL THE SITUATION WHEN WE HAVE AT LEAST 400-500 THOUSAND FAMILY-RUN FARMS. **WE WANT TO CREATE CONDITIONS FOR THE MASS ESTABLISHMENT OF SUCH FARMS IN UKRAINE**

The second period began when Kuchma broke down this wall and mechanisms that opened access to land resources began to operate. Everyone who had money in Ukraine – and not only in Ukraine – rushed into the agrarian business. They got the idea of taking land plots from villagers. They did not want to develop a system for protecting the rights of landowners. On the contrary, if you look at legislative changes, farmers had their rights taken away from them every time: the way lease rights were regulated and rental periods were recorded was completely inadequate. Therefore, they stood in the way of the land reform that the country needed. But they did not succeed in taking the land away from people.

Today, the situation is as follows: those who are in power and have money are interested in launching a land market. At the same time, multinational corporations and international institutions are clearly lobbying for a land market. They understand that events in Ukraine may develop in different ways, but this will be a minor issue if they seize the land. Therefore, the policy in recent years has not been to develop family farming and the countryside, but to seize these resources and use them for personal gain. ■



Old new faces

Stanislav Kozliuk

How the police and Prosecutor's Office have changed over the past two years

Torture in police stations, falsified cases, productivity on paper, corruption, extortion, pressure on businesses, persecution of political opponents and the general use of law enforcement officers for purposes other than intended – this is a partial rap sheet of the accusations that have been brought against the security forces, and still are. Such practices blossomed and gained notoriety particularly during the presidency of Viktor Yanukovich: the murder of student Ihor Indylo in a police station, the persecution of entrepreneur Denys Oleynykov for a series of T-shirts with slogans offensive towards Yanukovich, illegal takeovers of businesses, etc. These reached their apotheosis during the Revolution of Dignity, when militiamen falsified cases against detained protesters en masse, forged infringement notices, gave false testimonies, abused their authority by illegally detaining people and so on. Public prosecutors, in turn, initiated criminal proceedings based on the fabricated documents, which could send activists to jail for up to 15 years. The mass shootings put a bold exclamation mark at the end of this sentence. In 2014, the level of trust in law enforcement agencies, according to a survey by the Institute of Sociology at the National Academy of Sciences, fell to a record low of 0.8%. The need for urgent changes was evident.

In 2015, the Verkhovna Rada adopted a new law "On the National Police". In the same year, the patrol police was launched in the country to replace the traffic police and patrol service. A large-scale re-attestation of law enforcement officers and reset of the system were announced. Confidence was gradually restored. Not least thanks to the patrol officers. According to TNS, a polling and rating group, as of February 2017, 43.5% of Ukrainians trusted the National Police and 53% of had faith in the patrol police. However, the government did not stop here. Promises were given that the basic approach would be changed: instead of looking at the statistics on solved crimes that doesn't always reflect reality, it was planned to focus on preventive work and reducing the number of complaints. Reforms in criminal investigations were announced and new structures, such as the KORD riot police, were launched. However, a year has passed, and improvements are not so easy to notice. The creation of police detectives has stalled. Law enforcement officers who came from outside the system have started to resign, disappointed. As a matter of fact, the bureaucratic approach has not gone anywhere: instead of preventing offences, police officers work on producing documents. The active part of society began to talk about the failure of the reform.

"In fact, we're still somewhere in the middle with the reform of both the police and the prosecutor's office. Why is this the case? New legislation has been adopted, however, the big question is whether the potential of these laws has been realised. Especially in the police. At present, the greatest risk is that if the head of the National Police is changed, the new person will be able to adjust the system as he sees fit within a few months. If he wants it to violate human rights – it will. If he wants to cement the corruption system in place – he will. There was a lack of will on the part of the leadership in reforms. It looks like they did not intend to carry them out at all," says Oleksandr Bunchuk, expert at the Centre for Political and Legal Reform.

A TOUGH SPLIT WITH POWERS

As for changes in the Prosecutor's Office, in 2014 the Verkhovna Rada adopted a new law "On the Public Prosecutor's Office" that removed its general supervision functions, which is a definite win. Previously, prosecutors were able to visit enterprises and inspect them in the same way as other monitoring structures, such as the sanitary inspection. This was a powerful source of leverage over business, political rivals and so on. This function was finally removed from the Prosecutor's Office in 2016 when amendments to the Constitution were adopted. In addition, the reform provided for the transfer of pre-trial investigation functions to a new body – the State Bureau of Investigations. There were also supposed to be staff reductions in the Prosecutor's Office and an increase in the number of departments: the creation of local Public Prosecutors with competitive selection for candidates. In addition, prosecutors were to create self-administration bodies.

It is currently 2017 and Ukraine made a commitment to the Council of Europe that it would reform its Prosecutor's Office way back in 1995. The process is still not complete. The State Bureau of Investigations has not been set up – the competition for the posts of SBI head and deputy heads is still underway. Although at the end of 2016 members of the selection committee predicted that the highest level of this new law-enforcement structure would be formed by early March this year.

"The Prosecutor's Office has investigators. But the Constitution does not provide for this. In November 2015, the law on the SBI was passed. Investigative functions were supposed to be removed from the Public Prosecutor by November 20 this year. But it is obvious that there will not be enough time to form the SBI. Therefore, MPs can be expected to adopt amendments before November 20 to extend the transition period. The main reason for this situation is that the SBI is a rather important structure that is supposed to handle proceedings against senior civil servants. It seems that the political class has not yet figured out who should take the hot seat as head of the SBI," Bunchuk believes.

Speaking of self-administration bodies, a congress of prosecutors took place that formed the Qualification and Disciplinary Commission (QDC) of the Public Prosecutor and the Council of Prosecutors back when Viktor Shokin was Prosecutor General. Their job is somewhat similar to that of the High Qualification Commission of Judges and the Supreme Council of Justice: it will be within the competence of the Council and QDC to appoint or dismiss prosecutors from their positions, examine complaints against them, etc. However, they did not start operations immediately either: the assignment of their powers was postponed until April 2017. Subsequently, then-new Prosecutor General Yuriy Lutsenko announced a similar congress that was supposed to re-elect the self-administration bodies. Representatives of the aforementioned Council of Prosecutors proposed something different: that the remaining vacancies in their organisation be filled, as 3 out of the 11 members held administrative positions (only a rank-and-file prosecutor can be a member of the Council). Off the record, however, some other reasons were named, including the unwillingness to defend the choices made in 2016. Finally, at the



A poster child of reforms. The patrol police was the most visible measure taken by the Ministry of Internal Affairs. But it is premature to talk about substantial renewals in other departments

end of April this year, Lutsenko announced the successful launch of self-administration.

"A radical reform in the administration system of the Prosecutor's Office is now beginning. Previously, the Prosecutor General had the authority to personally and independently appoint and dismiss anyone. Now everything is changing and in accordance with current legislation, I have lost my 'dictatorial' appointment powers as of 15 April," Lutsenko told journalists. At the same time, criticism is growing that the elected self-administration structures remain loyal to senior management at the Prosecutor's Office, which potentially makes them a political tool. However, it is too early to draw any conclusions.

"Disciplinary proceedings against the Prosecutor General and his deputy are currently underway for statements that violate the Prosecutor Code of Conduct. From the results of this review, we will see how independent they really are. At the same time, the independence of the self-administration has to be constructed by the Prosecutor General himself. The QDC should be a separate legal entity with a separate budget and secretariat, which is not the case. The funding of this body, which is reviewing a complaint against the Prosecutor General, depends on the will of the Prosecutor General," notes Banchuk.

ATTESTATION FOR SHOW

In spite of all the above changes, the highest hopes were certainly centred on re-attestation and competitive selection to fill vacant posts. The biggest expectation from this stage of the reform was for the renewal of personnel in both the police and Public Prosecutor's Office. It should be said immediately that these processes are not comparable in scale, although they oc-

curred at approximately the same time. As a result of competitive selection, around 16% of staff at local Prosecutor's Offices were renewed. As for attestation in the National Police, last year Interior Minister Arsen Avakov said that 26% of higher level administration did not pass certification and 14% at the middle level. At the same time, there were many cases when certain people tried to circumvent the attestation and move from the old militia to the police. Attempts to challenge the attestation in court and efforts to regain employment through the courts were well-documented. What's more, there were examples of – if not forgery – then deception on the part of former security officers who wanted to take up new positions in the National Police. The reason for such actions lies not only in the old militia system, which seeks to restore itself, but also in legislation.

"In order for attestation to work in the police force, a few things are needed. The first is a legal framework. In other words, re-attestation should be described in such a way as to avoid ambiguities and legal conflicts. The second thing is the administration and organisation of attestation by external structures. That is, a temporary or permanent commission or public organisation. No aspect of this procedure – from the formation of lists to selecting interview candidates – should have come into contact with already existing structures of the Ministry of Internal Affairs. As our experience showed, some purely administrative catches eventually helped the old guard to take control of the attestation. For example, the procedure for selecting commission members, which was never recorded," Olha Khudetska, a member of the attestation committee, told *The Ukrainian Week*. She adds, "To improve the quality of attestation, commissions should receive a larger set

of documents on candidates. This should not be superficial. That is, the commissions should have had access to personal files (they did not) and complaints that were filed with the Prosecutor's Office or the personnel inspection, as well as cases conducted by the Internal Security Department regarding militiamen. In general, a broader spectrum of documents is required."

In addition, in the case of both the National Police and the Public Prosecutor's Office, representatives of the public who evaluated the candidates noted that the commissions did not have enough time to prepare properly for attestation interviews.

"The preparation was not at the best level. There were not enough documents and information about candidates. The commissions only had test results, application forms and declarations to work with. No information about internal investigations concerning the candidates, disciplinary penalties, etc. We had to collect such data by ourselves, helped by the public. A lot of negative information was found on the internet. The circumstances and deadlines meant that we did not have the tools to work out who was right. You ask a direct question and the person gives you their version of events. Who can you trust: text from the internet or the candidate for a position? Of course, such information was still taken into account to some extent. It also happened that we received information that could not be disclosed, but its sources left us with no doubts that we could consider it when making a decision. Did we always make the right choice? We started work in late October 2015. Our deadline was December 1 of the same year. Each day, we heard 60 people over 10 hours. We had to understand how each person expresses their thoughts, how they can manage and what experience they have. With 15-20 minutes for everything. So someone could not tell us something, we sometimes didn't manage to ask things; they could misrepresent information about themselves and we could make the wrong decision. But we are talking about organisational functions and administrative positions: not only test scores, but also managerial skills are important," says one of the members of the prosecutor selection committee who preferred to remain anonymous.

"It seems that they wanted to use attestation as a show. To make it a formality, as with the re-attestation of the Berkut riot police in 2014. The system was not ready for the commissions to act publicly, bring problems out and get to the bottom of them. Despite the fact that we had a very tight schedule, were limited in our time and access to documents, we managed to dig up a lot of things and take a proper look at some of the candidates," adds Khudetska.

It is also worth mentioning the issue of open lists of people who passed or failed the attestation. In September 2016, Minister Avakov promised that the lists of attested police officers would be partially published in late September 2016 during a conversation with journalists. Subsequently, open lists were promised by the minister's advisers. However, receiving complete information on the militiamen who passed or failed attestation is still quite problematic.

As for the renewal of prosecutors, opinions vary. Lawyers who spoke to *The Ukrainian Week* emphasise that it would be wrong to replace over 50% of prosecutors with people from outside the system, as this would negatively affect the quality of their work. In their words, this could result in a lack of practical skills in applying the Code of Criminal Procedure. In this case, they emphasise, lawyers would be able to prove the inadmissibility of evidence provided by such prosecutors for purely formal reasons and consequently stop potential offenders from being prosecuted. In addition, there is controversy among experts regarding staff cuts. Sources at the Prosecutor's Office argue that the average local prosecutor is sometimes simultaneously working on 150 to 250 cases, which has a negative effect on the quality

of work. This situation is largely a result of the lack of the law on criminal offences that would lessen the burden on prosecutors. At the same time, experts point out that the current number of prosecutors is too high.

"If we leave the practice of the Prosecutor's Office as it is, not even 20,000 prosecutors would be enough, never mind the current 11,000. Because the structure uses outdated methods in its work. In Germany, where the population is much larger than in Ukraine, the number of prosecutors is about 5,000. In Ukraine, a few measures could change the situation. First, the transfer of the bulk of prosecutors to the provinces, where there is the most work. Secondly, the use of methods prescribed by law to cut down procedures (settlement agreements, recognition of guilt, etc.). And thirdly, electronic document flow. This will simplify communication between the police and Prosecutor's Office and free up the time that prosecutors spend in queues. We cannot spend money on an ineffective system – it is necessary to reduce both the number of Prosecutor's Offices and the prosecutors themselves. However, only if these things are backed up by something positive," Bunchuk said.

As a result of competitive selection, around **16%** of staff at local Prosecutor's Offices were renewed. As for attestation in the National Police, Interior Minister Arsen Avakov said in 2016 that **26%** of higher level administration did not pass certification and **14%** at the middle level

However, it would be wrong to argue that the attestation in the National Police and interviews at the Prosecutor's Office did not have positive aspects. For example, during competitive selection for administrative posts in Prosecutor's Offices, ordinary employees had a chance to get a promotion without resorting to corruption. The members of the selection commissions that we were able to talk to indicated cases when such candidates rose from the bottom to the top of the ranking list following their interviews. In their words, the testing was not always objective, because everyone had different opportunities and a different amount of time to prepare for it. In addition, decisions made by the selection commissions were recommendatory in nature. Following the interviews, three candidates were recommended for administrative positions and management could make their choice. As a result, almost every Prosecutor's Office in Kyiv got an "outside candidate" – a person who had never worked in the system. The situation in the regions is fundamentally different.

As for the National Police, members of the Attestation Commissions note that they had the opportunity to look at the problems of the law-enforcement system from the inside.

"We were really able to see how bad it was. Yes, we realised that the law-enforcement system was horrid, but even despite the shootings on Instytutska Street in February 2014, we could not imagine the scale of it. Both the investigation and the subsequent court cases regarding the Maidan show that this horridness has not gone anywhere. Many security officials involved in crimes during the Maidan are still working in the system. In particular, the same people who at one time controlled the titushky. The militia system is trying to protect and save its own people," says Khudetska.

Indeed, if we evaluate the reforms of both structures, we can safely say that they have not been completed. After all, old personnel are trying to hold their ground at the local level, while the leadership does not always aim to introduce qualitative changes. Lawmakers often throw spanners in the works. However, all those who actively participated in attestation and the development reforms must continue to monitor these processes and, as far as possible, control them, in order to influence a system that is still resisting as much as it can. ■

Under construction

Personnel, technology and ideological upgrade of Ukraine's Armed Forces

Yaroslav Tynchenko



Depleted reserves. Diversions in Svatove, Balakliya and Kalynivka were, first and foremost, a blow to Ukraine's large caliber and rocket artillery stocks. Replenishing them in the current situation is a difficult task

People who are trying to assess the state of Ukraine's Armed Forces today typically fall into two camps: the doomsayers and those who admit there are many problems but the country is moving in the right direction. It would be nice to hope that the second group is closer to the truth, but the fact is that the real quality of the UAF can only be proven in action on the battlefield. Unfortunately, there are many indicators that Ukraine's soldiers will yet have an opportunity to do so.

Nevertheless, it's possible to get a sense of the current situation by examining certain indicators.

The highest law in the land that governs the military in any country is, typically, the **military doctrine**. Ukraine has four of them that it inherited from

By the end of 2016, the number of Infantry, the main component of Ukraine's Armed Forces, was increased to **169,000** and new motorized infantry and tank brigades were established

the USSR: internal forces, disciplinary, garrison and guard services, and combatant. Ukraine saw in 2014 just how hopelessly outdated these statutes were and spent the next three years trying to update them. Today, military specialists are working on the draft of a consolidated Military Doctrine for Ukraine's Armed Forces. Word is that they will complete the draft by the end of the year and then it will be approved as quickly as possible by the Verkhovna Rada and the President. This doctrine promises to be radically new and meet contemporary requirements.

COMMANDING PERSONNEL AND TRUST IN THEM

The era of the volunteer, 2014–2015, has definitively ended. Most of those contracted servicemen who are currently serving in the UAF came after the tragic battles at Ilovaisk, Donetsk Airport and Debaltseve, and they judge the actions of the higher military command—the Commander-in-Chief, the Minister of Defense and the Chief of Staff—based on different criteria. These are primarily logistical and financial support, training for combat, and so on. In general, they have few serious complaints about the actions or inaction of the higher military command.

Among the generals and colonels who are serving in GHQ and in the operational command HQ, there are plenty who showed themselves in a very bad light over 2014–2015. Why are they still in position is a question

PHOTO BY REUTERS

to which no one has a direct answer. The first thought that occurs is that the government is too humane and is letting them serve to get their pensions. But replacing this category of commanders is just a matter of time.

As to commanders at the brigade, battalion and regiment level, very few voices are raised against them among the rank-and-file. These are Ukraine's real command staff. First of all, nearly all of these commanders were tested and hardened in battle over 2014–2015, where they led battalions, companies and platoons. Secondly, they no longer are heirs to the soviet mentality: they all completed Ukrainian military academies, many of them served in UN peacekeeping missions, and many also studied abroad. Thirdly, most of these commanders no longer see a life for themselves outside military service. This is a positive change from 2000–early 2010, when it was obvious that the mood among junior and mid-range officers was indifferent: they either hoped to immediately flee back to civilian life or to qualify for their service pensions as quickly as possible and quit.

Strange as it may seem, finding enough qualified platoon commanders appears to be the most troublesome issue to this day. According to the organizational structure of the UAF, mechanized, motorized infantry and other combinations are commanded by lieutenants and senior lieutenants. Meanwhile, many world armies have sergeants running platoons, selected from among the best contracted rank-and-file. This raises the prestige of being a sergeant considerably and allows contracted soldiers an opportunity for career growth. Meanwhile, there aren't nearly enough junior officers to replace all the vacancies among commanders of motorized infantry and motorized rifle platoons. Unfortunately, a big part of graduates from military schools are not infantry but individuals with narrow specializations that are not especially needed in such numbers. The problem with the lack of platoon commanders is in the process of being tackled through the mobilization of lieutenants in reserve, men who at one time graduated from the military departments of various post-secondary institutions, after which typically they did not serve. Unfortunately, this group of lieutenants is generally of poor quality both physically and professionally. In the end, it means that the UAF will have to either change its organizational and staff structure, and allow sergeants to run platoons, or reorganize the system of military education. For some reason, top officials in the Defense Ministry are stubbornly unwilling to do the latter.

WEAPONRY

The weapons Ukraine's forces are using today are generally old soviet models, albeit modified in some cases. Over 2015 and 2016, a titanic effort was put into updating the depots where military equipment and assets are being stored. A colossal amount of equipment was repaired and put into service. Thanks to this and to the large number of contracted service personnel by the end of 2016, the number of Infantry, the main component of Ukraine's Armed Forces, was increased to 169,000 and new motorized infantry and tank brigades were established.

The Ukrainian Air Force acquired a few dozen repaired fighter aircraft and anti-aircraft defense systems have been strengthened considerably. The defense

industry in Ukraine finally started to really recover over the last few years and is already showing competitive models of military equipment and weapons on the international market. With some capital injections, the domestic defense industry should start to grow at an even faster pace.

Today, Ukraine's Armed Forces actually have something to fight with against not only the separatists and Russian terrorists, who are getting arms from the East, but also directly with the Russian Armed Forces.

IDEOLOGY

Ideologically, most of the UAF's service personnel are driven primarily by a sense that the country's honor has been damaged by the annexation of Crimea and Russia's continuing aggression in Donbas. One thing that has led to is a wholesale rejection of various traditions that were inherited by Ukraine's Armed Forces from the soviet army. Still, it makes sense to exercise caution in attempting to establish new traditions. This year, for instance, certain politicians and activists have tried to impose a new trend of naming various divisions after a variety of historical heroes.

In fact, the only traditions that will freely take root among the military are those that they themselves initiate. These can be classified into three groups:

1. Geographic names based on where the battalion was formed, located or equipped. This has led to such names as Bilotserkivska and Kryvorizka Brigades, and the Donbas, Aidar and Azov Battalions.

THE WEAPONS UKRAINE'S FORCES ARE USING TODAY ARE GENERALLY OLD SOVIET MODELS, ALBEIT MODIFIED IN SOME CASES. OVER 2015 AND 2016, A TITANIC EFFORT WAS PUT INTO UPDATING THE DEPOTS WHERE MILITARY EQUIPMENT AND ASSETS ARE BEING STORED. A COLOSSAL AMOUNT OF EQUIPMENT WAS REPAIRED AND PUT INTO SERVICE

2. Names based on assigned unit numbers. Strangely enough, most modern armies are traditionally very sentimental about the numbers they have been assigned, even if those numbers no longer have any logic or meaning. For instance, the 92nd and 93rd mechanized brigades, the 95th airmobile brigade and the 25th paratrooper brigade are just some examples. Some feel that the numbers should be based on the quantity of actual units, but this isn't worth the hassle. The numbers of many brigades have made it into Ukrainian military tradition because of the many battles of 2014–2015 and will remain in Ukraine's history forever.

3. Names of mythical creatures or animals. Some battalions have taken on such names as Phoenix and Zvirobii.¹ Quite a few battalions have informal names of this nature and some of the commanders are in the process of legitimizing these names. Oddly enough, the Korol Danylo [King Daniel] 24th Mechanized Brigade is in this category. For the soldiers, Danylo Halytskyi is more of a mythical than a real, historical figure. Still, historical names connected not just to the 20th century, but also to the 17th century Kozak era, are largely seen by the rank-and-file as imposed from above and it's hard to say whether such names will stick. ■

¹Hypericum. Loosely meaning "animal killer" in Ukrainian, but called St. John's Wort in English.

The order of change

How the reform of Ukraine's Armed Forces is faring so far

Yuriy Lapayev

Strategic goal	Operational goal	Steps needed	Status
1. Joint command of defensive forces in line with NATO principles	Establishing civilian control over defensive forces and stronger ties with the Verkhovna Rada and civil society.	Organize the work of the MoD and General Staff of the Armed Forces based on best practice among NATO members.	IN PROCESS In 2017, MoD together with the OSCE have continued to carry out the "Assistance to Ukraine to strengthen democratic control over the Ukrainian Armed Forces" project, whose aim is to develop and apply new approaches to communication between the UAF and civil society, improve transparency, and strengthen the rights of military personnel.
	Separating the formation and training of the army from its operative use.	Institute an organizational structure for running defensive forces similar to that used by NATO members.	IN PROCESS The General Staff of the UAF is in the process of adopting the J-structure, while the operational chain of command is adopting the S-structure.
	Setting up an effective system of command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR).	<ul style="list-style-type: none"> Establish a national telecoms network that is modernized and based on contemporary digital technology; Set up an automated C4ISR system for the component defensive forces in line with NATO standards. 	IN PROCESS The field (mobile) component of the C4ISR system is in the process of being re-equipped with digital technology based on NATO standards. As part of the assistance provided to the UAF, 1,284 Harris radio kits with accessories have been provided and another 1,247 kits are expected to be provided later.
	Improving the cyber security system.	Set up sub-units to handle cyber security and counter technical reconnaissance in line with Ukrainian law and reflecting NATO and ISO/IEC standards.	NO PUBLIC INFORMATION ABOUT PROGRESS The Main Administration of Communication and Information Systems at the General Staff of the UAF has been authorized to protect information and handle cyber security. Documentation is currently being developed.
	Improving the effectiveness of existing anti-corruption agencies and independent oversight institutions.	Institute consolidated processes and rules that will foster an anti-corruption culture and high-quality public administration.	IN PROCESS A working group has been organized with the management of the Norwegian Center for Integrity in the Defense Sector (CIDS) in the framework of EU assistance. Work in an interagency anti-corruption reform coordination group under the Cabinet of Ministers is ongoing, as well as efforts with members of the Government-Public initiative called "Together Against Corruption" and the Reanimation Package of Reforms under the Cabinet of Ministers.
	Developing strategic communication.	Establish communication capacity at the strategic, operational and tactical levels.	RESULT Implementing this measure will ensure a reduction in corruption risks and the overall level of corruption in the MoD and the UAF.
2. Effective policy and systems for planning and managing resources in the defense sector	Instituting defensive planning in the defense sector in line with Euroatlantic principles.	Arrange consultational and advisory assistance in defensive and budget planning involving NATO and EU experts.	COMPLETED MoD developed and approved a proposal to set up a separate department to coordinate strategic communication and monitoring.
	Instituting Euroatlantic principles of budget planning.	Institute budget planning based on best practice among NATO members.	IN PROCESS Consultations are being provided regarding defensive and budget planning. Workshops have been held on the basic elements of defensive planning for the MoD and UAF involving Defense Department advisors from the UK, NATO experts, and officials from the US Defense Institution Building Group.
	Setting up an integrated MoD procurement system.	Institute a procurement system that will handle all public purchases and ensuring its openness and transparency.	IN PROCESS Medium term budget planning is being instituted. Matrices for evaluating, planning and monitoring FTE costs are currently being introduced.
	Improving the mechanism for formulating and carrying out defense procurements.	<ol style="list-style-type: none"> Form defense orders on a three-year basis with the option of annual adjustments; Establish closed cycles for developing and manufacturing basic types of weaponry and equipment; Achieve complete independence from Russian suppliers of equipment, parts and materials. 	IN PROCESS The requirements of Directive 2009/81/EU regarding defense sector procurements are currently being studied. Regulations that will make it possible for non-residents to participate in procurement bids in Ukraine are also being drafted.

Everyone understands that Ukraine's system of national security needs to be reformed: in 2014, the military was morally and technically exhausted, the defense industry was in decline, and the ministries and other government agencies were more inclined to create more red tape than to resolve bureaucratic issues. And so President Poroshenko included the reform of the security sector in the Ukraine 2020 Sustainable Development Strategy that was approved in January 2015. Later, this program was the basis for a proposal from the Defense Ministry and a resolution by the National Security Council

(NSC) that were reflected in the Strategic Defense Bulletin of Ukraine. These the President approved with a decree in June 2016. The priority was to reform Ukraine's security sector in line with contemporary NATO standards. This bulletin includes five strategic areas, which are further divided into 28 operational tasks. Should they all be successfully implemented, Ukraine will achieve something that is extremely important today: a modern, effective army capable of defending the country. ***The Ukrainian Week*** looks at the current stage of implementation of the key objectives. ■

Strategic goal	Operational goal	Steps needed	Status
3. Sufficient combat capability in the armed forces to guarantee that armed aggression can be repelled and the country defended	Streamlining organizational structures and the composition of the armed forces.	Streamline and harmonize the organizational and staff structure and number of commanding bodies, military units, military training facilities, institutions and organizations in the UAF.	IN PROCESS So far, 103 military units of UAF combat troops have been reformed to harmonize with NATO staff structure standards.
	Standardizing the main types of weaponry and equipment, restoring and modernizing them, and purchasing new ones.	<ul style="list-style-type: none"> Develop and institute national standards in the form of technical specifications for weapons and specialized equipment for all divisions of the armed forces; Bring all basic types of weaponry and equipment in line with NATO standards. 	IN PROCESS Regulations related to adapting to a system acceptable in NATO and to establishing a national system for developing and supplying samples or weapons and equipment to manufacturers are currently under development.
	Setting up a Special Operations Force.	<ul style="list-style-type: none"> Establish an SOF command system; Subordinate designated military units; Set up an SOF training center; Select candidates and equipment for SOF units. 	NO PUBLIC INFORMATION ABOUT PROGRESS The SOF command has been established, the necessary units are being expanded, and the training center is being revived. Service personnel in the FOS are training to carry out missions as part of NATO multinational forces.
	Setting up an effective war intelligence system.	<ul style="list-style-type: none"> Streamline structures and the number of command centers, units and intelligence units in the UAF following NATO standards; Achieve compatibility with international partners; Automate processes and establish a unified system of intelligence command at all levels. 	NO PUBLIC INFORMATION ABOUT PROGRESS Work on drafts of a J2 organizational and staffing structure at the General Staff's Main Intelligence Command continues. The establishment of an automated system of military intelligence at the strategic level continues, with full cycle processing of intelligence data, including providing it to end users.
	Reviving naval force potential.	<ul style="list-style-type: none"> Increase naval capacity to a level capable of defending the Black and Azov Sea shorelines; Ensure participation in NATO and EU international operations. 	IN PROCESS The Naval Forces Development Program of the UAF for the period to 2020 has been approved, together with the identification of a potential structure of the fleet.
4. Unified logistics and medical care systems capable of providing support to all components of the defense forces	Improving logistics.	<ul style="list-style-type: none"> Set up a single working logistics system capable of serving the military both in times of peace and in times of war; Automate the process of managing and tracking weaponry, equipment and assets. 	IN PROCESS The Main Command for logistics has been established. The problem is the lack of qualified personnel. Staff selection and retraining continues.
	Building up a medical care system.	Set up a medical care system that will function according to NATO standards.	The draft of a potential organizational system for a unified medical care command is being worked on.
5. Professional defense forces and the necessary military reserves	Improving the humanitarian provision of personnel.	Bring the level of material and other provisions for military personnel in line with the conditions of service.	IN PROCESS The Cabinet of Ministers has approved the draft resolution "On funding for military personnel." However, it does not reflect the principles of NATO member countries and needs to be reworked in the part on the distribution of responsibilities to sergeants and officers. Draft regulations to institute mechanisms for supporting new areas in the provision of housing are also being reworked.
	Improving military training and education.	Institute cutting-edge methods for training NATO forces in the educational system and distance learning technologies.	A multi-level system for training sergeants has already been introduced. THE DEVELOPMENT OF A SYSTEM FOR DISTANCE LEARNING HAS BEEN SUSPENDED FOR LACK OF FUNDING.

The Secretive Bureau of Ukraine

Why the SBU holds on to many of its old functions and privileges

Denys Kazanskiy

The pace of Ukraine's reforms has been subject to more criticism than just about anything else since the Euromaidan. Most journalists have long used the phrase "decisive reforms" only ironically. The sclerotic system that was formed over the course of many decades has not surprisingly shown little stomach for serious changes. Armies of bureaucrats used to working according to the old rules have begun to resist new approaches. What's more, in some areas, sabotage has been covert and careful, but in others it has been almost boldly open. President Poroshenko's statement at the YES Forum about Ukraine not needing an anti-corruption court was the last straw.

The law enforcement agencies have thrown their support behind the old ways, although their role in Ukraine's modern history has been as the hotbed of corruption and as tools for blackmail and political vengeance. Indeed, while the Interior Ministry has actually undertaken some visible changes, making Ukraine's police at least more presentable on the surface, the far more secretive and conservative Security Bureau of Ukraine (SBU) has not even considered significant changes. Lately, the SBU has, as an agency, become a popular target for critiques by journalists and anti-corruption groups—most of the time well-deserved. Attacking business, covering up for criminal activity, refusing to require declarations of income, and harassing anti-corruption activists are only the main complaints against the Bureau. Still, it seems in no hurry to change.

Even a useful innovation like e-declarations, which the government can claim as a real asset, was blocked at the SBU from the very beginning. The fact that the country's security agency was reluctant to show its wealth predictably turned into a major scandal that inevitably damaged the Bureau's already tarnished reputation. Even before the system was launched, top SBU officials made sure that information in their



own e-declarations were classified as a state secret. This caused an uproar at the Anti-Corruption Action Center (AntAC) headed by Vitaliy Shabunin. In March 2017, this CSO filed a lawsuit against the SBU with the Kyiv Circuit Administrative Court. AntAC demanded that the SBU remove the "secret" classification on the e-declarations of its officials and information about changes in the material status of its management. Activists also demanded that the establishment of a closed in-house system within the SBU for processing and archiving such data to be declared unlawful.

According to AntAC Director Vitaliy Shabunin, for information in e-declarations of SBU staff to be classified as state secrets is completely illegal, its only purpose being to cover up for corrupt sources of income and ill-gotten assets. Some of these declarations have been labeled "top secret," while others are 'merely' classified as "secret," although neither classification is based on objective grounds.

"It's one thing when it comes to the declarations of counterintelligence personnel at the SBU, but another entirely when information about the incomes and assets of its administrative leadership are not in the e-declaration system," says a visibly angry Shabunin. "There is no rational explanation for why top SBU officials are breaking the law and hiding their incomes."

Still, the SBU was not about to let the anti-corruption crowd pressure it and shortly after the suit was filed, it launched a counter-attack on Shabunin. On April 9, SBU staff organized a paid "rally" involving a small number of people outside the AntAC director's home. Shabunin himself accused SBU Deputy Director Pavlo Demchyn of organizing the campaign against him.

"Yesterday, SBU folks held a performance outside my home," Shabunin wrote about the event on his Facebook page. "At first they drove past it in their cars, just to make sure that I was at home. An hour later, they showed up on foot. Six individuals and their handler with a camera and five posters. The slogans showed

what was making all the SBU folks so phobic: 'Declare yourself. Be a man, not a mouse!' and 'Sell your house, buy a wiretapping kit from NABU!' [the National Anticorruption Bureau of Ukraine], 'Vitalik! Don't try to run away—if ours don't find you, the Americans will!' and 'Where did you get the money to buy this house?'"

Shabunin himself videoed the demonstration. The participants in the performance were unable to even explain the meaning of some of the text on their posters and the reason behind their action against Shabunin, whose home they were picketing.

This past summer, the undeclared incomes of SBU employees drew the attention of journalists from Radio Liberty, who investigated and discovered that these men from the economic security department were driving around in luxury cars that bore no relationship whatsoever to their official salaries. Moreover the K department is most often accused of engaging in corruption and putting pressure on businesses. An investigation by the program "Schemes" showed very clearly that almost nothing has changed at the SBU since the Euromaidan. Indeed, there was no reaction from SBU officials to the articles published by these journalists.

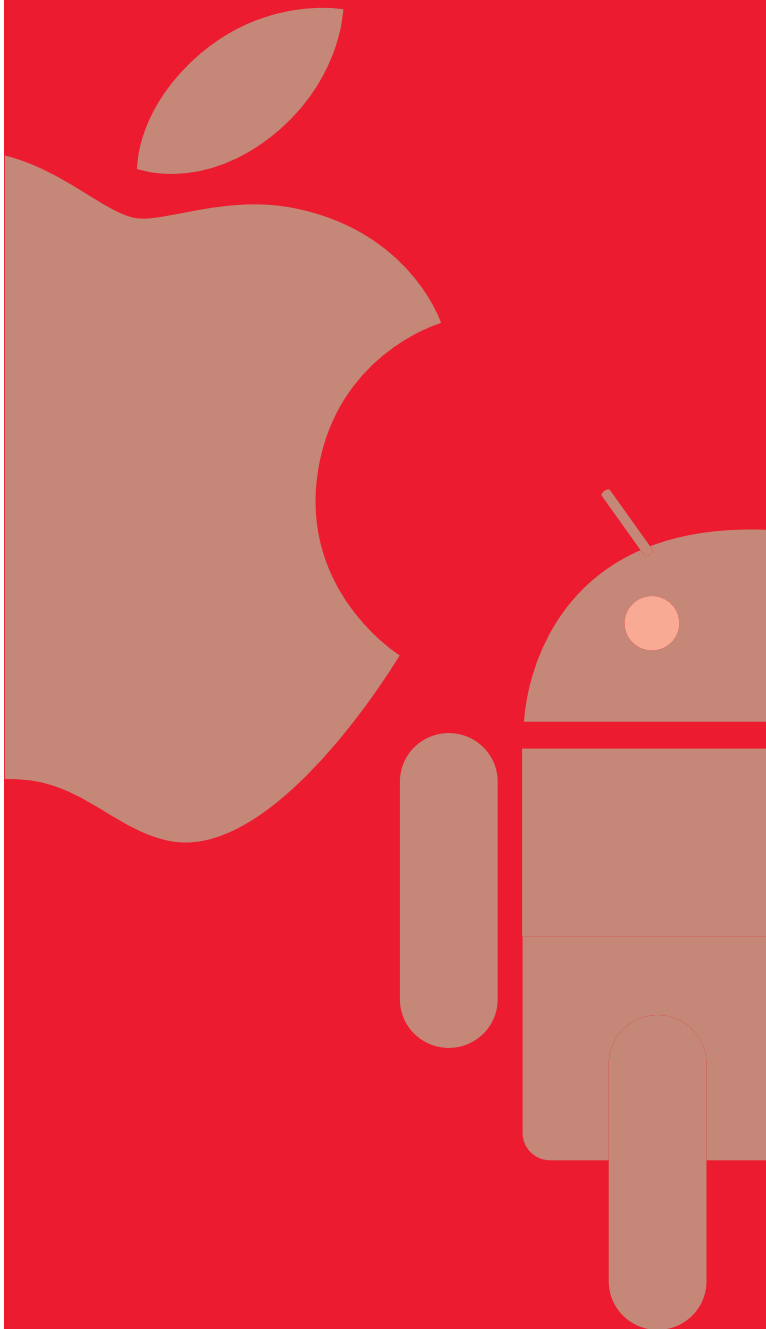
An even bigger scandal connected to the SBU blew up in August when the price of liquefied gas suddenly surged. A slew of deputies, journalists and business owners accused the Bureau of acting to help the market for this kind of fuel to become monopolized by a company belonging to Israeli Nisan Moiseyev. Moiseyev, as it happens, has a close relationship with Putin's koum Viktor Medvedchuk, with whom he has often been caught on camera.

Accusations aimed at the SBU clearly had a basis. Back at the beginning of the year, the SBU simultaneously blocked the operations of several gas traders who were supplying LPG from Russia to Ukraine, claiming that it was part of their war against terrorism. This dramatically increased the market share of Proton Energy, which is owned by Moiseyev and linked to Medvedchuk.

On August 30, several MPs and anti-corruption activists held a demonstration outside the central administration of the SBU in Kyiv to protest the pressure being put on traders. After this, the organizers, MPs Serhiy Leshchenko and Mustafa Nayem, both also journalists, were able to arrange a meeting to talk with SBU Director Vasyl Hrytsak. He promised to set up a meeting between his staffers and the companies involved and resolve any misunderstandings. However, the situation on the LPG market has hardly changed since then.

Anti-corruption activists say that only one step will make it possible to qualitatively improve the work of the SBU and seriously clean its house of corruption: the Bureau has to be relieved of the function of investigating financial crimes. Talks about this kind of reform have been going on for a long time, as it is this department that most often pressures businesses and squeezes money out of companies under one pretext or another. What's more, the presence of this kind of department in the SBU makes no sense as it duplicates the functions of other ministries and agencies, such as the Tax Administration and the Interior Ministry. Obviously, the top priorities of the SBU should be combating terrorism and engaging in counterintelligence. Of course, these areas don't offer such broad opportunities for corrupt manipulation, so it's hardly surprising that the SBU is desperate to hang on to Department K.

Nearly four years have passed since the victory of the Euromaidan, which means there's little hope that any reforms will take place within the SBU. Clearly, the current Administration is not interested in removing leverage against business from this agency, so it looks like the SBU will continue "business as usual" until the end of President Poroshenko's term in office. Undoubtedly, the agency will be the focus of the sharpest criticisms from Poroshenko's rivals during the next election campaign. But fundamental reforms in the SBU's structure are only likely to come with a change in the tenant on Bankova. ■





Sven Mikser:

“It’s a matter of principle that countries have a sovereign right to take decisions regarding their geopolitical orientation and destiny”

Interviewed
by Anna
Korbut

Estonia holds the Presidency at the Council of the European Union from July through December 2017. *The Ukrainian Week* spoke to Estonia’s Minister of Foreign Affairs during his visit to Kyiv about Estonia’s position on the proposals regarding peacekeepers in the conflict area in eastern Ukraine, expectations regarding the next Eastern Partnership Summit, as well as Ukraine-Estonia and Ukraine-EU relations.

What are the goals of your visit to Ukraine? What did you discuss with President Poroshenko at your meeting on September 12?

First of all, the goal was to pay a bilateral visit to Ukraine, which is a very important partner for Estonia, an important target country for our development cooperation. We have identified Eastern Partnership (EaP) as one of the priorities for our Presidency of the Coun-

cil of the European Union. So it was important to visit Ukraine during the Presidency. The calendar of bilateral visits between Estonia and Ukraine has been extremely tight: there have been a number of bilateral visits, and prime ministers have made their visits. But I decided that for me, as a foreign affairs minister, it is also important to visit Ukraine. This one actually coincided with one of the EaP events, the Media Partnership Conference, in which I took part.

I met with President Poroshenko, Prime Minister Hroisman, and Foreign Minister Pavlo Klimkin.

The two main broad topics on the agenda are the security situation, particularly in eastern Ukraine, the most recent developments there and the progress of attempts to build a sustainable solution. Obviously, Estonia is a very firm supporter of Ukraine’s territorial integrity and sovereignty. We also work hard to keep

these issues on the table at various international organisations so that they are not pulled off the table by new crises in the world.

Since the aggression against Ukraine is still ongoing and the illegal annexation of Crimea has not been reversed, we need to keep supporting Ukraine in its endeavours and maintain strong pressure on Russia as long as it has not returned to an internationally acceptable framework.

The second topic we discussed is the reform process. One aspect is the macroeconomic agenda. It's ambitious and is not expected to be universally popular. Some of these reforms are painful initially but absolutely important in the longer run. We spoke about the reforms of the pension and education systems. Also, the reform of the judiciary is critically important, as is the fight against corruption. These will help promote Ukraine as a country with a good investment climate.

Ukraine has reached important milestones in cooperation with the EU: the visa-free travel agreement, as well as the Association Agreement and DCFTA. Now we have reached an implementation phase and it's important that Ukraine be able to demonstrate that it really is safe for investors from the EU and beyond.

What is Estonia's position regarding the peacekeeping mission for eastern Ukraine?

I talked about that with President Poroshenko at length. Obviously, it was proposed by Ukraine very early on into the conflict: that there should be international peacekeepers. I absolutely believe that if this idea materialises, the peacekeepers should have access to the whole of the occupied territory, not just the contact line. The mission should not serve to legitimise the de facto separatist authorities. That should not be accepted. Also, we should be careful to see that Russia doesn't use this as a way of creating another frozen conflict. These are the main principles that need to be observed.

You mentioned EaP as a priority during your presidency at the Council of the EU. What would be your goals or accomplishments to speak about at the upcoming summit in Brussels in November?

Fortunately, we have some success to report. We now have the AA and DCFTA, as well as the visa-free travel agreements with the three more advanced members of the group. That's very positive.

A lot still needs to be done in terms of giving real content to the AA. The implementation phase will probably not be as visible as the visa-free travel. But in the longer term, the opening-up of the EU markets to goods from Ukraine, Georgia and Moldova, easier access to those markets, is a way to improve competitiveness and the lives of people, perhaps even more significantly than those accomplishments that are already visible.

That's something within the framework of the initiative called "20 deliverables for 2020". I think that this will be one of the real deliverables.

When it comes to the final declaration of the summit, we are in the early phases of drafting right now. We are working very hard to see that it addresses all concerns and expectations. We know there are some difficulties to overcome in coming to agreement both

Sven Mikser was born in 1973 in Tartu, Estonia. He graduated from the University of Tartu in 1996 majoring in English language and literature. Mr. Mikser was MP at the Estonian Parliament from 1999 to 2002. He served as Minister of Defense in the Siim Kallas Cabinet from 2002 to 2003, and Minister of Defense in the Taavi Roivas Cabinet in 2014-2015. From 2007 to 2011, he was chairman of the Social Democratic Party's faction and member of the Foreign Affairs Committee in Parliament. From 2008 to 2010, Mr. Mikser served as Vice President of the NATO Parliamentary Assembly. He was appointed Minister of Foreign Affairs in 2016.

among EU Member States, as well as among some EaP countries. We all have recollections of how it was with the Summit in Riga. (Two EaP countries, Belarus and Armenia, did not want to sign the final declaration because of the wording about Russia's illegal annexation of Crimea. Another problem was the opposition of some EU Member States to the phrasing about European aspirations of EaP countries – **Ed.**)

But I hope that, with that experience in mind, we can avoid some of the difficult parts this time.

When it comes to the issue of European aspirations of EaP countries, particularly the three that have expressed them very clearly, there can be no falling back from the position that was expressed in Riga – we have to be looking forward, not moving backward. That is a very clear principle.

Do you expect a lot of resistance to that?

Obviously, there are differences, different points of departure when countries gather at the table. But I don't see anything that can't be overcome in the process of drafting. We also want to make the document available to EaP partners because it's going to be a joint declaration. There needs to be time to consider and discuss the input from EaP countries.

Declarations are important outcomes of such meetings. But I think that in the longer perspective the implementation of AAs and DCFTAs, and specific deliverables in important areas, such as connectivity, energy policy and visa-free regime, are no less important than the exact wording of the declaration.

After the visa-free travel for Ukraine, next goals are being discussed here in terms of further European integration. Given the tensions within the EU about its future and policy about aspiring countries, where do you see potential for the most progress for Ukraine?

There are important areas where I see the possibility of deepening what we have. It's very important that you are able to demonstrate success in reforming in all the sectors I mentioned: the socio-economic agenda, the fight against corruption. The more you demonstrate that you are moving ahead, the less scepticism there will be.

Obviously, there are also challenges that are internal to the EU, including the soul-searching after the Brexit vote and negotiations during the exit of one of its largest members, something that is unprecedented. So the EU's attention span is somewhat limited.

I think there is a possibility of moving forward in the Digital Single Market. There are also a number of

other areas where we can think creatively and arrive at positive outcomes.

Promotion of the Digital Single Market is one of the priorities in Estonia's presidency. What are the others?

There's a full legislative agenda on the table. We have identified the factors where we want to see progress.

With regard to the horizontal priorities in various fields, EaP is one of those in international relations. We are engaging those partners in a number of ministerial meetings. We had Minister Klimkin and other EaP ministers of foreign affairs in Tallinn for the Gymnich informal meeting of foreign ministers of EU Member States. We had ministers attending the informal meeting of justice and home affairs ministers, as well as conferences and forums on business community, civil society. This is one of the horizontal priorities: we want to make sure that the EaP program is seen a priority area for the whole of the EU, not just the Member States from Eastern Europe. It is important both from the security and cooperation perspective; it is important that it doesn't disappear from the agenda after our presidency.

As for the agenda for the Digital Single Market, it concerns digital issues more broadly – free movement of information, which we want to see one day emerging as a basic freedom of the EU. Also, the cyber security dimension is a very important aspect of the digital agenda.

WE HAVE SEEN BOUNDARIES BETWEEN INTERNAL AND EXTERNAL SECURITY BECOMING LESS AND LESS CLEAR. **THERE IS AN INDIVISIBILITY OF SECURITY IN THE GEOGRAPHICAL SENSE: DEVELOPMENTS THAT HAPPEN VERY FAR FROM HOME AFFECT YOUR SECURITY AND PROSPERITY IMMEDIATELY**

Then, there is security in the broader sense. We have seen boundaries between internal and external security becoming less and less clear. There is an indivisibility of security in the geographical sense: developments that happen very far from home affect your security and prosperity immediately. These include the EU's internal security: how we address issues such as terrorism and organised crime, violent extremism, radicalisation in our own societies. As well as external security, from the defence of the EU's external borders to addressing the causes of crises, the EU development policy, how we support the building of resilience in the societies and countries that are fragile and prone to crises.

In terms of cyber security, you have faced a number of attacks on your crucial systems. Ukraine has suffered that as well. Do you see a space where the two countries could cooperate with mutual benefits?

We already do in a very meaningful way. The relevant agencies are cooperating in cyber defence, in protection of our infrastructure, communications that are used to deliver services via the internet. That is one of the upcoming issues of the day. And no longer is this sphere isolated. When we talk about fighting off information wars and hostile propaganda, that has a very strong cyber dimension. The same goes for the protection of critical infrastructure.

We also share our expertise when it comes to e-government and digital platforms in making the government more transparent and directly accountable to people. When it comes to fighting corruption, that's a challenge for every country. But the more developed a country is, the more you can rely on the cyber platforms, e-governance solutions. The more transparent the operation of the government, the less space for corruption there is. It improves the legitimacy of the authorities on the local and national levels. And it's good for people since it saves the country a lot of money. It also makes the country much more attractive as a place to do business.

The Estonian Centre of Eastern Partnership we host in Tallinn is running important projects. We have an e-Governance Academy that is cooperating with all the partners in Europe's east and south. They are doing some very promising projects with some countries in Africa, Latin America. That's how a small country like Estonia can have an impact beyond its reach and size. The traditional exports of goods can be limited by size – you can't have a huge impact on geographically large and distant markets such as China, Japan or many African countries. But when it comes to platforms for digital services, e-governance solutions, you can easily adapt to various circumstances, as well as scale them up. We've identified that as a way to punch above our weight.

Lithuania is discussing a "Marshall Plan" for Ukraine. What is your position on it?

However we call it, it's absolutely clear that we will have to continue to support Ukraine so as to see that you get through the very difficult period in the history of your country when you have to reform at a very high pace and fight off an aggression at the same time.

Some of the reforms we are talking about are difficult to implement even in peacetime. They are so much more difficult when you have to fight for the integrity and independence of your country. We simply cannot afford the enemy to win that conflict.

It's morally wrong. It's a matter of principle that countries have a sovereign right to take decisions regarding their geopolitical orientation and destiny. No third party has a veto on that. And that is exactly what the Kremlin is trying to impose. So it is a matter of principle.

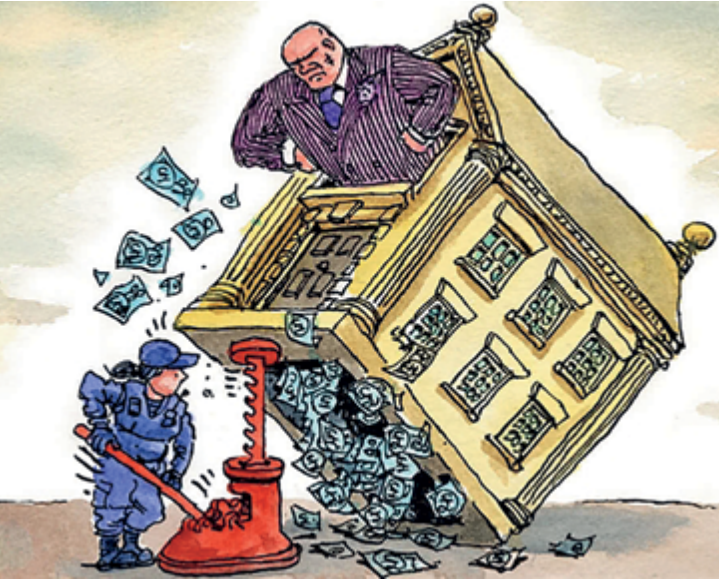
But also it is a matter of existential interest: should your enemy prevail, the consequences would be absolutely catastrophic for the whole European security architecture. So it is vital that we as the EU, as well as a community of democratic nations around the world more broadly, support you and help Ukraine to come out of this stronger than it was. And maintain pressure on the aggressor.

There is practical material help, as well as moral support, the good advice and practices. We are ready to do all that. Also, we have to see that this is dominant at important tables in the EU and in international organisations.

It is never going to be easy. But we have seen in the not too distant past that truth will prevail in the end. Injustice will be reversed in the long run. So it is very important that we maintain the resolve, the united front, and be there for you in various ways. ■

One way or another

Foreign crooks will find it harder to hang on to their London mansions and sports cars



FOR successful crooks and corrupt foreign officials, Britain has long been a popular place to stash dodgy cash. Investing a few million pounds in a house in a discreet London neighbourhood is a neat way to hide stolen money. But Britain is getting tougher on such ruses. The government hopes that “unexplained-wealth orders”, part of the Criminal Finances Act 2017, which comes into effect on September 30th, will make it easier to seize the loot of crooked bureaucrats and con artists.

The National Crime Agency reckons that up to £90bn (\$120bn) is laundered through Britain each year, which is probably an underestimate. The capital’s status as a centre of global finance and a wealthy, cosmopolitan city where rich foreigners attract little attention makes it an attractive destination. Its booming housing market makes a particularly good hiding place. In March Transparency International, an anti-corruption group, identified £4.2bn worth of property reckoned to have been bought by politicians and public officials with suspicious wealth.

Seizing the property of foreign crooks has proved difficult. A £9m Hampstead mansion owned by a son of Muammar Qaddafi, Libya’s late dictator, is the only asset to have been recovered from those connected to the regimes toppled in the Arab Spring and have its ownership returned to the country of origin. Securing criminal convictions for corruption, either in Britain or in the offender’s home country, is time-consuming and difficult. Shell companies hide who really owns properties.

Unexplained-wealth orders will make the seizing of such assets easier. Where there is a significant disparity between what an individual earns and what they own, be that a man-

sion in Mayfair or a fleet of Bugattis, law-enforcement officials will be able to apply to a judge for an order to demand evidence that such items were purchased legitimately.

Three conditions must be met: the subject must be a “politically exposed person” from outside the European Economic Area or someone reasonably suspected of involvement in serious crime; their known income must be insufficient to have purchased the property in question; and the asset must be worth more than £50,000. Most significantly, the orders will shift the burden of proof towards the accused, who will have to demonstrate that their assets were acquired legally. If they cannot, the assets may be frozen. Lying about them will be a criminal offence.

BRITAIN IS INNOVATIVE WHEN IT COMES TO FIGHTING CORRUPTION AND HAS CONSIDERABLE EXPERTISE.

ITS WEAKNESS HAS BEEN THAT THE RESOURCES AVAILABLE ARE LIMITED COMPARED WITH THE SCALE OF THE PROBLEM

Several other countries, including Australia and Ireland, have similar laws. Ireland has focused on organised crooks rather than foreign politicians. In February John Gilligan, a big crime boss, lost an appeal against the freezing of his assets in 1996. Australian officials have been reluctant to use the measures at their disposal, for reasons both bad and good, says Jason Sharman, an expert in international corruption at Cambridge University. Police worry that if such orders were successfully challenged, a lousy precedent would be set, so they are wary of using them at all. But they have other tools at their disposal, such as increasing the taxes owed by the owners of suspiciously pricey property.

Britain is innovative when it comes to fighting corruption and has considerable expertise. Its weakness has been that the resources available are limited compared with the scale of the problem, says James Maton, a lawyer who works in asset recovery. Unexplained-wealth orders may help by lessening the initial burden on investigators. But other difficulties remain. It is not yet clear whether foreign politicians will be able to claim immunity from such orders. And although David Cameron, the previous prime minister, was enthusiastic about efforts to fight corruption, campaigners worry that Theresa May, burdened by Brexit, may prove less zealous.

Plans for a public register showing the beneficial owners of property controlled by overseas companies (mostly shell ones) have been announced but not yet implemented. After Brexit, Britain will have to decide what sort of country it wants to be. In fighting corruption, says Duncan Hames of Transparency International, it has a chance to be a beacon or a buccaneer. ■

Panic as a weapon

Almost immediately, it became clear that the Zapad 2017 training, in addition to standard combat tasks, would work on methods of conducting hybrid information warfare. Moreover, this began long before its official launch. All the hysteria that was whipped up around the exercises with the assistance of the media, various public figures and experts shows that intensive action was taken in the information space.

One of the main goals of this invisible war, which almost everyone got involved in, is the disorientation of the "potential enemy". Whenever the exercises were discussed, opinions, comments, fears, scenarios, plans and so on dominated. The actions of the soldiers themselves were lost in these torrents of information. Everyone discussed not the course of the drills, but "what will happen" and "what could happen if...". Ukraine feared a strike from the north and the establishment of Russian military bases in Belarus. The Baltic States and Poland – real fighting in the Suwalki Corridor, recalling that large exercises preceded all Russian aggressive actions: from 2008 in Georgia to 2014 in Ukraine. Belarusians were concerned that Russian troops would remain in their country.

From time to time, this hysteria was fuelled by false stories. Moreover, they were mainly planted by Russia. That the Russians would not allow NATO representatives to observe their training grounds, which raised doubts about the number of troops deployed. That a Russian Il-76 would try to violate Lithuania's airspace "due to bad weather conditions" (is it not possible to send pilots a weather forecast beforehand?). That the Russian Defence Ministry would publish an order to move armoured troops "to Belarus"...

These tactics were chosen deliberately. Sadly, nobody consulted the Belarusian side on this matter. Evaluating all this "fake news", we can say that Russia tried to sow panic in Western public opinion for the aforementioned purpose – "disorienting the potential enemy". Then carefully followed the reaction of the respective military and civilian structures. In many respects, they succeeded.

Incidentally, some European analysts noticed this. For example, the publication Politico noted that panicky reporting eclipsed the true meaning of the event. Recently, Russia has been constantly intimidating the West with the use of troops. The hysteria around the exercises puts Moscow in a comfortable position. "This fear corresponds to Russian rhetoric and their constant hints of direct military actions against neighbours and other rivals. They are keeping quiet about the extent of the exercises, which allows the speculation and scare stories in Western media to do the Kremlin's job for them," wrote columnist Keir Giles.

Belarusian analyst Andrei Yavorav, director of the Centre for European Transformation, went even further. "I do not know if there is anything of the slightest importance in the movement of masses of people and equipment around the training ground, since all the most important things happened in the information sphere. Zapad 2017 is training for a consensual war with empirical verification of the sides' reactions to informational moves and attacks. What did the Russians work on? They mostly studied the

The Zapad 2017 training will be remembered for the unprecedented. However, fear was ultimately the real goal, which Russia managed to achieve after all

Siarhei Pulsha, Minsk



Lost in training. Russian strike bomber Tu-22 M3 crashed on the Russian territory during the Zapad 2017 exercise

possibility of managing the information space of neighbouring countries in the event of a possible hybrid attack. For example, how will our neighbours react if we release information about our intention to occupy some of them? The results are shocking: the reaction to the threat will be informational hysteria that drowns out any conscientious reporting. Informational chaos and uncertainty will disorient the masses and no one will be able to distinguish lies from truth. This mishmash of information will take away the will to act. Without a clear idea of what is going on, nobody will actually be capable of mobilising properly or organising a defence. This happened to everyone: Ukraine, the Baltic States, Poland, the EU and the opposition in Belarusian society. Perhaps, only NATO's reaction was calmer and more adequate," says Yavorav.

It should be noted that this panic is now dying down, but is not over yet. At the beginning of the exercises, some media outlets quoted a private from the Kantemir Tank Division who argued that there were more Russian troops in Belarus than necessary. At the end of the exercises, another private in the same division said, "If we wanted to occupy you, we would do that and you wouldn't even know what happened. You'd just walk around afterwards and be shocked that you'd become Russians. Like we did with the Crimea..."

How can privates know the intentions of the supreme command? They cannot. They were most likely instructed on how to answer questions from locals. This again confirms the theory that the information attack was well planned and thought out.

VICTORY FOR VEYSHNORIA!

What if we look at this training from the sidelines, without plans, forecasts and opinions? From a purely informational point of view. What did they show society in the end? They showed, in principle, that the devil is not so black as he is painted. Russia, as is said, still has two eternal problems: roads and idiots.

This is the third Zapad in Belarus, but none of the previous ones was affected by so many incidents and scandals. In the Kaluga region of Russia, a Tu-22 M3 bomber skidded off the runway. The Russian Ministry of Defence said it was nothing serious, but if you look at footage filmed by Ren-TV, it is clear that the aircraft broke into pieces and is beyond repair. TV channel Zvezda reported that another plane, a Yak-130 military jet trainer, crashed near Borisoglebsk; the pilots directed it away from built-up areas before ejecting. On 7 September at the Western Military District training range in the Leningrad Region, a shell fired from a tank hit a shelter containing six members of the engineering team: one was killed and five injured. On September 6 in Chita, a train transporting APCs and military vehicles derailed. No one was hurt. The quintessence was a video of an incident with a Ka-52 helicopter that launched a volley of missiles towards journalists and observers due to a technical malfunction. The reaction of the Russian Ministry of Defence to the spontaneous launch was very reminiscent of the situation when a Russian Buk missile shot down the Malaysian Boeing over Ukraine. Initially, the Russian Ministry of Defence tried to declare that "the video on the internet is a provocation!". Then told the story that the incident did actually take place, but "not there and not at that time". Then it was said that the self-launched rocket hit an empty KamAZ truck, obviously ignoring recordings made at the scene.

Within just two weeks Russian troops without a real adversary sustained significant losses in equipment.

As soon as the scenario for Zapad 2017 with a fictional opponent named Veyshnoria was made public, a virtual "Ministry of Foreign Affairs" for the country appeared on the internet. One of its first posts on Twitter was an appeal for Russian paratroopers to give themselves up. Now it does not seem so funny: no one suffered at the hands of Veyshnoria, which cannot be said about the "non-combat" losses of the Russian and Belarusian allied troops.

What if there is a real war tomorrow? Perhaps they will gain victory as they have before – not by skill, but by numbers.

A LOSS FOR BELARUS

All the training tasks were carried out and the leaders of Russia and Belarus presented their soldiers with awards and "stars", but the loser in this simulated war was not Veyshnoria but, however painful it is to admit, Belarus.

Firstly, this training showed the complete inability of the Belarusian Ministry of Defence to operate in the information field. The story of the "march" of the 1st Russian Tank Army on Belarus on the first day of the exercise should be considered a model example of provocation. Only seven hours later were journalists able to pry out a refutation of the Russian information on troop movements from the press service of the Belarusian Ministry of Defence.

"Imagine if, immediately after announcing a 'tank march on Belarus', Kremlin-controlled media outlets spread a false story about Belarusian military units raising Russian flags one after the other, while the local authorities flee and law enforcement officers defect to the Russian side (in this case, tanks would definitely be heading to Belarus). What kind of panic would seize Belarusian society and how disorientated would local authorities, security forces and the military be during those hours required for the press service of the Defence Ministry to wake up and refute the hoax?" commented Euroradio journalist Pavel Sverdlov. And he is right. Secondly, due to its weak reaction to these falsehoods and scenarios, Belarus was not seen as an independent party to these exercises. Indeed, the Belarusian Ministry of Defence was more open, inviting almost all interested observers and press representatives to its training zone. But being open isn't everything. Because of the lack of response or untimely reactions to Russian provocations, the impression was that Belarus

is not an independent state and does not control its own territory. Which is a direct path to what is called a "failed state" in the West.

Perhaps Alyaksandr Lukashenka tried to correct the situation by demonstratively refusing to meet Vladimir Putin. Earlier it was assumed that the meeting would take place at a Russian training ground, but the Belarusian leader decided to stay in his own country. However, this attempt, if it was one, looked weak.

Thirdly, the country has suffered a significant blow to its image. In recent years, Belarus has struggled to build up relations with the West. It presented itself as a neutral state, an "island of stability in the region", and a reliable and predictable partner that has no aggressive intentions towards any of its neighbours. All this was greatly damaged by Zapad 2017 and the hype around it. Belarus is again seen at least as a springboard for possible Russian aggression. It will be treated with caution until the training is forgotten about. Which, again, requires time...

"This training is just one of the tools that allows Belarus to be cut off from normalising relations with the West, as well as worsening relations with Ukraine and thus consolidating our country in 'Russia's sphere of privileged interests', as it is called in Moscow," says military expert and founder of the Belarus Security Blog Andrei Parotnikov. He adds that the Zapad 2017 training was held in Belarus. Simultaneously in Russia there were other drills also called Zapad that involved up to 100 thousand military personnel. Formally, the exercises on Russian territory had nothing to do with Zapad 2017. But it was all seen as a single exercise. "Russia is conducting large-scale military training and the Belarusian army is involved in one of its parts. Accordingly, the latter is perceived as part of the Russian military machine. This

THE RUSSIANS STUDIED THE POSSIBILITY OF MANAGING THE INFORMATION SPACE OF NEIGHBOURING COUNTRIES IN THE EVENT OF A POSSIBLE HYBRID ATTACK. THE RESULTS ARE SHOCKING: THE REACTION TO THE THREAT WILL BE INFORMATIONAL HYSTERIA THAT DROWNS OUT ANY CONSCIENTIOUS REPORTING

will be seen in Brussels and Washington. Then it will be impossible to say anything to anyone. Our political dialogue with the West will be pushed back by two or three years. Which is more than serious," says Parotnikov. This is a simple, but not complete list of Belarusian losses as a result of the exercises. I am also sure that Ukrainian trust in their northern neighbour has significantly decreased.

DON'T PANIC!

What about the "potential adversaries"? Poland, Ukraine, the Baltic states? They also have to draw their own conclusions from these exercises. First, it must be realised that the main weapon is now informational. That panic can be created artificially and misinformation is deliberately spread through various channels. This does not mean that it is not necessary to keep the powder dry and calculate all possible variants for the development of events. But it is necessary to evaluate the situation realistically.

A real assessment of the situation shows that Russia is capable of waging information warfare and its image is that of an aggressor. They are not shy of this reputation, emphasising and cultivating it. However, in view of the "non-combat losses" during the exercises, that image is exaggerated in the mass consciousness. Ukrainians understand this fairly well, regularly turning Russian armoured vehicles into scrap metal in the east of their country. The West has not seen this yet. As a result, the information component comes to the foreground. How to resist the flow of disinformation and fake news is a question for specialists. As practice has shown, not enough is being done. ■

Sorin Ducaru:

“We see more and more cases where states are behind cyber attacks”

Interviewed
by Yuriy Lapayev

The Ukrainian Week spoke to Assistant Secretary General for the NATO Headquarters Emerging Security Challenges Division on what the Alliance is doing to protect itself, what tasks it sees as priorities and how cooperation with Ukraine evolves in this sphere.

What preparations are made by NATO to prevent cyber accidents, including hacker attacks originated from Russia? Which countries have sophisticated hackers?

NATO, like many other international organisations, has been targeted increasingly in recent years. Our systems register a large number of suspicious incidents every day. The majority are detected and dealt with automatically. But the most sophisticated attacks involve expert analysis by our specialists. We see more and more cases where states are behind cyber attacks. We see similar patterns to recent reports of cyber attacks in Allied countries, also at NATO. These increasingly sophisticated attacks are targeted, persistent or recurrent, following various patterns.

NATO and Allies have taken several steps to bolster their cyber defences. A few examples:

- We have extended the centralised protection of networks to cover more than 60 sites, including NATO Headquarters and command structure;
- We have improved our ability to detect and protect against cyber threats, with over 200 experts working around the clock;
- We have established NATO Rapid Reaction Teams to respond to potential cyber-attacks against NATO networks or to assist Allies;
- We have enhanced information sharing, including in real-time, through a Malware Information Sharing Platform (MISP);
- We have stepped up our cyber situational awareness, including through the development of NATO's Cyber Threat Assessment Cell

(CTAC) that provides strategic cyber threat analysis, as well as the creation of a new Intelligence and Security Division, which aims to increase cyber relevant intelligence and analysis sharing;

- We have invested in training, education and exercises to help make sure that skills keep pace with the threat landscape and technology;

- We are continuously investing in our tailored and trusted cyber partnerships and cooperation with partner nations, international organisations, with industry and academia.

NATO Allies are also enhancing their national cyber defences. At the 2016 NATO Summit in Warsaw, Allies adopted a Cyber Defence Pledge to strengthen the cyber defences of their national networks and infrastructures, as a matter of priority. Resilient national cyber defences are key to our collective defence.

Also in Warsaw, NATO recognised cyberspace as a domain of operations, in which NATO must defend itself as effectively as it does in the air, on land or at sea. NATO must be able to ensure the success of its missions and operations often in a contested or degraded cyber environment. Addressing cyberspace as a domain of operations helps us to do this. It will enable NATO's military structures to devote specific attention to protecting missions and operations from cyber threats and increase their focus on cyber-related training and military planning for operations. This does not change NATO's mission or mandate, which remains defensive, and strictly in accordance with international law.

Over the years, NATO has adapted continuously in light of the evolutions of cyber-attack. We have not sat idle, but we need to do more. There is no room, however, for any complacency in the context of a rapidly evolving cyber threat landscape, which is why continued vigilance, adaptation, investment, and close cooperation and action in the spirit of collective are a must.

What lessons were learned from interference in elections in USA and in France?

Democratic institutions appear to be growing targets with the unprecedented attacks against the Democratic National Committee, which have now been publicly attributed by the United States to Russia. More recently, media reporting highlighted possible state-sponsored involvement in a clear attempt to influence the outcome of the presidential election in France. Moreover, the growing number of recent examples of public attribution by states that have been subject to such attacks reflects the seriousness of their concerns.

This backdrop provides a compelling argument for why we need to step up our game when it comes to cyber defence. NATO is doing this by enhancing our joint situational awareness through information sharing with Allies, but also with a number of partner nations, based on trust and mutual interest, with international organisations, especially with the European Union, and with industry. Intelligence and analysis sharing among Allies on cyber threats has proven to be a key factor in increasing our awareness with regard to the patterns and sources of cyber-attacks.

NATO Allies are also enhancing their national cyber defences. As part of the Cyber Defence Pledge, Allies committed to a number of key objectives, such as addressing cyber defence at the highest strategic national institutional level, allocating resources, further developing cyber defence capabilities, improving information sharing and fostering better education, training and exercises. The Cyber Defence Pledge is therefore a key tool for helping Allies to bolster their cyber defences, including to protect their critical infrastructures and democratic institutions.

Are there any new approaches to cybersecurity in NATO after Petya computer virus attack?

NATO followed the recent global cyber-attacks very closely. Our experts were in touch with the relevant national authorities as well as other international organisations such as the European Union, and industry partners, to exchange information. These cyber incidents highlighted the importance of rapid information sharing to improve our understanding of the evolving situation. I would underline NATO's role to play in facilitating information exchange – including through a dedicated Malware Information Sharing Platform, which allows for information to be shared in real-time. NATO also continues to promote best practices on cyber incident prevention and response. And we are investing in cyber defence education, training and exercises.

Recent global cyber incidents also highlighted the importance of the Cyber Defence Pledge adopted by Allies, and in particular, enhancing skills and awareness of fundamental cyber hygiene through to the most sophisticated and robust cyber defences.

How can you describe the evolution of cyber threats? What is the future of cyber warfare?

Cyber-attacks continue to challenge the Alliance in terms of their frequency, complexity and potential for serious impact. The global cyber threat picture is of growing concern with a wide range of actors and motivations in play. We see states and non-state actors increasingly using cyber-attacks to achieve a wide range of tactical or strategic objectives: from intelligence gathering, information distortion and manipulation to disruption of functionality of critical infrastructure. We have also seen the use of cyber-attacks in military operations, as a tool in the context of hybrid warfare. Cyber attacks against critical infrastructure, democratic processes and their increasing presence in crises and military operations are the latest examples of the need to take urgent action to strengthen cyber defences.

An increasingly dynamic international environment gives rise to a number of considerations that will challenge policy development, capabilities, information sharing, cooperation and partnerships in the years ahead. With this in mind, cyber defence will continue to

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feature prominently on the agenda of the Alliance. NATO has taken a serious, yet responsible and measured approach determined by the evolution of the cyber threat landscape. Both NATO as an organisation and its Allies are raising their game to continuously adapt to deal with the threats we face now and in the future.

The Alliance also supports maintaining international peace, security and stability in cyberspace. While NATO is not a norms-setting organisation, we welcome the work undertaken in other international fora (such as the United Nations Group of Governmental Experts and the Organization for Security and Co-operation in Europe) to foster stability in cyberspace through the development of voluntary norms of responsible state behaviour and confidence-building measures in cyberspace. These international efforts represent an important contribution to develop the rules of the road for cyberspace.

How can you assess the current level of cooperation with Ukrainian cybersecurity forces? Is there an effective exchange of information between NATO and Ukraine in that field?

NATO and Ukraine have developed a close partnership on cyber defence. This must continue. NATO is helping to strengthen Ukraine's resilience to cyber-attacks through its Cyber Defence Trust Fund. Through this trust fund, led by Romania, NATO is delivering state of the art cyber defence equipment to Ukraine. This will help Ukraine to better protect and defend itself against cyber-attacks, such as those we saw recently. High level training and expertise is also provided through the Cyber Defence Trust Fund and NATO's Science for Peace and Security Programme. Furthermore, Ukraine has joined NATO's Malware Information Sharing Platform, which allows for real-time information exchange on cyber incidents and malware characteristics.

While in Kiev in July 2017, I had the opportunity to attend an event with the Security Service of Ukraine, the Romanian Intelligence Service and NATO to mark the end of the first phase of the Cyber Defence Trust Fund in the presence of media and the diplomatic community. The participants welcomed the accomplishments in the implementation of the NATO Trust Fund on cyber defense for Ukraine. They agreed that further developing Ukraine's defensive capabilities through this Trust Fund will contribute to strengthening the national security of Ukraine.

During his recent visit to Ukraine in July 2017, the NATO Secretary General welcomed the fact that cyber defence is an area where NATO and Ukraine are working more closely together. He also noted that NATO has a lot to learn from Ukraine in this area as part of a mutually beneficial partnership.

Any recommendations for Ukraine?

Ukraine has already made significant progress in strengthening its cyber defences. Efforts in this field must be continuous and require significant investment and strategic level attention. Deepening cyber defence partnerships, with other countries, international organisations and with industry and academia is also crucial given the rapid speed at which threats and attacks develop in cyberspace. None of us alone can be more aware, better informed and better protected than all of us working together. ■



PHOTO BY SERHIY STAROSTENKO

Mohammad Beheshti Monfared:

“We see Ukraine as a hub to the markets of Eastern Europe”

Interviewed
by **Dmytro Krapyvenko**

The Ambassador of the Islamic Republic of Iran talked to **The Ukrainian Week** about how the challenges of separatism and terrorism are viewed in his country, the relations between Muslim groups, and the prospects of economic cooperation with Ukraine.

How do you view the referenda in Catalonia and Iraqi Kurdistan? Would you compare the two?

— In the Name of Allah, the Most Beneficent, the Most Merciful! No country in the world except for one (Israel – **Ed.**) has recognized the referendum in Iraqi Kurdistan. Preserving any country's integrity is a very important principle in international politics. The key foreign policy slogan of Iran is the support of territorial integrity of countries. We have identical assessment of the developments in Iraqi Kurdistan and Catalonia, without double standards in this issue. If the issues of independence for religious or cultural reasons are raised, the number of conflicts will grow rapidly in the world.

Is Iran prepared for a revision of the nuclear deal as insisted by the USA and Donald Trump personally?

— We consider the effective deal to be reasonable, logical and convenient for all parties. It was supported by the UN Security

Council. Iran has complied with all the obligations it undertook under the framework of the deal. All 5+1 countries have confirmed this. This is not a bilateral deal with the United States which, by the way, has unfortunately not complied with its obligations. If the American side does not comply with the deal purposefully and Iran receives no guarantees envisaged in this document, Teheran will react accordingly.

What do you mean?

— Insha'Allah, it will not get to that.

The US, Russia and Iran all ascribe to itself a leading role in the fight against terrorism. Where do you see a difference in approaches?

— Iran's leader Hassan Rouhani called on the parties to reject violence and extremism at the UN General Assembly. Peace and stability are the foundation of development for the entire humanity. Terrorism is the opposite process. Iran is very determined in the struggle against terrorist groups supported by some other countries. Meanwhile, terrorism is unfortunately a large market for weapons, and there are parties who are interested in that. Moreover, the inactivity of the international community has encouraged the spread of terrorism. In

Mohammad Beheshti Monfared is an Iranian diplomat, a graduate of the University of Teheran. He previously served as Iran's ambassador to Ethiopia and Bangladesh. He was appointed Ambassador Extraordinary and Plenipotentiary to Ukraine and Moldova in 2014.

order to uproot terrorism and put an end to it, a real, non-politicized approach is necessary.

There is no such thing as good or bad terrorism. It is known whose citizens were the people that attacked the Twin Towers in New York. If we look at all terrorist attacks that have taken place around the world ever since, we will not find a single citizen of Iran amongst the terrorists. Unfortunately, these terrorist organizations are referred to as Islamist while their militants think of themselves as Muslims. But one should not refer to the Wahhabi as Muslims. Islam is a religion of love, friendship, peace and good. Our Prophet preached high moral principles.

How would you explain the growing contradictions between Sunni and Shia Muslims?

— The contradictions between Sunni and Shia Muslims are not greater than the contradictions between, say, Catholics and Orthodox. There is one God and one Quran. The differences that exist cannot be a reason for war. The Shia and Sunni live peacefully in Qatar. The Shia, Sunni, Ashuri and Christians live side by side in Iraq. There are no religious contradictions there. Meanwhile, the imperialistic regimes of the West are conducting policies to divide the Muslims, hence the conflicts.

There is a good historic example that explains the essence of these processes. Lord William Gladstone, a British Prime Minister of the time of the empire, invited the nobility to his office, unfolded a huge carpet and placed Quran in the center of it. Who can take this Book without stepping on the carpet, he asked the people. They were confused. Then Lord Gladstone started rolling the carpet and got the Quran in that manner. We must take this Book from the Muslims to own them, he said. So there is a goal: to divide the Muslims so that there is animosity between them. Unfortunately, this colonial politics is still alive.

How close is Iran's cooperation with Turkey and Russia?

— I would like to begin by saying that we build relations with every country individually. Thus, our contacts with Russia, for example, have no impact on our cooperation with Ukraine. Iran's politics is to have good relations with all countries worldwide, especially its neighbors. Struggle with terrorism is what unites us with Moscow and Ankara, first and foremost. We must coordinate our positions in this issue. Iran's position on the resolution of the Syrian crisis is known to everyone. We have been one of the few countries that believed from day one that this could only be done through negotiations, primarily between the sides of the conflict in Syria proper.

For various historic reasons, Ukraine and Iran have not begun to integrate into the global economy. What chances do the countries have to win their spot under the sun?

— We have a saying that goes like this: once harm is stopped, whatever happens next is for the benefit. I have quoted our first Imam Ali in a recent interview: "Opportunities are like clouds in the sky, they move and fade quickly." This means that the opportunities we have now will disappear unless we use them. After sanctions against Iran were lifted, numerous delegations from the West started coming to us and business representatives started making the first contracts. They see opportunities, a ground for further cooperation. It's the same with Ukraine.

There is huge potential and opportunity here; it just needs to be used. We, for instance, have significant interest in Ukraine and are prepared to implement a number of interesting and promising projects. We are most interested in being present in the agricultural sector. The Iranian side is planning to rent a thousand hectares of farmland soon in order to start developing extraterritorial farming here and grow produce for further import. We practice this format in many countries but we have decided that Ukraine will be the main one in this vector.

Another important segment is cooperation in R&D. We count on cooperation from sea shelf to space, the range of interests is quite extensive. Many Ukrainian specialists, including from EnergoAtom, are already working in our country. Aircraft construction is another topic. We have very good prospects here. We see Ukraine as a hub, a point of entry to the markets of Eastern Europe. Take petrochemicals: we first enter the Ukrainian market with an intention to cover the markets of Eastern European countries in the near future. Plus, we created a working group for transport and energy at an intergovernment meeting in March. A project in the field of railway transportation is at the stage of negotiations. We are interested in exporting Iranian medicines to Ukraine with a prospect of going to the markets of Eastern Europe as well. A delegation of representatives from our pharmaceutical industry has arrived to Ukraine. Another delegation has come from Isfahan province to organize the purchase of grains.

What do investors from Iran seek to invest in Ukraine?

— When I came to Ukraine I found out that no Ukrainian-Iranian intergovernment meetings had taken place for 11 years. I have been working in Ukraine for three years now, and the seventh such meeting is about to take place in Teheran. 2016 saw a 30% increase in trade turnover between our countries. In H1 2017, we see another 30% increase. Iranian businessmen have no special requirements for Ukraine. What is needed is laws protecting private property, investment, guarantees and some preferences, customs duty holidays or something like that.

What should Ukrainian diplomats do to make Ukraine more visible for Iran?

— Ukraine's new ambassador to Iran is quite active. But diplomats are not enough to have full-fledged cooperation. We now have six flights between Kyiv and Teheran. We could well increase that number to fourteen. Tourism is another important vector to be developed. Plus, cooperation in education. The procedure for obtaining a Ukrainian visa has been somewhat simplified for the citizens of Iran, but difficulties remain, so we expect changes in that. We are ready to even discuss visa-free travel regime between our countries. Or we hope at least to simplify visa procedures for two categories of citizens: businessmen and tourists. This is important for the reinforcement of bilateral relations. Hennadiy Zubko has said recently that Iran will be on the list of countries with which Ukraine has a simplified visa regime.

But this promise has not been fulfilled so far. Meanwhile, some tiny countries have received that simplified regime. Even if their entire population comes to Ukraine as tourists, it is incomparable with what Iran can offer. Our peoples have common roots as Pavlo Klimkin has said recently. Meanwhile, the countries that have no deep historic and cultural ties with Ukraine are on the list of those with simplified visa procedures. Iran is not there. Iranian tourists are disciplined, generous and love Ukraine. We do hope to see Ukrainian tourists in our country soon too. We have opened a consulate organized to consider all issues of the applicants within one day. ■

October 14, 6p.m. — October 14 – 15, 12p.m. — October 14 – 15, 11a.m. —

Manhattan Festival of Short Film 2017

Fabrika Space
(vul. Blahovishchenska 1, Kharkiv)

One of the biggest international festivals of short films traditionally puts together a Top 10 list. A huge international audience votes among the dozens of top winners over 7 days. This year's Top 10 include clips from a variety of genres and subjects. The film *Do No Harm* portrays a doctor who is faced with a very difficult choice and *Behind* looks at family problems, while *Perfect Day* should please business people, and dreamers are sure to enjoy the fantasy presented in *8 Minutes*.



Open Stage

Krakow Center of European Theater and the Arts
(Rusanivska Naberezhna 12, Kyiv)

Over the course of two days, the best independent theaters from many corners of the world offer Kyivans and visitors to the city their best performances. The Open State Festival will please lovers of the dramatic arts with its unusual plays, interesting lectures and varied master classes from professionals of the theater. Those who like can participate in interactive discussions on the subject of independent Ukrainian theater while selfie fanatics can get their best shots. Entry to this weekend event is free of charge.



Happy Birthday, Kurazh Bazaar!

Platforma Art Factory
(vul. Bilomorska 1, Kyiv)

The Kurazh Bazaar is celebrating its birthday and invites everyone to a celebratory flea market. The weekend includes a very busy program: more than 300 booths will offer an amazing variety of merchandise. A special game zone will be set up for kids, a photo zone for fans of photography, while those who are looking for a tasty morsel can visit our food court. And what would a birthday be without street bars, music, dancing and other fun? The special of the day will be a variety of purebred puppies to add a dollop of happiness to kids and grown-ups alike.



October 20, 8p.m. — October 20 — November 10 – 13, 8p.m.

Johnny O'Neal

BelEtag
(vul. Shota Rustaveli 16A, Kyiv)

Jazz from autumnal New York performed by a legend? Your wish is about to come true! Renowned jazz pianist and singer Johnny O'Neal will soon be amazing Kyiv music lovers with his virtuoso performance. Critics have praised the special lightness of his sound and say that O'Neal's touch on the keyboards is his calling card—every note filled to the brim with emotions. Even as a kid, Johnny O'Neal wanted to make music when his musician father infected him with a love of this art. As a teenager, O'Neal discovered the world of jazz through his idols: Oscar Peterson, Art Tatum and Bud Powell.



Kyiv Internationale

Tarika Institute of Scientific, Technical and Economic Information
(vul. Antonovycha 180, Kyiv)

A major musical event is coming to Ukraine's capital very, very soon: the Kyiv Biennale 2017. This year, it will be in the form of an international forum of art and knowledge. What does this combination mean? The organizers promise a very rich program combining a series of lectures, workshops and open discussions with the participation of well-known historians and cultural figures, as well as art exhibits, concerts and performances. These include guests from all over the world: Germany, Austria, Greece, the US, Italy, China, Poland, and the UK.



All Music is Jazz

Closer Art Center
(vul. Nyzhniourkivska 31, Kyiv)

Calling all jazz fans in the capital! This event is our second festival of all genres and formats of jazz. *All Music is Jazz* promises a high-quality serving of real live performances, nighttime DJ sets, jam sessions, and master classes. Ukrainian performers will be joined on our stage by American saxophonist and composer Steve Coleman; awesome DJ Brian Shimkovitz, renowned for his virtuoso playing of authentic African music on cassettes; and German producer and experimental free-jazz player Bernd Friedmann.





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JAZZ

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