

Inside Ukraine

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THE GOVERNMENT POLICY



The anniversary of Russian “little green men” seizing the Verkhovna Rada of Crimea brought the topic of the peninsula’s annexation back into the scope of media attention for a while, but the year of 2014 ultimately highlighted Russia’s success in distracting public attention from Crimea with the Donbas conflict. Meanwhile, neither Ukraine nor the West should exclude a settlement for the region from the negotiations with Russia. The systemic violation of human rights on the peninsula, namely the discrimination and persecution of Crimean Tatars, will become a challenge for the international community, which will have to decide whether it is ready to compromise on democratic values. Crimean Tatars and ethnic Ukrainians in Crimea remain the link that connects Ukraine and the peninsula and

may play a crucial role in the restoration of Ukraine’s territorial integrity.

The active position of Viktor Shokin, a new Prosecutor-General, concerning criminal cases against the previous government has been positively assessed by the general population, but the question remains over why it was not done a year ago. In order for these actions not to be perceived as another PR-stunt by the authorities, court proceedings should be exemplary: with all the procedures followed, with sufficient evidence and with real punishment in the end. At the same time, a just punishment of the guilty will be possible only after full-scale judicial reform, which will change the principles of work for courts, prosecutors and the Ministry of Interior.

Violation of human rights in Crimea is another reason for international pressure on the Kremlin

Fueling separatism and deliberately provoking bloodshed in Donbas, Russia sought to achieve three goals:

- to impose federalization in Ukraine, by which two pro-Russian regions would be able to block any initiative of Kyiv;
- to escalate the conflict between Donbas and the rest of Ukraine so that it may be used as a long-term instrument for pressure on Kyiv;
- to distract the attention of the Ukrainian government and international community from the annexation of Crimea.

The latter has in fact been achieved. Crimea is not discussed at the UN level, there are no OSCE monitoring missions on the peninsula and the annexation

“Donbas conflict has distracted attention from Crimea annexation”

was mentioned neither in the first, nor in the second Minsk agreements.

Excluding Crimea from the “negotiation menu”, Ukraine and the West are subconsciously supporting Russia’s preferred outcome. According to this scenario, Crimea becoming part of Russia is a fait accompli, while Donbas is subject to negotiations, albeit on Russian terms only.

The Russian occupation authorities consistently violate the rights of the pro-Ukrainian local population. Examples of these instances are to be documented and used on the international level to increase pressure on Russia. Otherwise, Crimean Tatars, who were officially recognized as indigenous people on the peninsula, and Ukrainians with active civil positions will be left to fend for themselves against the Kremlin’s repressive machine. International human rights ac-

tivists will do nothing about that – on March 1, 2015, Russia did not allow Rita Isaac, the UN Special Rapporteur who monitors violations of Crimean Tatars’ rights, onto the peninsula.

The Mejlis of Crimean Tatars suffers from the pressure the most. Russia did not limit its actions to

“The Mejlis is a major object for the Kremlin’s pressure.”

banning Mustafa Dzhemilev and Refat Chubarov, Crimean Tatar leaders, from entry onto the peninsula. On January 29, 2015, Akhtem Chygoz, acting head of the Mejlis, was arrested for the organization of a Crimean Tatar rally on February 26, 2014, when the peninsula was not yet occupied. Prolonging his arrest until May 19, 2015, Russia seeks to intimidate other Mejlis members and get control over the entire body.

Recently, the Russian authorities in Crimea demanded to restore the Mejlis membership of Crimean Tatars who had been excluded for their cooperation with the Kremlin. These individuals include Remzi Ilyasov, vice-speaker of Crimea’s “State Council”, Teyfuk Gafarov, vice-mayor of Simferopol, and Zaur Smirnov, head of state committee on interethnic relations and issues of deported citizens. Another Russian demand is to appoint Remzi Ilyasov the acting head of the Mejlis. Moscow also wants to organize kurultai in order to change the Mejlis, but, according to Mustafa Dzhemilev, Russians may count on three members of the kurultai delegates out of 33.

Last year, approximately 10,000 Crimean Tatars left the peninsula. The Crimean Tatar media is also about to disappear: after the work of the ATR TV channel was blocked, Crimean authorities also seek to deprive the only Crimean Tatar radio station called Meydan of its frequencies.

Refat Chubarov emphasizes that it is necessary to elaborate a state strategy on Crimea, which would

“ The Ukrainian authorities should elaborate a state strategy on Crimea.

be based on the support of the pro-Ukrainian local population and the use of diplomacy to exert international pressure on the Kremlin.

The efforts of the Ukrainian government in this sphere have not brought about any results so far. The State Service on Crimea has not yet been created, though last year the agency were granted UAH 1.5 mln. in the budget and UAH 2.8 mln. this year. On the contrary, Russia began to develop new institutions immediately – they have a separate Ministry on Crimea and a respective Vice Prime Minister.

It is important for the Ukrainian authorities to intensify informational work on the “Crimean issue”

both in the international arena and on the peninsula. The access of local population to the Ukrainian media, education and healthcare systems may gradually increase the share of the pro-Ukrainian population. According to Crimean activists, up to 30% of Crimean residents support Ukraine. This figure includes not only Crimean Tatars and ethnic Ukrainians, but also representatives of small and medium businesses. The pressure on them increased after Russian legislation came into effect on the peninsula and local elites tried to participate in property redistribution.

“ Transport blockade ruins ties of local residents with Ukraine.

It is also important to restore vital transport connections between Ukraine and Crimea, as such a blockade causes the peninsula to be isolated and breaks ties of local residents with “continental” Ukraine, pushing them to closer to Russia.

Justice is impossible without a comprehensive justice reform

The lack of a systematic approach to filing charges against the representatives of Viktor Yanukovich’s regime implies that the Prosecutor General’s Office wants to draw the attention of the media and demonstrate its power to the society instead of actually achieving concrete results. In such a way, the au-

“ The vigorous actions of the Prosecutor General’s Office should divert attention of society from the lack of reforms.

thorities are trying to divert attention from the lack of reforms.

However, the first cases against MPs and judges should be exemplary in terms of compliance with all necessary procedures and the sufficiency of the evidence so that they are not used for speculation about

political persecution by former functionaries of the Party of Regions or by Russian media.

There are considerable doubts that these trials will proceed to real punishments. The main reason is the lack of institutional changes in the judiciary and law enforcement agencies (so far the changes have been focused on the legislative field only, but most of them were mainly superficial).

Oksana Tsarevych, known for her involvement in cases against Automaidan under former President Viktor Yanukovich, took the decision in the case of Oleksandr Yefremov. Once she released the former leader of the Party of Regions on a bail of UAH 60,000, the Prosecutor General brought a criminal case against her. It is not clear why this was not done a year or at least a few months ago, as now the judge interprets this decision as pressure on her in a particular case.

Dozens of judges and prosecutors were involved in criminal cases against civil activists at the time of

“Dozens of judges and prosecutors were involved in politically motivated cases but no one was punished.”

the Revolution of Dignity, but no one was punished. Disciplinary proceedings against the judges were blocked for a year due to the inability to gather a quorum of the High Council of Justice and the High Qualification Commission of Judges. The whole system was interested in preserving the status quo, and judges and prosecutors were protected by the principle of solidarity. Without firing people who were directly involved in politically motivated cases, the judicial system will not change because these people can always be manipulated due to their pasts.

Since neither the evidence base nor the prosecutor's office powers changed after Viktor Shokin's appointment, the hastened investigation of a number of high-profile cases suggests that the head of an office

“The new Prosecutor General fulfills the President's political will.”

and the political will of the President continue to play a pivotal role in these processes.

In general, society welcomes the fervour of the new Prosecutor General. Over the last few weeks, the agency has brought two cases against Oleksand Yefremov, announced suspicion to Mykhailo Chechetov, Oksana Tsarevych and Hennadii Kernes and lobbied the decision of Chief Justice Yaroslav Romaniuk to deprive the judges Oksana Tsarevych, Viktor Kytisiuk and Serhii Vovk of immunity. There was also a search in the Pechersk court and Kyiv State Traffic Inspectorate and accusations of treason against the former 76 deputies of the Verkhovna Rada of the Autonomous Republic of Crimea and Zaporizhia Mayor Oleksandr Sin. Another high-ranking official, against whom the Prosecutor General's Office will probably initiate a case, is Yuri Boiko, the Vice Prime Minister

in Mykola Azarov Government and the leader of the “Opposition bloc”.

Despite the fact that society has been looking forward to bringing these odious personalities to criminal charges, the prosecution rush in specific cases provokes criticism. Although many of these characters have become the objects of journalistic investi-

“After a year of inactivity, the rush of the Prosecutor General's Office provokes criticism.”

gations, criminal cases are initiated in the episodes, which allow the accused to be released on bail. As a result, the investigation has lost important suspects and witnesses, such as Mykhailo Chechetov, who died on February 28, 2015.

The Prosecutor General announces his further steps a few days before the actual action (as it was with notification of suspicion to Hennadii Kernes). The cases are brought against individuals, not groups, although corruption schemes, the incitement to separatism and the prosecution of civil activists at the Maidan were carried out by a large number of people.

An unsystematic approach to accusations against functionaries of the Party of the Regions allows them to leave the country or influence the course of investigation by destroying evidence, bribing officials or “working” with potential witnesses.

If high-profile arrests do not lead to more transparent hearings with sufficient evidence and appropriate punishments, the demonstrative activity of the Prosecutor General will not restore trust in the government and will not prove that the rule of law with an independent judiciary is being built in Ukraine.

“The court trials against politicians are supposed to become exemplary: transparent, with sufficient evidence and appropriate punishments.”

ECONOMIC SITUATION



In January-February 2015, the hryvnia continued to plummet downwards. The introduction of a flexible FX rate has not brought any expected results regarding the stabilization of the national currency. As a result, in late February, the dollar was traded for almost as much as UAH 40/USD on the black market. Positive news about the signing of a new agreement on cooperation with the IMF did not help improve the situation in the FX market. Under such circumstances, the NBU came under harsh criticism, including from the Prime Minister. As a result, a number of administrative measures have

been taken by the NBU aimed at reducing the quantity of hryvnia in circulation and stabilizing the FX market.

An increase in gas, heating and electricity tariffs for households will lead to defaults in payment and the escalation of public discontent. A complicated financial and economic situation in Ukraine and the emergency mode in which the Ukrainian national energy sector is now working offer Putin the opportunity to escalate military aggression and exert political pressure.

NBU extinguishes fire in FX market by administrative measures

The main reasons for the depreciation of the hryvnia may be grouped into three classes: psychological, fundamental and speculative. One

“ There are psychological, fundamental and speculative reasons behind the depreciation of the hryvnia.

of the main reasons for the hryvnia's devaluation is growing public distrust in the banking system, actions undertaken by the regulator as well as the government's behavior in the economic sector against the backdrop of Russian intervention. Fundamental reasons include deep imbalances in the national economy as well as a sharp deficit in the FX market

(demand significantly surpasses supply). In addition to a psychological factor, the current FX deficit has been conditioned by a decline in currency inflows due to the fall in exports and, to a certain degree, a considerable amount of the NBU's refinancing of commercial banks in 2014-2015. In turn, part of the NBU's financing was used by commercial banks to purchase the currency, which resulted in the hryvnia's depreciation. Overtly speculative actions of some players on the interbank market also contributed to the reduction in the value of the national currency.

The deepening of the currency crisis resulted in a storm of negative criticism leveled at the NBU as well as calls by some politicians to dismiss the head of the NBU, Valeriya Hontareva. Under such circumstances, the NBU management held a meeting on the coordination of actions with representatives of the Ministry of Finance and the Ukrainian Prime Minister and undertook a number of administrative measures to stabilize the situation in the FX market, which had been elaborated in cooperation with IMF specialists.

The first administrative measure taken to extinguish "currency" fire was the prohibition of making loans in hryvnia for the purpose of currency purchase. Also, the NBU tightened control over import agreements. All agreements worth more than

“Banks have been prohibited from making hryvnia loans to purchase FX.

USD 50,000 were announced subject to NBU control. Payments under import agreements worth more than USD 0.5 mln had to be made only with the use of letters of credit. It was expected that the aforementioned restrictions would reduce currency outflows from Ukraine and thus would help stabilize the FX market.

However, these measures have not changed the situation in the FX market – demand for the currency on the interbank market surpassed supply of the currency, and the number of speculative agreements has not decreased. The NBU decided to impose additional restrictions, namely to introduce a tempo-

rary ban on the purchase of currency by banks for their clients. However, measures related to the prohibition of the currency's purchase were cancelled

“Some actions of the regulator are inconsistent.

on the very same day. The likely reason for such an inconsistency in the regulator's actions is based on pressure from exporters on the President, who, in turn, used his influence on the head of the NBU.

This week, the NBU has taken new administrative measures. The NBU regulations provide for monthly vacations for "critical imports" (the majority of energy sources and some types of medicine) for payments made with the use of letters of credit. Such vacations have been introduced to prevent disruptions in fuel and medicine supplies.

There have been some important innovations in monetary policy, namely an increase in the discount rate from 19.5% to 30% as well as an increase in reserves. The main goal of these measures is to reduce the free liquidity of the banking system and relax devaluation pressure on the FX rate. Those banks that received stabilization loans from the NBU will be allowed three-month vacations, with an interest rate remaining at the rate of 19.5% by June 1, 2015.

The IMF assistance will help the NBU extinguish "the currency fire". Ukraine may receive the first tranche after the adoption of the program at a meeting of the IMF Executive Board, scheduled for March 11, 2015. Part of the IMF funding will be used to replenish currency reserves, which will allow the NBU to intervene in the interbank market. Overall,

“The IMF funding will allow the NBU to conduct currency interventions

the NBU hopes to have the national currency fixed at UAH 21.7/USD.

The NBU also agreed with the IMF on a number of important issues regarding monetary policy. In particular, the monetary base may reach the maxi-

mum of UAH 91 bln. in 2015. It is expected that there will be tough restrictions on the increase of government bonds in the NBU's portfolio. It is also expected that sterilization instruments will be actively used to reduce the free liquidity and pressure on the FX rate.

The main goal of the aforementioned measures is to create a hryvnia deficit in order to strengthen the currency. It is important that certain measures of monetary policy do not hit the real sector of economy. A significant increase in the discount rate will have an impact on loans for businesses. Thus, it is of the utmost importance to ensure a balance between the hryvnia and FX.

A key issue in reference to the dynamics of the entire financial market is the restoration of trust in the national currency, banking sector, the NBU and the state in general. Without this, it is impossible to stabilize the FX rate in the long term as well as

the normal functioning of the banking system. Not only the NBU but also the entire economic bloc of



The main task is to restore trust in the hryvnia and the entire banking sector

the Ukrainian government should address this economic problem.

The main task will be to create favorable conditions for currency inflows into Ukraine, which is within the government's competencies. It is up to the government to stimulate economic growth, particularly in export-oriented sectors to encourage the replacement of imported goods with domestic goods; create a favorable business environment and carry out a sound fiscal policy which would encourage businesses to leave the shadow sector of the economy and help attract inward investment; and fight against corruption at all levels.



The energy sector

The increase in tariffs on electricity by 40%, on gas by 280% and on heating by 72% has caused public outrage. This is the first time since Ukraine gained independence that Ukrainians have seen such a skyrocketing increase in energy prices. According to the National Commission for Energy Regulation, the main reasons for the increase in energy tariffs for households are the hryvnia's devaluation, the increase in energy transportation costs and the IMF's demands. A sharp increase in energy prices for households is merely an attempt by the government to shift the debts of "Naftogaz of Ukraine" onto the shoulders of energy consumers.

“ Higher tariffs instead of energy sector reform

After such an increase in tariffs against the backdrop of hyperinflation, unemployment and currency fluctuations, only 20% of Ukrainian families will be able to pay their utility bills, whereas the remaining 80% will be in need of state subsidies. It is expected that increasing prices will drive up household debts as a result of defaults in utility payments. The money collected thus by the government will be used to pay state subsidies. Such a situation makes it impossible to carry out public utilities and energy sector reforms. Today, all government efforts are directed at rescuing "Naftogaz of Ukraine". It is hard to see the reason behind the government's attempts to save this gas monopolist in view of the fact that "Naftogaz of Ukraine" is loss-making, falls short of its responsibilities, contributed to the hryvnia's depreciation and blocks energy sector reform. In view of the aforementioned, it would be logical to liquidate the "Naftogaz of Ukraine" altogether and liberalize the energy market.

In addition, the situation in the domestic gas market and "green" energy market has been significantly worsened by the state's unbalanced fiscal policy. In particular, the Verkhovna Rada of Ukraine introduced amendments to the Tax Code,

which provided for an increase in rental payments up to 70% for "Ukrigasvydobuvannia" company and companies working under joint activity agreements. Also, according to the amendments, "green tariffs" were reduced for renewable energy (the state will not reimburse 50% of electricity costs to their suppliers if electricity came from renewable energy sources). The Government's decision to increase rental rates and reduce "green" tariffs will adversely influence the investment climate in Ukraine and increase dependence on energy imports.

Russia has taken advantage of the deterioration of the situation in Ukraine's energy market by creating a new problem, i.e. beginning "humanitarian" supplies of Russian gas to the so-called DPR and

“ Price of the Russian "humanitarian" gas

LPR at the expense of "Naftogaz of Ukraine" PJSC, which technically cannot suspend unauthorized activities of "Gazprom". Russian gas supplies to the rebel-held territories are not only an indication of the Kremlin's collaboration with terrorists, but it also proves Moscow's special attitude to this region, which is viewed by Russia as strategically important for the fulfilment of Russia's goals. Today, Putin's regime is trying to ensure that enterprises in Donbas keep working, thus creating jobs and providing public services for the population. On the other hand, the Russian government is pushing Ukraine into a political dead-end: while supplying imported gas to the occupied territories without any compensation, Kyiv is running up a conflict "debt" to "Gazprom", which illegally supplies natural gas to Donbas. Thus, Russia is creating a certain gas reserve in DPR and LPR, which is likely to be used as a resource base for the "economic recovery" of the self-proclaimed republics. The Kremlin's attempts to remove this issue from the negotiations package in Brussels on March 3, 2015, show Russia's true intentions: to draw out the conflict in Ukraine to drain Ukraine's resources.

POLITICAL COMPETITION



The “Opposition bloc” will use disagreements in the coalition, economic problems in the country and demand for peace solution of the conflict to strengthen its political positions. Having held the “Ukraine Tomorrow” international forum in Vienna, Dmytro Firtash tried to improve his public image in Ukraine and the EU, speculating on the topics of private investment attraction to Ukraine and reform implementation. Such events are aimed to position one of the major “Opposition bloc” stakeholders as a party of peace, which may help Ukraine both in solving economic problems and dialogue with Russia. At the same time, in Vienna, the event’s nature as a PR-spectacle prevailed over concrete proposals on

reforms, which are to be elaborated within as long as the next 10 months.

Approaching local elections in Kyiv invigorate political parties and cause new political unions to appear. The restoration of district councils and the change in electoral legislation may foster the development of small parties, which will have an opportunity to gain representation in the councils. Meanwhile, new projects and unions focus on short-term social but not municipal issues. In times of impoverishment, direct social aid again becomes one of the major instruments for political completion at the local level.

Dmytro Firtash’s reincarnation attempt

Dmytro Firtash wants to regain his influence on political processes in Ukraine and become a sort of

“ Dmytro Firtash wants to return his political influence in Ukraine.

a bridge between Russia and the EU, speculating on matters such as peaceful conflict settlement in the

east and attraction of investments, which are necessary for economic stabilization in Ukraine. With this in mind, on March 3, 2015, the oligarch, who was one of the major Party of the Regions’ sponsors and remains one of the main stakeholders in the “Opposition bloc”, organized the “Ukraine Tomorrow” international forum in Vienna, where he has been expecting extradition to the USA for a year.

The billionaire, who was always perceived in Ukraine as an agent of Russian influence, managed to attract a number of influential European politicians and businessmen for the event. This fact was intended to prove that Dmytro Firtash has connections in the EU and supports the European modernization of Ukraine and Western business practices.

The Vienna forum is, first and foremost, a PR-move aimed to return the oligarch's name into the Ukrainian political discourse. The "Inter" TV channel became a major tool to achieve this goal. It remains a serious media weapon possessed by Dmytro Firtash and Serhiy Lyovochkin and thus is similar to

“ TV channels are a powerful weapon owned by oligarchs.

Ihor Kolomoisky's use of his media empire for business and political ends.

In order to hide Dmytro Firtash's true interest in the event, the Federation of employers of Ukraine and some major trade unions actually initiated "Ukraine Tomorrow" forum. Though employers and trade unions are rarely on the same side, the Party of the Regions has kept control over both structures since Viktor Yanukovich's presidency. Their joint efforts at the international forum were intended to prove to the European community that there is a social consensus on reforms in Ukraine,

whereas both the President and Prime Minister have failed to achieve much in concrete implementation within a year.

The forum resulted in the creation of the "Agency on modernization of Ukraine", which will involve European officials and experts in the elaboration of reforms and will supervise the formation of the "Ukraine Reconstruction Fund". Ukrainian oligarchs Dmytro Firtash, Viktor Pinchuk and Rinat Akhmetov expressed their readiness to serve as the fund's donors. A major advantage of this idea is that it is intended to attract investments, but not the international loans that Ukrainian government is constantly looking for. On the other hand, last year, Ukrainian oligarchs withdrew such large funds from Ukraine

“ Having withdrawn large funds from Ukraine, oligarchs may reinvest them in the country and ensure political dividends.

that now they may use their reinvestment not only to support their companies, but also to improve their public image and get political dividends.

At the same time, the significant efforts to promote the event in Ukrainian media, overestimated figures of potential investments (up to USD 300 bln.) and the presentation of experts' work only in 10 months prove that the Vienna forum was rather a PR event.

New projects to be launched for local elections in Kyiv

The members of the Kyiv City Council, parties and new projects are painstakingly preparing for the upcoming local elections. The stakes are quite high given that the restoration of the district councils with all their accompanying economic and financial powers is planned within the framework of decentralization.

“ The restoration of the district councils will influence the local elections.

Apart from the political parties, Oleksandr Tretyakov's association "We are Kyiv citizens", Oleksii Mochanov's Ukrainian association "Democrats", Viktor Pylypyshyn's "Kyiv citizens first" and other initiatives are very active in the capital. Charity foundations of the current members of the Kyiv City Council and the Verkhovna Rada, Oles Maliarevych, Yaroslav Didenko, Oleksandr Pabat and Oles Dovhy, function in some districts of the capital. Politicians accumulate electoral support through these organizations, especially among socially vul-

nerable groups. Food and some material support, the procurement of medicine, etc. are provided for such people.

Some activists have focused their efforts on volunteer activities and assistance to the army, namely Oleksii Mochanov and Oles Maliarevych.

The most dynamic development of an agitation network is demonstrated by the recently created movement, “We are Kyiv citizens”, which

“ The movement “We are Kyiv citizens” turns to a lot of agitation.

begun their sociopolitical activity in Kyiv. A lot of outdoor advertising and information support for charitable activities testify to this. Agitators distribute a weekly newspaper, “We are Kyiv citizens”, in districts of the capital, and volunteers assist disadvantaged people financially. The network of supporters and agitators is built up. Each district of the capital prepares campaign offices and deputies’ reception offices.

The observation and analysis of relations within this structure suggest a thorough preparation of its leaders for local elections.

The principal political face of the movement is a commander of the Azov Battalion, MP Andrii Biletskyi,

“ The principal face of the movement is Andrii Biletskyi, who is financially supported by Oleksandr Tretiakov.

who has ambitious plans to run for the mayor’s office in Kyiv. Financial and organizational support for the project is provided by MP from Bloc of Petro Poroshenko, Oleksandr Tretiakov (he won in the majoritarian constituency No. 219, Sviatoshyn district).

The project has become well-known among Kyiv citizens in a short period of time. Moreover, it brings together serious informal and business structures. Among them there are MPs of Kyiv City Council Volodymyr Karetko, Natalia Chumakova and Victoria Mukha, MP from Bloc of Petro Poroshenko Hlib Zahorii and others. Thus, with the help of available resources, the “Tretiakov-Biletskyi” tandem can go into serious competition against the current mayor Vitalii Klitschko.

The aim of the publication is to provide objective information on current political events in Ukraine and thorough analysis of major tendencies in domestic politics. Such analysis will assist in setting priorities in the process of implementing reforms in Ukraine and in evaluating quality of state decisions from the viewpoint of their impact and sustainability. Special attention is paid to evaluation of political competition in Ukraine and ability of key political players to address challenges.

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