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International
Centre
for Policy
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4 Borys Hrinchenko st., office 3, Kyiv, 01001, Ukraine
Phone (380 44) 279-88-23 | office@icps.kiev.ua | www.icps.com.ua

Inside Ukraine

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The Government Policy

While the attention of whole world was focused on the Russian humanitarian convoy, Russia has managed to provide significant reinforcement to separatists. This led to an escalation in fighting in Donbas and heavier losses among Ukrainian security forces and local population. Negotiations between the foreign ministers in Berlin brought no concrete results, although it was an attempt to establish direct contact between Ukraine and Russia.

The Parliament passed the first reading of the draft law “On the purging of the government”. The vagueness of its provisions affirms that it cannot be an effective instrument in carrying out the lustration process. This is also understood by MPs, who voted for this draft law to distract activists from the issue of introduction of a proportional system with open lists. Lustration in Ukraine is impossible without justice and public service reforms.

Russia's support to militants increases the number of victims in Ukraine



After a two-week story with Russian humanitarian aid, it becomes clear that Russia has used an idea of the convoy in order to achieve two goals. First of all, it created a nice television picture for a domestic Russian consumer, demonstrating how Russia was helping the much-suffering population of Donbas. Second, while a convoy of 280 white trucks moving along the Ukrainian border was distracting the attention of the Ukrainian and world community, Russia carried out full-scale

The humanitarian convoy has become a red herring in order to send reinforcements to militants in other directions

deliveries of weapons and militants in completely different directions, in particular through the south of Luhansk and Donetsk regions.

At the same time, undisguised provision of Russian military equipment to Ukraine, recorded by British journalists during the humanitarian column monitoring, can be interpreted as a Kremlin's signal to the Western world that Russia will further escalate the confrontation despite the sanctions. Such a signal was particularly important before the four-party talks held on August 17 with the participation of the foreign ministers of Ukraine, Russia, Germany and France. Although these negotiations did not bring any concrete results, they could be used

to establish direct contact between the Presidents of Ukraine and Russia. A meeting between Petro Poroshenko and Vladimir Putin will be held on August 26 in Minsk during a meeting of the leaders of the EU, Ukraine and “Eurasian Three” (Russia, Kazakhstan, Belarus).

The self-proclaimed Prime minister of the Donetsk People’s Republic, Oleksandr Zakharchenko, reported that last week separatists received reinforcements of 1,200 militants trained in Russia and 150 pieces of military equipment. The fact that terrorists received new weapons also can be confirmed by the ATO forces being shelled with MLRS “Uragan”, which are several times more powerful than the “Grad” systems.

These factors has led to an increasing number of victims among Ukrainian security forces and the local population. In addition, they will directly affect the duration of ATO. Although Ukrainian military units were finishing the encirclement of Luhansk and Horlivka, terrorists’ reinforcements exacerbate the nature of fighting in these cities.

Russia’s support to militants will increase the number of civilian casualties

The aspiration of Ukraine’s political leadership to speed up the liberation of these cities was motivated

not only by the desire to obtain military victory before the Independence Day (August 24), but also by the need to avoid the humanitarian catastrophe in these cities, which is aggravated by terrorists’ actions. Meanwhile, the militants do not pay attention to the humanitarian situation and even endeavor to cause more casualties among the local population. This is evidenced by the use of “Grad” systems against IDPs convoy near Luhansk on August 18, 2014.

In addition, deliberate destruction of infrastructure and regional enterprises by militants is intended to inflict the greatest possible damage to the economy of Donbas, so that even after the cities are liberated by the ATO forces, unemployment and deteriorating social conditions remain factors of increased social

Militants want to destroy the Donbas economy so that the region will remain an unstable zone

tensions. Arseniy Yatseniuk said that the damage from hostilities in Donbas estimates up to USD 8 bln. — an unbearable for Ukraine amount, especially in the times of economic crisis, war and the budget deficit. The government has planned a conference of Western donor countries to provide financial assistance for reconstruction of the destroyed region to be held this September.

Lustration which is impossible to implement

During the last weeks before the official dissolution of Verkhovna Rada, civic activists tried to push through laws on lustration and introduction of a proportional representation system with open lists. In order to create a semblance that MPs consider public opinion, on August 14, parliamentary majority passed the law “On the purging of the government” at the first reading. However, the issue of changes to the electoral law, which would ensure efficient change of the political elite in the country, was not even put on the agenda.

Adoption of the law on lustration was a font for non-voting for the amendments to the electoral legislation

The adoption of the draft law on lustration at the first reading does not mean a lot as well. The text contains a number of contradictions and is almost

impossible to implement. Its adoption was rather symbolic so that the activists leave the MPs alone on the eve of the election campaign.

According to the law “On the purging of the government”, a huge range of people is subject to inspection: representatives of central authorities, MPs, military officers, judges, law enforcement officers, diplomats, members of the Central Election Commission, officials of the state agencies and local authorities, and candidates to fill all the positions listed above. Reason for failure in passing the inspection is not even an offense, but the fact of holding a position during a certain period of time, which means presumption of guilt. For instance, according to the draft law, the fact that Petro Poroshenko served as the Minister of economic development from March to December 2012, is a reason for the President not to pass the inspection. Other reasons not to pass the inspection may be the

following: taking senior positions in the Communist party until August 19, 1991, cooperation with KGB and other intelligence agencies, discrepancy in revenues and expenditures of not only the person subject to the inspection, but also the family (including great-grandchildren and great-grandparents). Citizenship of other states is a reason not to pass the inspection as well. Yet, it is unclear how control organs will receive data on second citizenship.

In the current form, the law on lustration enshrines a presumption of guilt

The organization of an inspection depends on the head of a state authority, where the person subject to the inspection works. The inspection's organization of elected officials is a responsibility of the CEC, although this is not within competence of the body.

The procedure is unclear and excessively bureaucratic. The head of an inspection body submits to the National Agency for Civil Service a draft inspection plan for its approval, after it agreed upon with the regional tax administration. Control and coordination of inspection measures is carried out by the National Agency for Civil Service, which establishes central and territorial inspection commissions. Coordination of measures on former communists and special services officers is carried out by the Institute of National Memory, on law enforcement officers — by Prosecutor General's Office.

The proposed lustration procedure is too bureaucratic

A large number of public authorities involved in the lustration increases corruption risks in geometrical progression. Head of the body, where a candidate wants to get a job, gets a reason to demand another bribe — for facilitation in passing the inspection. National Agency for Civil Service, which is unreformed and bureaucratic authority with command-and-control thinking, as a key element in the mechanism of lustration gets fertile field for corruption. Without reform of prosecution and dismissal of prosecutors who participated in political persecutions and fabrication of cases in order to obtain a bribe, the Prosecutor General's Office being involved in lustration process gives its employees another opportunity to illegally increase their capital. The courts will also derive financial benefits, when the inspection decisions will be appealed.

The new law bears huge corruption risks

In Ukraine, a full-scale lustration is not possible without the justice system reform, which

would include lustration of judges, prosecutor's offices and police. All civil servants will have to go through re-attestation, and those involved in political persecution or corruption should be dismissed from their post. In addition, the change of the very principles in functioning of those bodies will allow creating conditions for their democratization, as prosecutor's office will lose a possibility to supervise business and hold a pre-court investigation, with courts of law becoming independent from politicians.

A full-scale lustration is not possible in Ukraine without justice system and public service reforms.

The same thing is about the National Agency of Ukraine for Civil Service. This agency will not be able to coordinate the process of lustration until all political and administrative posts have been separated and an independent controlling and audit body for civil servants has been set up.

According to the draft law "On the purging of the government", those civil servants who failed or refused to go through re-attestation, will lose their right to apply for public positions for 10 years.

It is more or less clear how the candidates for public positions will be inspected. However, those civil servants, who are already working in state bodies, will be inspected according to the plan approved by the National Agency of Ukraine for Civil Service. Taking into account that hundreds of thousands of civil servants may be subject to lustration, it is unclear how long lustration may take and how exactly the National Agency of Ukraine on Civil Service will elaborate this plan.

All these nuances clearly show that the said draft law is imprecise. It does not ensure the purge of authorities and needs a substantial improvement, as concluded by the Central Scientific Experts Office of Verkhovna Rada. Successful first reading of this draft law became a response to public outcry over the absence of changes in state governance after the Revolution of Dignity. However, a great number of contradictions and opaque wording are indicative of MPs reluctance to implement this draft law, whereas the possibility of its improvement within the current Parliament is illusory. The adoption of the draft law is an attempt to divert public attention from amendments to electoral law, the introduction of which is one of key public demands.

A poor quality of the bill affirms that MPs are not going to adopt it as a whole and to implement it in the future

Economic Situation

In July 2014 industrial production in Ukraine dropped by 12.1% year-over-year, foreign direct investment fell by 51%. Comparing to 1H 2013, export decreased by 5.2%, import — by 17.9%. Meanwhile, Ukraine gradually changes regional structure of international economic activities and builds up share of export to the EU while export volumes to Russia continue falling.

Verkhovna Rada adopted the law “On sanctions” in order to promptly and efficiently respond to ex-

isting and potential threats to national interests and national security of Ukraine.

Parliament adopted the law on management of Ukrainian gas transportation system being transferred to operating country. Ukraine will get majority interest in this company, while the rest will be given to European and American investors. Government pays a special attention to the issue of Russians not being allowed to the system management.

Drop of FDI and industrial production in Ukraine



In July 2014 industrial production in Ukraine dropped by 12.1% year-over-year. Comparing to the previous month, the drop accelerated by 100%. January-July 2014 decrease made up 5.8% comparing to the respective period of 2013.

**Acceleration
of industrial
production drop
doubled in July**

The industries which suffered the most include coal mining (28.7% decrease), machine production (23.8%), chemical industry (22.2%), coke produc-

tion and oil refining (15.9%), production of rubber and plastic goods (13.8%), metallurgy (12.3%).

The only industry which enjoyed increase in July 2014 yoy was pharmaceutical production — by 4.1%.

If to analyze the trend in regional terms, the largest drop was observed in Luhansk (56%) and Donetsk (28.5%) regions. Meanwhile, industrial production increased in eight regions, most of all — in West and South.

There is a drop in international business activities as well. Comparing to 1H 2013, export of goods fell by

5.2%, import — by 17.9%. Ukraine gradually changes structure of international economic activities and increases export volumes to the EU. In particular, export to the EU in 1H 2014 grew by 14.9% yoy, while export to Russia fell by 23.3%. Export to Russia will continue decreasing, which is caused by trade war with Russia and official Russian policy to substitute import of Ukrainian products. Even in case hostilities in the East come to an end, in foreseeable future previous volumes of import and export will not be restored. At the same time, gradual increase of trade volumes with the EU may be expected, yet it will not cover loss of the Russian market in a short run. Government may support Russian-oriented companies through providing information on opportunities to enter the European markets and technical details how to achieve it.

European market share in import of goods did not change and made up 35.4% of overall volume. Yet, comparing to 1H 2013, volume of import from the EU decreased by 17.8%, from China — by 29.4% and from the US — by 25%. A major reason is hryvnya depreciation. Russian import volume fell by 14.4%. A major reason is trade war.

Dynamics of FDI attraction is worrisome. In January-May 2014 they dropped by 51% yoy. In January-June 2014 foreign companies invested USD 1298.0 mln. into equity, while in January-June 2013 — USD 2614.9 mln. Such drastic FDI drop will negatively influence GDP dynamics and competitive ability of Ukrainian companies.

Comparing to 1H 2013, export of goods fell by 5.2%, import — by 17.9%

In January-May 2014 FDI dropped by 51%

In general, volume of FDI attracted into Ukrainian economy as of July 1, 2014 made up USD 50021.8 mln., which constitutes USD 1164.1 per capita. Major reasons for FDI drop are war in the East, which increases uncertainty in economic system and investment risk, as well as lack of long-expected reforms, aimed to improve investment climate and better protection of investors' rights.

We expect that in the following months industrial production will continue decreasing and in some regions the drop will be even more significant. Major reason is hostilities in the East where many industrial enterprises are located and trade war with Russia which results in smaller volumes of Ukrainian products exported to Russia.

In the following months industrial production will continue decreasing

Another issue is lack of the reforms business and society are waiting for. Their implementation, which will ensure favorable investment and business climate, may create ground for investment attraction, restoration of infrastructure in the regions damaged by war and further recovery of economic growth rates. Even when hostilities end, one should not expect fast recovery of industrial production indicators as restoration of infrastructure and industrial capacities may take several months. The process will be longer for heavy industries such as metallurgy, machine production and chemistry than for food industry, retail and service sector.

Reforms may create ground for investment attraction

Verkhovna Rada adopted the law “On sanctions”

The law “On sanctions” lays foundation to introduce sanctions towards another country, foreign legal entities or individuals, citizens of Ukraine, legal entities founded under the Ukrainian legislation in order to protect national interests, national security, sovereignty, territorial integrity, and economic independence of Ukraine.

Adoption of the law proves that Ukraine may

introduce sanctions on its own, without waiting for the EU and the US to introduce them first. It is the first time in the Ukrainian history that government takes such radical steps, which will certainly influence economic situation.

Ukrainian sanctions as a way to strengthen international subjectivity of the country

Their specific results may be evaluated after final list of sanctions is published. The sanctions will encompass not only “classical” individual sanctions, but also restrictions of trade operations, transit, flights and transportation across Ukraine, cancellation of economic and financial obligations, licenses and permits, ban on investments to another country etc.

Though Russia wages trade war against Ukraine for a long time, restrictions of trade operations will cause significant losses. According to State Committee of Statistics, in 2013 exports of goods and services to Russia made up USD 20 bln., import — USD 24 bln. Such industries as metallurgy, machine production, food and chemical industries will suffer most as they have the biggest share in export to Russia.

Sanctions may be used as a ground to suspend gas transit through Ukraine. It is unlikely that the EU states, which transport around 60% of Russian gas, will support such an initiative. For Ukraine it means considerable losses — USD 3 bln. p.a. However, Russia will lose much more and this sanction should be viewed as the most painful. On the other

hand, it will be additional argument for Russia to justify construction of “South Stream”.

Sanctions against Russian banks will have smaller effect. According to the NBU Head, volume of Russian capital in Ukrainian banking system is UAH 18.5 bln. (32% of overall volume of foreign capital), assets make up 13% in the system. Under these circumstances, sanctions against banks will lead to capital outflow, negative consequences of which will be strengthened by FDI drop. It is more efficient to strengthen control over banking institutions which sponsor terrorism. However, their role is hard to prove. Another problem will be decrease in investments from Russia, which made up 7.4% in 2013.

Sanctions against Russian banks will not have significant effect

Introduction of sanctions always leads to losses, both for the party which introduces them and for the party against which they are introduced. Another question is a scale of negative impact. Ukraine may compensate losses if it re-orientes exporters to other markets, which should be done in a short run.

MPs adopted the law on management of gas transportation system

Verkhovna Rada passed the second reading and adopted the draft law No. 4116a, which introduces amendments to legislation on management of single gas transportation system of Ukraine.

The law defines that the state will own 100% of the gas transportation system. It will be managed by operating company controlled by the Ukrainian government. State share makes up 51%. The EU and US investors will be able to get the rest — 49%. Besides, Parliament set a preventive mechanism to exclude possibility that Russian capital may get a share in the operating company. In particular, only American and European companies which have respective certificates will be allowed to invest funds into mod-

100% of the gas transportation system will be owned by government, but foreign investors may get a share in operating company of up to 49%

ernization and further use of gas transportation system on the rights of concession and rent. The state intends to attract these companies after public tender is organized.

According to the law, final decision on investing companies will be taken by Verkhovna Rada, but not the government. Therefore, it is planned to exclude possibility that foreign companies which have Russian “Gazprom” or other Russian assets as shareholders will participate in management of Ukrainian system. Thus, Ukraine will do its best to protect oneself from the companies of the aggressor country.

Government plans to minimize Russian possibilities for influence over Ukrainian gas transportation system

In course of public competition among foreign investors, Western companies are obliged to disclose all the information on ownership structure

and beneficiaries who are equity owners. In case a winning company plans to change its owners, this decision should be taken under consent of the Ukrainian government.

Russians already responded to adoption of the law. Russian MP, member of energy committee Andriy Krutov sent official enquiry in which he suggests possibility to file complaint against Ukraine to World Trade Organization (WTO). The reason is that Russian companies are discriminated in getting a share of Ukrainian gas transportation system. In case the complaint is filed and sent, Ukraine may be obliged to cancel ban on participation of vertically integrated companies in gas transportation system and to allow "Gazprom" to buy a share. However, in this case Russians also will have to make concessions towards Ukrainian companies which face sanctions.

Regardless of the efforts to secure Ukrainian gas transportation system from possibility to be man-

Russians may file complaint against Ukraine to WTO

aged by Russians, one should not forget about strong pro-Russian lobby in European energy sector, which makes it impossible to avoid Russian influence.

Involvement of European and American companies to the system management is designed as a tool to prevent construction of "South Stream" — the idea "Gazprom" consistently promotes among the Western countries.

It should be noted that Ukrainian legislation is not obligatory for foreign companies to fulfill. Therefore, the law will be hard to implement. Besides, it does not have implementation plan and list of legislative acts needed.

In general, adoption of the law may be perceived as the first positive step in a long way of gas transportation system reform and creation of a legal ground which will ensure foreign investors coming to the industry in future.

The law became the first positive step in a long way of gas transportation system reform

Political competition

Verkhovna Rada failed to include amendments to electoral law in the agenda. Thus, parliamentary elections will be held under mixed electoral system with 5 % electoral threshold and without any possibility for political blocs to participate in the elections. The official decision to dissolve the Parliament may be promulgated as early as August 27.

Pro-presidential party has a good chance of scoring the highest number of votes in the elections. However, there are ongoing discussions even as regards such minor issues as name of the party. The format of cooperation with UDAR, Petro Poroshenko's main ally at May presidential elections, is not yet defined either.

Arseniy Yatseniuk and Oleksandr Turchynov's group may become a separate political party. For

the time being, they are holding consultations with both Petro Poroshenko and Yulia Tymoshenko.

Yulia Tymoshenko, the leader of "Batkivshchyna", has been keeping a low profile for three months. But in September she is going to present her renewed party to the voters, the party list of which will be enhanced by new members, such as civic activists and ATO participants. Since Yulia Tymoshenko's political rhetoric is very much opposition-like, she will criticize the President for not implementing some of his initiatives as well as she will keep denouncing the growing influence of Ukrainian oligarchs on state decisions. As regards the latter, Yulia Tymoshenko already applied the tactics of severe criticism of oligarchs at the presidential elections.

Pro-presidential party is a current front-runner at early parliamentary elections

Though during his electoral campaign Petro Poroshenko pledged to introduce proportional electoral system with open lists, and though he initiated consultations as to introduction of amendments to electoral law, the relevant draft laws were not even put on the Parliament's agenda. Therefore, early parliamentary elections will be held under mixed electoral system. This will become one of the cornerstones of criticism against the President by his political opponents during electoral campaign, especially by "Batkivshchyna".

The absence of changes in electoral system will become the keystone of criticism of pro-presidential party

The format of cooperation between Petro Poroshenko's "Solidarity" and Vitali Klitschko's UDAR has not been defined yet. The Mayor of Kyiv is interested in keeping his political party as a separate political player, whereas Petro Poroshenko gained enough political power to stay independent from other political parties. If in spring the aforementioned political players agreed to run for elections under one party list, now the most probable scenario is to run for elections separately. Candidates

in single-seat constituencies will be agreed on to prevent split voting.

Though the structure of "Solidarity" still has not been built, Petro Poroshenko is surrounded by a group of politicians, analysts and managers, who are likely to become the nucleus of his electoral campaign staff and party list. It remains unclear if pro-presidential political party keeps its name, as the use of Poroshenko's brand automatically reinforces party's electoral standing. According to various sociological opinion polls, 30-31% of voters may support Petro Poroshenko's bloc while majority electoral system will ensure Poroshenko's supremacy over his main opponents. That is why President's representatives were actively lobbying the idea of restoration of political blocs bearing the name of a particular political candidate. However, this idea was blocked by "Batkivshchyna", as now support of the party is much higher than the one of Yulia Tymoshenko.

The creation of blocs was prevented by "Batkivshchyna"

Petro Poroshenko's team is busy identifying local opinion leaders. Some of them may run for elections in single-seat constituencies, while the others will be engaged in the party electoral campaign.

«An independent game» of Arseniy Yatseniuk and Oleksandr Turchynov

Representatives of “Batkivshchyna”, which in February 2014 were elected to key public positions, are teaming up into a separate political group. This group comprises Prime Minister Arseniy Yatseniuk, Chairman of Verkhovna

“Yatseniuk and Turchynov” group has big political ambitions but small capabilities

Rada Oleksandr Turchynov, Minister of Internal Affairs Arsen Avakov, former head of Presidential Administration Serhiy Pashynskiy, and about twenty MPs loyal to the aforementioned persons. Yulia Tymoshenko, who is now busy reorganizing “Batkivshchyna”, cannot allow creation of independent political groups inside her party. In addition, the aforementioned politicians are now harbouring much bigger political ambitions and managed to gain their own political capital by holding key public positions at the time of crisis.

Arseniy Yatseniuk and Oleksandr Turchynov have three options to choose. The first option is to hold talks with Petro Poroshenko as to their inclusion in the party list. This idea is supported by foreign partners, who favour strong ties between Prime Minister and President.

The second option is to compromise with Yulia Tymoshenko on co-existing in one political party. This will prevent them from possible accusations that their political ambitions led to the breakup

of once powerful political party. However, chances of reaching such a deal are getting slimmer as Yulia Tymoshenko is unlikely to yield the first position on the party list to Arseniy Yatseniuk. Also, Tymoshenko’s relationships with other members of this political group began to deteriorate after Tymoshenko decided to run for presidential elections in May.

In both options — the talks with Petro Poroshenko and consultations with Yulia Tymoshenko — Arseniy Yatseniuk seeks to be the first on party list, which is the main stumbling block to reach a mutual agreement.

The third option sees Yatseniuk and Co creating a separate political party similar to “Front of Changes”. The shortcomings of this option are a short period of time left before the elections, which makes it impossible to create a new political brand. In addition, personal approval ratings of representatives of this group are quite low. For this reason, it is doubtful that Yatseniuk&Turchynov political group can make it to the Parliament. Even if they succeed in winning seats in the Parliament, the size of the future faction will not allow them to exert a significant impact on political process as well as to take part in distribution of key public positions.

A short period before the elections is the main obstacle to creation of a new brand

With start of electoral campaign Tymoshenko will return to public politics

Following the end of her presidential electoral campaign, Yulia Tymoshenko disappeared from TV screens. Her avoidance of active public activity was a conscious step aimed to bring down her anti-rating, while Ukrainians were following anti-terrorist operation and chaotic attempts of the government to implement reforms.

Yulia Tymoshenko has spent these three months re-organizing her political party, which was a combination of multiple groups and representatives of minor political parties since the 2012 parliamentary campaign.

The renewal of the party will be the main message of Tymoshenko’s campaign

The renewal of the party may become the main message of future electoral campaign. It will be achieved by inclusion of civic activists, commanders of ATO battalions, and local party activists loyal to Tymoshenko in the party list.

Petro Poroshenko made a significant “gift” to “Batkivshchyna” when he brought up the issue of introduction of proportional electoral system with open lists, but subsequently failed to implement it. “Batkivshchyna” expressed its support for this idea being fully aware that the incumbent Parliament will not favour proportional electoral system. “Batkivshchyna” also knew that such system was not in Poroshenko’s interests. By doing this, “Batkivshchyna” managed to win some scores for its PR campaign.

In addition, Yulia Tymoshenko built her electoral campaign on the criticism of oligarchs. Since

oligarchs’ role in the current political processes in Ukraine is a matter of public discussion, Tymoshenko may use public attitude towards oligarchs to her benefit.

As for single-seat constituencies, it will be hard for “Batkivshchyna” to compete with pro-presidential candidates, especially in view of the fact that electoral base in Western Ukraine is very fragmented. “Batkivshchyna” already started consultations with other political parties with the aim of choosing single candidates in constituencies. In particular, such consultations are being held with Anatoliy Grytsenko’s “Civic position”.

Batkivshchyna’s electoral campaign is aimed at discrediting oligarchs

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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Idea of the project: Vira Nanivska

Responsible for the project: Iaroslav Kovalchuk

Responsible for the chapters:

The Government Policy — Iaroslav Kovalchuk

Economic Situation — Vasyl Povoroznyk

Political Competition — Anatoliy Oktysyuk

Team of ICPS experts:

Vira Nanivska, Iaroslav Kovalchuk, Vasyl Povoroznyk, Angela Bochi, Anatoliy Oktysyuk, Olena Zakharova, Volodymyr Prytula, Vasyl Filipchuk