

## **THE RUSSIAN DISINFORMATION VIRUS AND ITS VICTIMS IN UKRAINE AND THE EU**

**HEAD OF THE MISSION OF UKRAINE TO THE EU  
MYKOLA TOCHYTSKYI: "WITH GOOD WILL WE CAN  
JOIN THE EU IN THE NEXT 10 YEARS"**

**MEP ANDRIUS KUBILIUS: "EU TRIO STRATEGY  
WOULD OFFER UKRAINE NEW EU HORIZONS"**

**WHAT CAN CHORNOBYL TEACH US ABOUT  
FIGHTING COVID-19?**

**Online:**

[www.promoteukraine.org](http://www.promoteukraine.org)

**Publisher:**

**NGO «Promote Ukraine»**

[www.promoteukraine.org](http://www.promoteukraine.org)

**Address:**

Velyka Zhytomyrska 33

Office 611

Kyiv 01601

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# EDITOR'S FOREWORD

**T**he easing of quarantine rules on the European continent allows us to fulfil our plan of presenting you the third issue of “Brussels Ukraine Review”.

The previous edition, published in April, was released only online because of quarantine restrictions, and it is still available on our website.

However, this printed version presents a more comprehensive view of the current situation in Ukraine and the world.

Here we have dared to capture the best snapshot of modern life, ranging from its virtual aspects (digitalization and misinformation) to its most physical and materialistic manifestation – the land market; from the matters of “geopolitical” honour (e.g. the investigation of mind-bending cases in international courts) to apprehension of Ukraine’s strategic perspectives in the coming decades.

Through the lenses of journalistic analytics, interviews with an ambassador and Member of the European Parliament, and survey results (another pilot initiative of our team), we offer you, our reader, an overview of the agenda relations between the EU, Ukraine, and Russia.

Enjoy reading!

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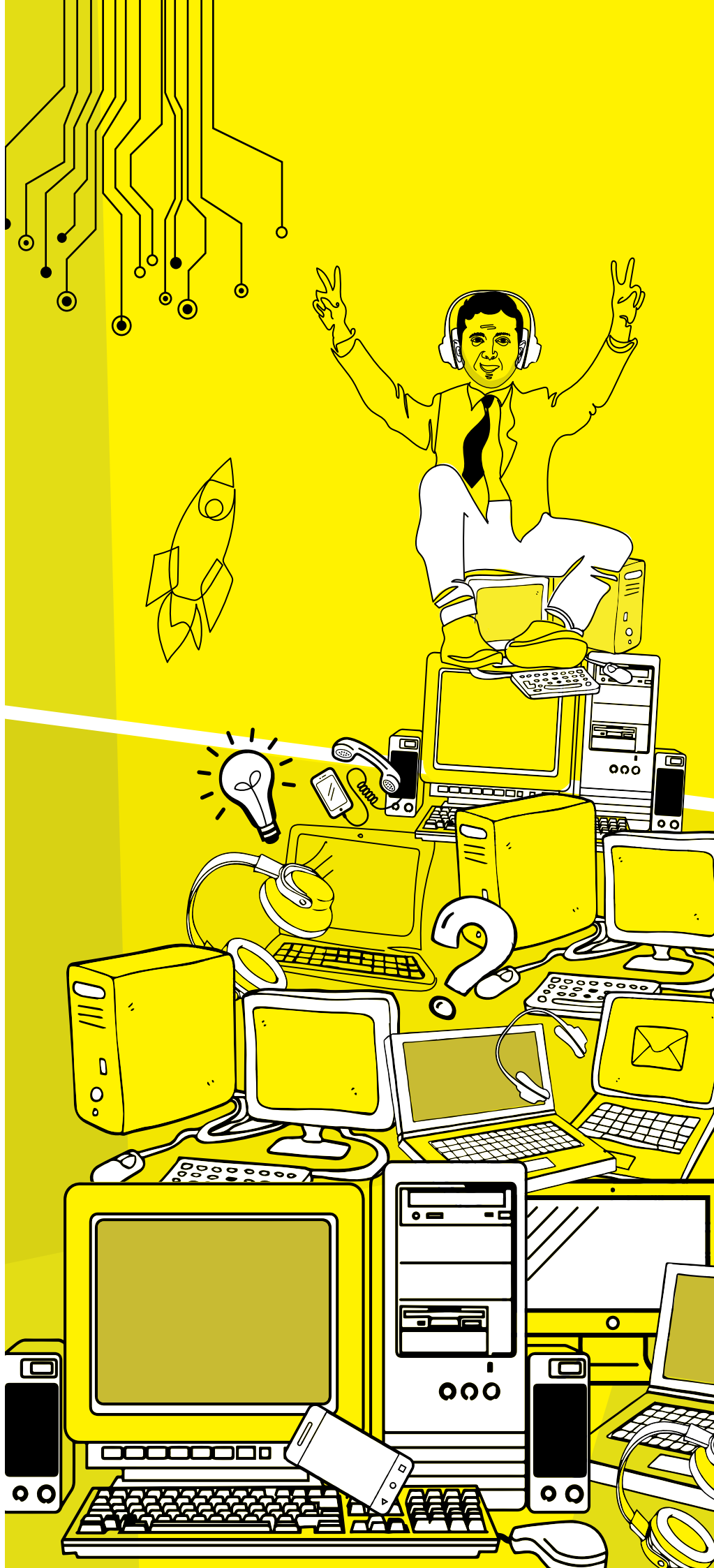
*Juna Zimmer*

*Rika Zimmer*

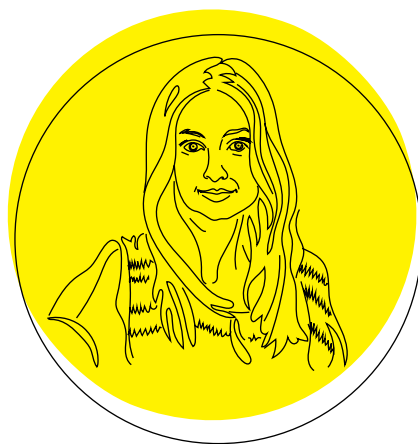
**ANDREA CASTAGNA IS A BRUSSELS- BASED POLICY SPECIALIST FOCUSING ON EASTERN NEIGHBOURHOOD. IN THE LAST FEW YEARS HE HAS BEEN INVOLVED IN PROJECTS RELATED TO INNOVATION, EDUCATION, YOUTH POLICIES AND SPORT.**



# DIGITALI



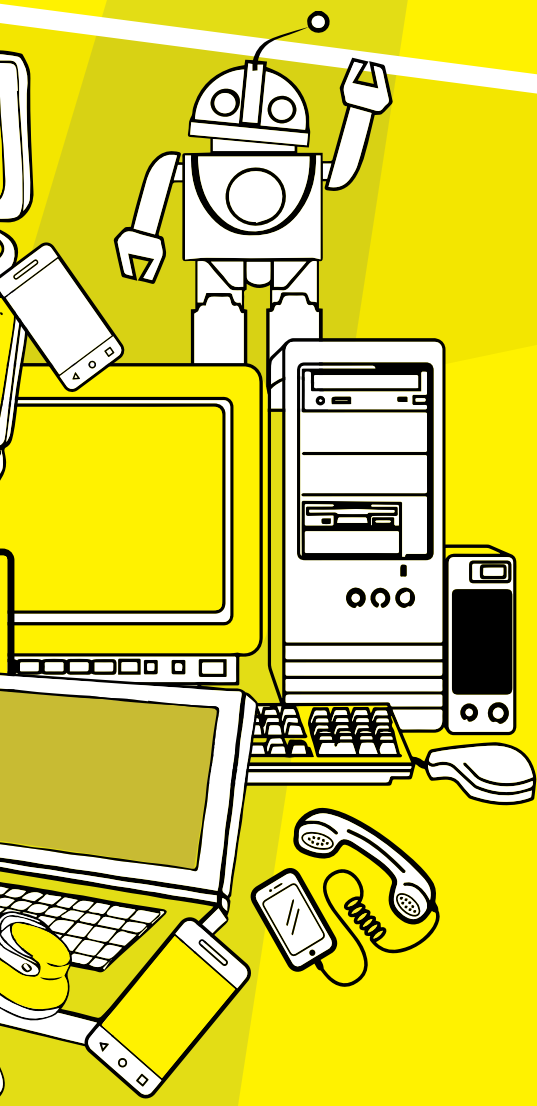
# UKRAINE IS AT THE FOREFRONT OF THE DIGITAL AND TECH SECTORS: HOW CAN THE EU MAKE THE MOST OF IT?



**ANNA MELENCHUK IS A CO-FOUNDER OF THE INSTITUTE OF INNOVATIVE GOVERNANCE AND THE EUROPEAN DIGITAL DEVELOPMENT ALLIANCE. SHE IS INTERNATIONAL DEVELOPMENT SPECIALIST FOCUSING ON EU PARTNERSHIPS AND NEIGHBOURHOOD POLICIES IN THE AREA OF DIGITAL COOPERATION, GENDER EQUALITY AND CLIMATE FINANCE.**



*In the last few years Ukraine has increasingly attracted IT foreign investors: 20 percent of the world's leading companies, including Microsoft, Samsung, Huawei, and others opened their offices in the country.*



**U**kkraine is increasingly moving towards becoming one of the digital and tech leaders in Eastern Europe. Marked by recent successes such as the implementation of the e-procurement service ProZorro, the creation of one of the biggest 4G network of Europe, and the introduction of several eServices, Ukraine's government is setting high standards in the field of digital transformation. Indeed, Ukraine's digitalisation is led by joint efforts from the state and business communities: digital industry is a bright spot in the Ukrainian economy and its IT is the most dynamic industry in the country.

This digital and tech success is due to many factors. First, Ukraine has the 4th highest number of certified IT professionals in the world. Tech companies can benefit from a friendly start-up ecosystem and a highly educated, English-speaking workforce. In addition, low taxes, affordable infrastructure, and relatively cheap labour enable national and international companies to maximise their profits. In the last few years Ukraine has increasingly attracted IT foreign investors: 20 percent of the world's leading companies, including Microsoft, Samsung, Huawei, and others opened their offices in the country. Moreover, the European Union has emphasized the need to integrate Ukraine into the Digital Single Market in order to strengthen EU-Ukrainian economic ties. Ukraine has already been involved in the Digital Single Market strategy. There are some joint plans in the area of eTrade and eCustoms. Also, the Deep and Comprehensive Free Trade Agreement, which the EU

concluded with Ukraine in 2014, provides a good basis for deepening digital cooperation between Ukraine and the EU.



*It is likely that IT offshoring will increasingly be a problem affecting the EU-Ukrainian relations.*

While Ukraine is doing relatively well in the field of digital and tech, it is no secret that the EU is experiencing some issues in this sector. European companies often lag behind the American and Chinese digital and tech industries. Thus, the new European Commission has emphasized the need to tackle the EU's loss of competitiveness against US and Chinese tech companies. Only a few EU countries currently can effectively benefit from a strong and stable IT industry and many new and old member states still struggle to attract international investments in the digital and tech sectors. Moreover, the debate on the Digital Tax and the new corporate tax rules for IT companies will certainly influence the long-term strategy of big tech firms within the EU. Countries such as France, Italy, and Belgium want to limit the tech giants' ability to avoid taxes. They argue that taxes should be based on where the digital activity takes place, not in the country where companies have their headquarters or operational centres. As the debate on

the taxation of digital and tech giants is a hot topic of EU politics, it is expected to have an impact on the future development of the Ukrainian digital market and its integration with the EU.

It is likely that the implementation of new digital taxes within the EU would result in a massive relocation of IT investments and business processes in Europe. Ukraine can be a potential destination for such offshoring. To date, Ukrainian and Ukrainian-based IT firms compete with neighbouring European countries including Poland, Czechia, and Romania. Compared to many EU member states, industry leaders currently see Ukraine as having key competitive advantages such as the state's flexible labour regulations and a simplified taxation regime. Moreover, in Ukraine the total number of people working in the IT industry is larger than in most Eastern European countries.



*As the debate on the taxation of digital and tech giants is a hot topic of EU politics, it is expected to have an impact on the future development of the Ukrainian digital market and its integration with the EU.*



This is particularly important for large projects requiring large teams of specialists. Also, Ukrainian professionals are ready to work under more severe contract terms, such as unusual shifts to support different time zones and longer hours. As the integration of Ukraine to the EU single market is increasing, international companies may find Ukraine more attractive for investments and business development than other EU countries. Cities such as Kyiv, Lviv or Odesa are indeed excellently located both to access the fast-growing Ukrainian market as well as to sell products and services to the EU market.

In the era of growing debates on fair taxation and harmonised EU regulations for the digital sector, many EU governments could start to consider Ukraine as a potential tax heaven for digital companies working in the EU market. Thus, it is likely that IT offshoring will increasingly be a problem affecting the EU-Ukrainian relations. Ukrainian digital strengths can be seen as a potential threat by many EU states and companies. This can lead to possible political tensions between Kyiv and Brussels and slow down Ukraine's integration with the EU. Not to mention the risk of reducing the support to Ukrainian reforms from the EU budget which has been massive in the recent years.

To avoid these negative trends, both the EU and Ukraine should strengthen cooperation in the field of digital economy. In particular, the EU should start to benefit from Ukraine's digital proximity and develop a long-term partnership in the field of digital and tech. First, the EU should facilitate cooperation between European and Ukrainian IT companies. For instance, Ukraine is a perfect spot for European IT companies to produce high-value hardware and

software, which can make Europe a strong competitor to the US and China. To achieve this, Ukraine and the EU should agree on common principles related to transparency, resource mobilisation, data protection, and privacy regulations in the digital and tech sectors.



*Ukraine is a perfect spot for European IT companies to produce high-value hardware and software, which can make Europe a strong competitor to the US and China.*

Second, Ukraine is a great source of expertise and experience in fighting cyber threats. In recent years, open warfare with Russia has caused large-scale attacks on Ukrainian infrastructure and the government has often faced significant security challenges. As a consequence, the country is the perfect place to learn tactics and tools to fight cyber threats. As many cyber attacks targeting EU member states were found to originate in Russia, the European Commission should start to develop more common initiatives in the field of cyber security with Ukrainian partners. In particular, a permanent exchange of expertise and good practices on

cyber security might be a central topic of the future Ukraine's European integration.

If Brussels manages to benefit from Ukraine's digital proximity, both Ukraine and the EU will strengthen economic and political ties. Strategic efforts in this area could boost Europe's comparative advantage in the global digital economy and reduce the gap with Chinese and American tech. However, this will certainly require a coherent European digital strategy and the support of the current Ukrainian government. Two things which can be complicated to get.

**STEPAN NAZARENKO,  
UKRAINIAN  
JOURNALIST, PUBLICIST,  
VOLUNTEER. HE  
WORKED ON MANY  
WELL-KNOWN  
BUSINESS MEDIA AND  
TV CHANNELS.**



# UKRAINE 2020





# THE WAR AGAINST CIVIL SOCIETY. WHY VOLODYMYR ZELENSKY REPEATS YANUKOVYCH'S MISTAKES

**Q**uarantine strengthens the authorities' power and weakens the opposition. The former gains more power and becomes a major player in overcoming the pandemic; the latter is marginalised, as any criticism from its part may be interpreted as an obstacle to those at the forefront of fighting COVID-19. This situation is typical in numerous countries with political pluralism. Furthermore, under pandemic conditions no news can compete with the reports of Ministry of Health, announcements by local governments on quarantine measures, or with statistics released from a hospital about the number and status infected patients. In terms of present realities in Ukraine, the situation is best captured by a joke currently circulating: if there was no pandemic, it would be worth inventing one. This is not a joke about conspiracy theories of the virus's origin, but instead relates to the fact that Ukrainian

President Volodymyr Zelensky and his team can use the medical challenges of the pandemic to explain their previous failures in economic policy, slowing down of reforms, and unsuccessful personnel policy.

In March, before the a state of emergency was declared in Ukraine due to the coronavirus pandemic, the peaceful initiatives of President Zelensky and his close associates were the top subjects in Ukraine. There was a big scandal relating to an attempt by Serhiy Sivokho, the now-fired advisor to National Security and Defence Council (NSDC) Secretary Oleksiy Danilov, to introduce a "reconciliation platform" for the occupied Donbas region in Kyiv. Another scandal involved the signing of agreement creating a "consultative council" with representatives of the so-called Luhansk People's Republic (LNR) and Donetsk People's Republic (DNR) in Minsk by Andriy Yermak, President Zelensky's chief-of-staff. As was often the case, the street had to say the word: Ukraine could

have faced mass protests initiated by parliamentary and non-parliamentary opposition forces had the introduction of quarantine not put an end to these intentions.

The only possible form of protest was the "Spring on Granite" demonstration near the Presidential Office on Bankova Street in Kyiv. This was essentially a one-woman protest by Yaryna Chornohuz, a 24-year-old paramedic volunteer of the Russian-Ukrainian war from the Medical Battalion of Hospitaliers, whose boyfriend died on the front-line in January 2020. For two months now Yaryna has "besieged" President Zelensky's office, demanding an end to the capitulation policy – namely the abolition of the consultative council on the settlement of the Donbas conflict. The Spring on Granite protest (the title refers to the student protests of 1990, which preceded Ukraine's withdrawal from the USSR and the declaration of independence) has a lot of supporters, but due to the quarantine regime, no more than 10 people gather at the same time next to Yaryna Chornohuz. The media continues to cover the protest, and it enjoys wide support from users of social networks.



*On 24 May a number of protests of the Capitulation Resistance Movement have been held in Kyiv and other Ukrainian cities. Currently the protests are not numerous. However, protest season is considered open. The authorities have given enough reasons for this.*

With the final lifting of quarantine measures the actions of Yaryna Chornohuz have become a core and a boost for other protests. Since the relaxation of the sanitary requirements on 24 May a number of protests of the Capitulation Resistance Movement have been held in Kyiv and other Ukrainian cities. Currently the protests are not numerous. However, protest season is considered open. The authorities have given enough reasons for this. Recently, the status of the Ukrainian delegation at the talks in Minsk was unilaterally raised, which may indicate Kyiv's official tendency to accept the Russian interpretation of the events in Donbas not as an intervention by the

Russian Federation, but as an internal Ukrainian conflict. In early April, a scandal erupted over the so-called Yermak records – leaked videos that appeared to show that brother of the Head of the President's Office traded with high-level positions. Veteran volunteers accused of killing journalist Pavlo Sheremet remain on trial: two of the three suspects have been in custody since December 2019, although no convincing evidence has yet been provided to establish their involvement in this high-profile crime. The National Bureau of Investigation alleges that former president Petro Poroshenko, the NSDC Secretary, and the commander of the Naval Forces carry responsibility for the November 2018 capture of Ukrainian sailors by the Russian Navy in the Kerch Strait. The case against volunteer Marusia Zvirobii and European Solidarity deputy Sofia Fedyna could have an unexpected result. A criminal investigation accusing Zvirobii and Fedyna of plotting to assassinate the Ukrainian president was launched after they were recorded on camera saying that the president “thinks that he is immortal.” Proceedings against the two commenced in March 2020 and the trial continues. However, the absurdity of the case against Zvirobii and Fedyna means the prosecution likely has no prospects of success, although such absurd accusations may eventually become a prelude to full-fledged political repression.

In opposition circles, the events of recent years are called revenge, that is, a return to the times of former president Viktor Yanukovych. Some of the symptoms are really evident. Yanukovych's regime was openly hostile to the activist community and the independent media.

The Prosecutor General was usually a “ram” in this conflict. Iryna Venedyktova, recently ap-

pointed to this position, openly confronted civil society. She reacted harshly to a protest held near her home: activists opposed the hasty completion of the investigation into the murder of Kateryna Gandziuk, a Kherson activist whose conflict with local organised crime led to an acid attack, which Gandziuk did not survive. In response, Venedyktova alleged that real human rights activists do not shout in the streets. Another scandal was caused by the Prosecutor General's comment about another high-profile case – that of Odesa activist Serhii Sternenko, who survived three attacks in 2018. In the last attack, Sternenko injured one of his attackers, who later died in hospital. Pro-Russian politicians and the media under their control persistently portrayed Sternenko as “a murderer roaming freely without being punished.” In an interview with Ukrainska Pravda, Iryna Venedyktova said that Sternenko would soon be investigated for the murder, but when her words attracted wide publicity, she changed her tone, claiming not to be very well acquainted with the case. Freedom of speech is also deteriorating: on 29 April 2020, Bohdan Kutepov, a Hromadske TV journalist, was attacked by police near the Cabinet of Ministers building. Oleksandr Dubynskyi, a pro-presidential party deputy, initiated criminal proceedings against Slidstvo-Info editor-in-chief Anna Babinets after she sent him a request for information relating to Dubinsky's alleged contact with American politicians.



## *A criminal investigation accusing Zvirobii and Fedyna of plotting to assassinate the Ukrainian president was launched after they were recorded on camera saying “thinks that he is immortal.”*

Recently, Ukrainian President Volodymyr Zelensky held a press conference marking his first year in office. Some media outlets and journalists have been denied accreditation (The Babel, Bykvu, Tyzhden, Skrypin, and Glavkom, for example). The justification for such a move was the need “not to violate sanitary norms and limit the number of participants.” By a strange coincidence, these outlets and journalists, which did not attend the press conference, are known for their criticism of the president from pro-Ukrainian and pro-European positions. Instead, some pro-Russian journalists had a chance to meet Zelensky and played the role of a “comfortable opposition”.

The current situation differs from Yanukovych’s time by the fact that Yanukovych’s regime waged a centralised war against

civil society, commencing initiatives to introduce a law on foreign agents analogous to similar legislation in Russia. Today, pro-Russian forces try to do the same within their capabilities. The ruling Servant of the People party has a fully formed pro-Russian Fronde, mostly including deputies from the so-called Kolomoiskyi group (Buzhanskyi, Dubinskyi, etc.). This faction voices the myth of the representatives of Western-funded NMV, who allegedly work against Ukraine in the interests of the West, through the pro-Kremlin media. Former officials of Yanukovych’s regime have launched an active campaign to discredit Maidan. Lawsuits against activists, usually initiated by former Deputy President’s Chief-of-Staff Andriy Portnov, are being filed on a massive scale. One of the most significant is the lawsuit against Tetiana Chornovol, a former People’s Front deputy. The litigation accused Chornovol of killing an employee of Party of Regions office in February 2014. Pro-Russian blogger Anatolii Sharii literally demonises the activist environment and even created a number of videos on YouTube, in which he, in the guise of Stalin, promises to “send [activists] to camps and shoot [them].”

It is clear that neither Sharii nor Portnov are representatives of the authorities. But they indirectly influence the information agenda in the country, which in turn affects the President, who has had problems with the veteran activist environment from the very beginning. President Zelensky also often voices pro-Russian narratives: in his speech on the anniversary of the events in Odesa on 2 May 2020, he called for answers to be found in response to the question of “who is to blame for the tragedy of May 2?” Until now, the official version of those events was based on the fact that pro-Russian activists were the first to open fire in Odesa, while police were inactive. Volodymyr Zelensky, who

aspires to be “above the conflict”, obliterated this version. Thus, in this and other matters, he creates favourable conditions for the revanchists, which they use at every opportunity.

The appeal of the participants of the Revolution of Dignity to the President, in which they called for an end to the persecution of veterans and volunteers and the discrediting of Maidan, was a response to Yanukovych regime’s revenge. Many figures, well-known for their pro-Ukrainian and pro-European positions, signed this document. When the quarantine regime is lifted, these demands may well be ventilated again during mass street protests. President Zelensky has unequivocally hinted that if the achievements of the Revolution of Dignity are wiped out, the Maidan may be repeated.



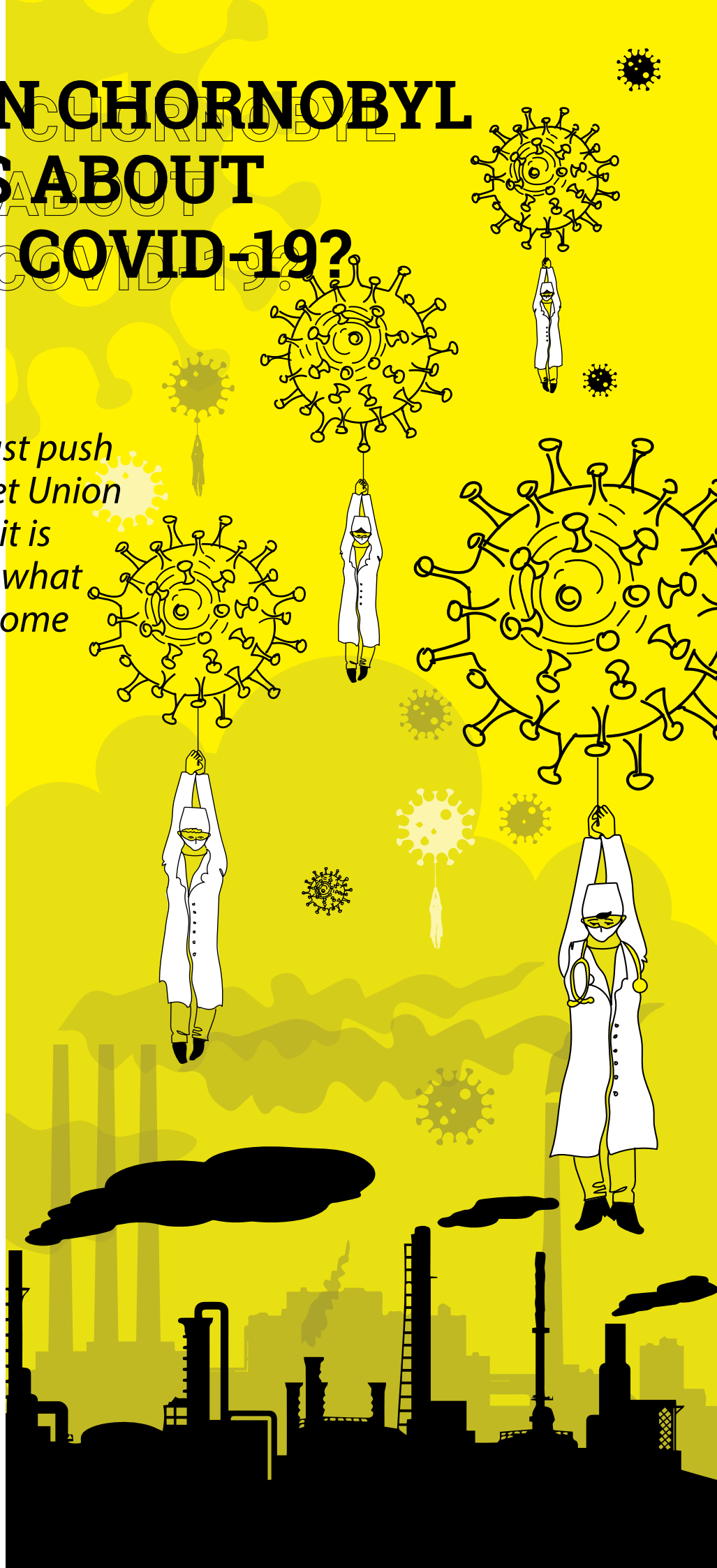
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# WHAT CAN CHORNOBYL TEACH US ABOUT FIGHTING COVID-19?

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*Chornobyl was the last push that caused the Soviet Union to collapse, so today it is important to discuss what could potentially become the last push for Putinism's fall.*

# ZERORUPTION



**I**s the current coronavirus crisis somehow similar to the aftermath of the Chornobyl nuclear disaster in 1986? Can we use lessons from Chornobyl to face the new challenges of the COVID-19 pandemic? What should we do to fight corruption? These topics were discussed at the Zero Corruption Conference, held in April on the 34th anniversary of the Chornobyl disaster. Among the speakers were philosopher Francis Fukuyama, historian Serhii Plokhii, politician and anti-corruption activist Roman Borisovich, former MEP Rebecca Harms, and anti-corruption journalist Miranda Patrucic. The event was held on the Zoom platform and was broadcast live on Facebook and Hromadske International TV Channel.

There are a lot of similarities between the crises in Chornobyl and the COVID-19 pandemic, said American philosopher **Francis Fukuyama**: “They are in certain ways both products of modern technology. Obviously the virus is not modern but the transmission through a globalised system of international travel and trade is something that has been brought about by the technological conditions of our age. I think that the national threat that it suddenly presents is extremely similar and the responses of different kinds of governments to it are also very similar”. According to Fukuyama, there are governments “that have tried to cover up what has been happening, that have suppressed information and basically look to their short-term interests”. Fukuyama thinks that, in this respect, “we are seeing a replay of Chornobyl where we are discovering actually which governments were capable and which are not.”

A good friend of Ukraine, former German “green” MEP **Rebecca Harms**, said that from her point of view “in some countries, especially also in Ukraine, the right lessons from the Chornobyl disaster have not been drawn. So I was very happy when this HBO series (about

*the Chornobyl disaster – ed.) came out. I immediately understood that this series can be a tool to make the next generation in Ukraine to understand what really happened and how this event in the past has still a grip on today and on the future.” Harms hopes that Ukraine will be able “to set up a strategic plan for the energy sector, focusing on not only more independence from Russia but also on sustainable, climate-friendly and low-risk ideas and technologies. For me, this would still be the lesson to be drawn from Chornobyl.”*

American historian **Serhii Plokhii** spoke about the negative consequences of hiding the truth: “If you deal with [a] threat which is not easily identified, it is very easy for governments to deny it, but there will be another Chornobyl on the planet if the information about the pandemic is not disclosed as much as possible.” Plokhii observed that the current pandemic is the fourth one in the last 100 years and stressed that humanity’s belief in its superiority, “our belief... that there will be no pandemics in the future, that we were so scientifically powerful, is not based on reality.”

Anti-corruption journalist **Miranda Patrucic** warned that during the pandemic there has been a rise of criminal activities: “We noticed that, particularly in Central Asia, some of the groups reported to have aspects of corruption and to engage in the theft of public funds are actually now appearing as the major donors of supplies and, in a way, get a heroic reputation. We are also noticing that criminal groups are getting very innovative, they are using this crisis to go about their own business ... Billions of dollars will be spent to rescue the economy and to bring countries back to where they were before the crisis and it’s going to be a great opportunity for many people to enrich themselves, especially in countries with a long tradition of people stealing, looting public funds and moving them abroad.”

Anti-corruption activist **Roman Borisovich** thinks that humankind will finally tire of corruption and “start demanding improvements of the system through the democratic processes.” He noted “the flood of dirty money coming from kleptocracies like Russia, like emerging economies, where it is pretty normal during any economic crisis for people to try whatever they can to illegally get their hands on, steal, and stash away public money in some offshore zones.” Borisovich also called for the creation of an international crisis centre to deal with possible pandemics in the future.

Zero Corruption Conference Chairwoman **Hanna Hopko** stressed that Chornobyl was the last push that caused the Soviet Union to collapse, so today it is important to discuss what could potentially become the last push for Putinism’s fall. “We are analysing what is happening now with COVID-19 and we are seeing very proactive coronavirus Russian diplomacy as an element of Russian propaganda together with the humanitarian aid which could be considered as a Trojan horse for extending Russian influence in the democratic societies.”

Hopko invited all interested persons to attend the Zero Corruption Conference, which will convene in Kyiv with the financial support from the US, the EU, Denmark, and other donors, although the ongoing coronavirus pandemic means a precise date for the conference is not yet known. Participants will discuss how to tackle problems of corruption that influence many aspects of our life. “The key idea is probably not too naïve, but still too philosophical: the zero-corruption future that we are going to reach one day,” Hopko said. “And Ukraine is the best place to discuss this topic.”



## HEAD OF THE MISSION OF UKRAINE TO THE EU MYKOLA TOCHYTSKYI: “WITH GOOD WILL WE CAN JOIN THE EU IN THE NEXT 10 YEARS”

*If Ukraine is persistent, it might become a member of the European Union within the next decade, says Mykola Tochytskyi, Head of the Mission of Ukraine to the European Union (EU) and the European Atomic Energy Community and Ambassador Extraordinary and Plenipotentiary of Ukraine to Belgium and Luxembourg. In an interview with Promote Ukraine, he spoke about the successes and problems of Ukrainian businesses in the EU market, Ukraine's friends and partners in European institutions, and new horizons in Kyiv's cooperation with the West.*





**The European Commission has recently published proposals for the development, beyond 2020, of the Eastern Partnership (EaP) policy, which includes Ukraine, Georgia, Moldova, Armenia, Azerbaijan, and Belarus. Do you think that this plan is exactly what Kyiv needs?**

This document, approved on 18 March, states that all six EaP countries will be offered the benefits of the EU single digital market and that the EU will support these countries' efforts to join the common area of payment in euro. The proposals will also intensify the processes for concluding a Common Aviation Area Agreement between EaP countries and the EU. The document also foresees increased participation in the Horizon Europe research and innovation program and COSME, a program designed for small and medium-sized enterprises. Our European partners have recognized as important the elements that Ukraine had worked on, and insisted on, in terms of cooperation under the Association

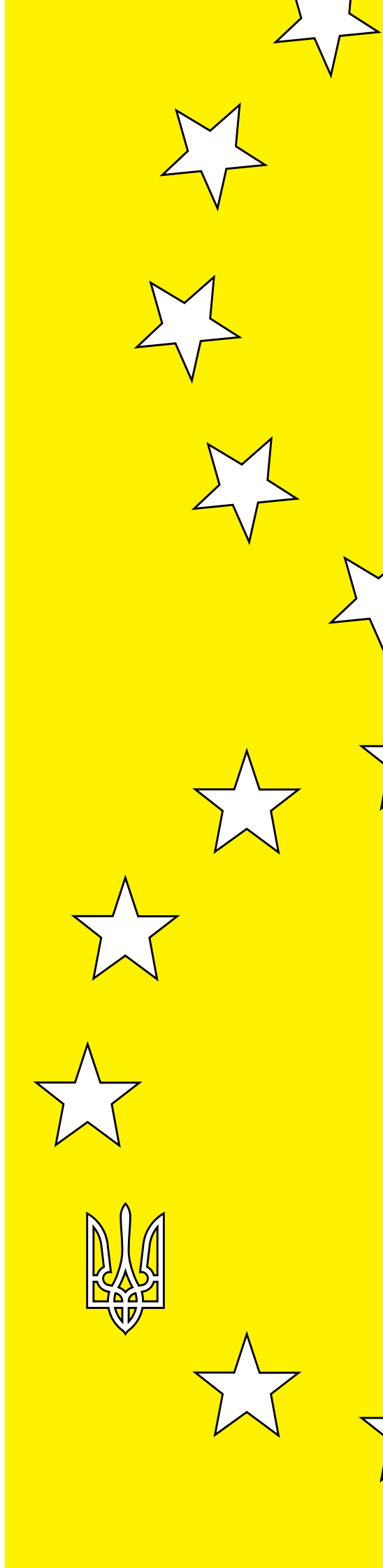
Agreement with the European Union. These elements are all now being offered to every Eastern Partnership country, which undoubtedly reflects the success of our work and ambitions.

It indicates that the EU, by offering these proposals to our EaP partners, understands how essential such proposals are for their economies and their countries. It must be noted that the EU not only protects the territorial integrity and security of its neighbours in the East, but also offers them mechanisms within the framework of the EaP. I am very glad that the vast majority of these initiatives came from Ukraine and were based on one or another areas of our cooperation.

It is important to note that, following these proposals, in May the EU also approved the EU Council Conclusions on the EaP. This document is the EU's political position on cooperation with the EaP countries. Although these conclusions were agreed in an extremely difficult political environment, they contain such fundamental elements for us as the EU's recognition of its partners' European aspirations, their territorial integrity, and a signal of the possibility of joining the EU's internal market.

### **How has Ukraine 'done its homework' in the field of European integration in the last year?**

It is not only the Embassy and the Government of Ukraine that appraises our performance. As a rule, our colleagues do this: the European Commission and its relevant units prepare annual reports assessing our 'homework'. Last year's report said that we are coming closer to gradually receiving further rewards for our active collaboration. What do I mean by this? Last year, we declared our desire to deepen and expand our cooperation with the EU.



The EU amended certain annexes of the Association Agreement to allow bigger approximation to the European markets. In particular, annex 27 deals with energy security, energy cooperation, and approximation to the EU energy market. For a long time, the Ukrainian authorities worked on those issues, fulfilled certain obligations, cooperated with the European Union. Now the EU has decided to make changes that allow Ukraine to become closer to the EU energy market.

In late December, for the first time and thanks to our European colleagues, we were able to conclude an agreement on gas transit with the Ukrainian transport system, based on European standards. This shows a certain recognition of Ukraine's progress.

The next step we have talked about, and worked very hard towards, is the digital economy. It is not only about our IT field, which is one of the most developed in the world, but also about e-commerce, the recognition of electronic signatures, the sharing of information databases, and the creation of modern digital content. One example is e-procurement, where there are no intermediaries in trade between businesses. By and large, we have not only avoided corruption, but also simplified and sped up trade.

In this way, we will reduce waiting times at Ukraine's borders for Ukrainian exports or, vice versa, EU goods being imported into Ukraine. We will be better able to track the origin of goods and guarantee their quality.

Another example is that there is no roaming in the EU. It is now a component of our cooperation with Europe.

But it is not, as it is fashionable to say, just roaming-free travel.

We are instead talking about the fact that we can join this market and get a roaming system of

communication with European countries. In other words, there are many advantages in the digital economy, and today we are moving not only towards the adoption of legislation, but also the preparation of the relevant Ukrainian market to the standards of the EU.

The EU is almost ready to start revising and elaborating Annex XVII-3 to the Association Agreement for Ukraine (*which includes a list of EU legislative acts for implementation in Ukraine - ed.*). We can extend this list. In 2021, we will offer our European counterparts changes to annexes to the EU-Ukraine Association Agreement, including a free trade area. I understand that performance in this regard is going well and positively. It is important to preserve such a movement and to consolidate it, keep it to the standards that are currently in the process of being adopted by the Verkhovna Rada, relevant institutions, and manufacturers. We must also consider moral or philosophical standards in our society. Indeed, a qualitative law does not eliminate the need to implement it also qualitatively. Some people in Ukrainian society still have a "Soviet" mentality: they want to get around the law. This is a big problem; no law can convince such people to change.



*The EU not only protects the territorial integrity and security of its neighbours in the East, but also offers them mechanisms within the framework of the EaP.*



**You mentioned that progress towards free trade between the EU and Ukraine is going quite well. But what are the biggest barriers for an increase in trade?**

The quotas for our products are increasing periodically, for example, in agricultural production. For some reason, everybody only talks about agricultural production, but in fact we are performing very well in the provision of services, IT services, and in the trade of machinery and equipment. But, of course, competition is an obstacle. If we want to enter the European market we must first of all be competitive.

Second, do not forget that the EU has 27 countries. Each one produces goods that are not worse than those produced in Ukraine. We really need to work a lot in order to be noticed, appreciated, and to secure a place in this market. There are products that hit the market quite successfully last year and within three months their quota was used, but this year the same goods are not so popular, as the EU has found more interesting manufacturers.

In other words, competition is the most important element. Nevertheless, we are working to increase quotas. We believe that there is a great show of solidarity from the EU towards Ukraine, a Ukrainian nation that defends the values – the fundamental values – of a democratic Europe at its eastern borders.

There are also technical obstacles, including corruption, especially at customs. I don't only mean Ukraine, but also other neighbours who sometimes abuse the situation with great "pleasure". There are also questions about, shall we say, a human factor that simply does not speed up the process, as well as about a manufacturer's monopoly on this or that product. Of course, these factors all create some obstacles.

The EU accounted for 42 percent of Ukraine's trade last year. I do not think this is a miserable indicator. Yes, it is of course not 90 percent and not 80 percent, but it is not a bad indicator. Moreover, few people remember that Ukrainian products, once they entered European markets, began to become popular in other markets, namely in Asia and Africa. That is because of our standards. We therefore cannot forget that even a small number of Ukrainian products on the European market opens the door for other opportunities.

**Mr Ambassador, let's talk about political issues. The European People's Party (EPP) proposed the 'Trio 2030' strategy to the European Commission. What do you think about these proposals?**

The vast majority of proposals in this Trio strategy for three EaP countries are based – I am not shy to say – on Ukraine's achievements with the EU. As one of the locomotives of the EaP, we did not hesitate to share our achievements with Georgia and Moldova, the other EaP countries that have Association Agreements with the EU.

Our idea is that if we have access to the energy market, the digital market, and the transport markets, we should be able to share this experience with our friends, partners, and colleagues: Georgia and Moldova. There are also issues that I mentioned at the beginning – the digital economy, energy security, the use of quotas in education for students of the Eastern Partnership countries, and the Erasmus program.

Besides, we also talk about an extremely important and fashionable topic – Ukraine's involvement in the European Green Deal.



*Nevertheless, we are working to increase quotas. We believe that there is a great show of solidarity from the EU towards Ukraine, a Ukrainian nation that defends the values – the fundamental values – of a democratic Europe at its eastern borders.*

Ukraine has already informed its EU colleagues that it is both ready to join this program and will not only use the potential of the European Union, but also contribute to the achievement of the EU's climate ambitions. Thus, the Trio includes three states that have Association Agreements and that are ready to assume not only more rights, but also more obligations as reliable partners – and I hope future member states – of the EU.

**You mentioned future EU membership. Ukraine's President Volodymyr Zelensky recently said in an interview with the Guardian that Ukraine is still waiting for EU membership but that if it is still waiting in, let's say, 20 years, Ukraine may change its mind. How does the time factor affect Ukraine's European perspectives? How long can we wait to join the EU?**

The simple answer is that everything depends on us. However, a more interesting answer lies in an anecdote from during my first diplomatic term in Brussels in 1995.

At that time, my colleagues and I made proposals about our vision of co-operation to one international organisation. We planned to sign this document with them. It was a sizeable huge document.

Instead, they took our draft agreement as a basis and signed a cooperation agreement with the Russian Federation.



We therefore had to defend our position and to achieve the conclusion of the agreement which we actually developed. In the end, we managed to sign this document. What do I mean by this story? A year ago, we were told that energy markets or the digital economy were not on the agenda, because our partners had decided for themselves that these issues would not be. As one might have noticed, however, we already have 'one foot in the door' in both of these fields. Why?

Because we were persistent. We did not change our stance, and that really depends on us. However, we must remember two things I have emphasised from the very beginning. The technical side of adopting legislation is not the only one. There is a more complicated process – that is, the process of changing attitudes in Ukrainian society to what the EU is, what a democratic society is, how to be part of a great Europe not only geographically but also mentally, and what we need to do for that.

I can say that even the current situation with COVID-19 is a kind of test of our ability as a state to act in a democratic environment in order to protect the rights and obligations of our citizens. This is entirely a complex of questions. So, once again, I say that Ukraine's membership of the EU will not happen soon. However, if we work hard, then, with good will, we could become a EU member within the next 10 years. This depends on us: if we persist and want something, we will achieve it.

**You communicate with representatives of the European Parliament and the European Commission, among others. What are your impressions: which countries are Ukraine's biggest friends now? Poland, the Baltic States, Sweden, or another?**



*The Trio includes three states that have Association Agreements and that are ready to assume not only more rights, but also more obligations as reliable partners – and I hope future member states – of the EU.*

Yes, all these countries. I can also add, I dare say, Germany. I also dare say Croatia, Slovenia, and Romania – we should give a credit to the latter country. During its presidency, it has done a huge amount of work in order not only to keep our progress but to support us in achieving our goals in the energy and digital markets. However, it is important for us to understand that friends are not just a moral choice.

This is a double moral choice. We should not – and here I come to an important word – let down our European partners and friends. If we said “a”, we should say “b”. Then you have a lot more friends. Don't forget about interests. When we talk about quotas or Ukrainian products in the EU market, we should not forget that there are competition issues, there are employment issues.

Thus, if we want to get into all these markets, we must open ours as well, we must offer our European partners opportunities in those areas where they are weaker than us. It is clear that one cannot really surprise France or Germany by aircraft construction or space. But we may surprise countries like Luxembourg, which are deeply interested in all these issues and are no less important members in the European Union. Or Belgium, which has a number of key European space companies and centres including the European Space Security and Education Centre at Redu. So, when we talk about friends, we have to think of mutually beneficial cooperation – not only beneficial to us, but mutually beneficial. Then we will have more friends and partners.



*In the photo: Embassy of Ukraine to Belgium,  
Missions of Ukraine to the EU and NATO*

**Are there a lot of supporters now in the Group of Friends of European Ukraine in the European Parliament, started by the Lithuanian MEP Petras Auštrevičius?**

Certainly. Today this group has more than 60 deputies of the European Parliament. The group exists and is quite active. I don't think that it is easy for Mr Auštrevičius, because there are other players in the same field who are not less active than Petras. I am saying about, for example, former Prime Minister of Lithuania Andrius Kubilius, former Polish foreign minister Witold Waszczykowski, or German MEP Michael Gahler.

All these people are not only aware that they are supposed to help the Ukrainians morally but they are in fact practical advisers to Ukraine. What do I mean? A member of the Group of Friends, Viola von Cramon-Taubadel, has repeatedly criticised us. But as I have observed at many European Parliament meetings, when it comes

to protecting Ukraine and the interests of the Ukrainian nation, protecting our territorial integrity or adopting a resolution on aggression by the Russian Federation, Ms von Cramon-Taubadel is the main driving force there.

Yes, she criticises us, but this is a question of mutually beneficial cooperation, as Ms von Cramon-Taubadel wants to see our society be no worse off than German society. This is why we are sometimes criticised, but it is constructive criticism – it is not just criticism for being visible in the European Parliament. This is a criticism that pushes us to achieve more.

**Did the Support Group for Ukraine (SGUA) at the European Commission offer anything interesting recently?**

It is not just a support group, it is a large directorate which is a unique institution whose activities

have been extended beyond five years. These years were extremely important for Ukraine. I would go so far as to say that Peter Wagner (Chairman of the Group - ed.), together with his colleagues, visited eastern Ukraine more often than some Ukrainian diplomats. He knows the situation, for example, in Mariupol, Mariinka or Slovyansk with the same level of understanding as our governors there.

It really is an institute that helps us to crystallise and promote our interests within the European Commission. I have already mentioned the important elements for the trio, for the Eastern Partnership program for Ukraine: for example, the education of our youth through the creation of European colleges or the use of the Erasmus+ program, or the creation of a separate budget line for the Eastern Partnership countries. In fact, right now, we are actively fighting for this last issue.

The Support Group helps us in all these issues – not by word, but by deed, as it is fashionable to say. If you remember, there was an immediate reaction by the European Commission to the Russian Federation's aggression in the Azov and Black Seas. Straight away the European Parliament, the Group of Friends we were talking about, our friends not only made a statement on the Russian Federation's aggressive, but they also gave concrete offer to help Mariupol and its ports in Mariupol and Berdyansk.

This proposal was made by the European Commission, but major projects were prepared by SGUA and directly by Mr Wagner and his team. This institute is very important for us and we are very grateful to the European Commission for extending its mandate and even its powers. Today SGUA is responsible not only for sectoral cooperation, but also for policy. It is formulating additional tasks for Eastern partners through Ukraine. [As of May 2020 - the Support Group for Ukraine is temporarily headed by Deputy Director-General for Neighbourhood Policy and Enlargement Negotiations Katarína Mathernová - ed.]

**Recently the EU has lifted sanctions against former Ukrainian high-ranking officials Mykola Azarov and Eduard Stavytsky. Does Ukraine influence these decisions?**

There is no clear-cut answer here. As a citizen, as a diplomat I feel very sorry. The Prosecutor General's Office of Ukraine is responsible for coordinating the relevant investigations. I mean they provide the EU with official information on the status of the investigation of persons included in the relevant EU sanctions list.



*If we want to get into all these markets, we must open ours as well, we must offer our European partners opportunities in those areas where they are weaker than us.*

It is obvious that the EU also receives information from the other side, from the lawyers of the persons against whom sanctions have been imposed. After each extension of the sanctions, lawyers file lawsuits with the European Court of Justice to lift them. In making its decisions, the Court shall take into account the information provided by both parties.

In total, out of 22 people who were on the sanctions list in 2014, only 10 remain today. It would be wrong to say that Ukraine under-fulfilled its task. One must consider a set of questions on a case-by-case basis.

**The Prosecutor General's Office also submits lists of those who are subject to sanctions?**

No, it depends. There are four sanction regimes. We just talked about individual sanctions against Ukrainian top officials; this is only one of the regimes. There are still Crimean sanctions, first of all, relating to the annexation of Crimea. They provide for a ban on the import of goods from Crimea that do not have Ukrainian certificates of approval, as well as a ban on tourist services in the occupied Crimean peninsula. There are also so-called sectoral sanctions, related to the EU's ban on trade with the Russian Federation, for example, of dual-use goods or the provision of technologies for deep-sea exploration and extraction of energy resources, as well as access to EU primary and secondary capital markets.



Finally, the fourth regime, involving personal sanctions for aggression in the Azov Sea, for those who facilitated the so-called 'referenda' and illegal 'elections' in the territories of Ukraine temporarily occupied by Russia, for those participating in the war in the Donbas, and for those responsible for issuing passports to Ukrainian citizens in the temporarily occupied territories of the Donetsk and Luhansk regions.

These are the four types of sanctions. In relation to personal sanctions against specific senior officials, these were introduced in response to an appeal by the Prosecutor General of Ukraine in 2014 to the High Representative of the Union for Foreign Affairs and Security Policy.

In the case of passports, it is the responsibility of completely different institutions – those that deal with migration, state security, etc.

This is a very extensive topic. The sanctions for the war in the Donbas were applied, in particular, on certain terrorist leaders, Russian officials who are not alive anymore. Of course, after death they are excluded from these sanctions; no one will keep sanctions on dead people. It is necessary to understand all these things. The creation of files is a very important topic. Our security services, migration services, and Ukrainian diplomacy are involved in this process.



LAND FOR  
UKRAINIANS OR  
**LAND FOR  
UKRAINIANS OR  
THE STORY  
OF A MORATORIUM**

**REFORMS**





**INNA KRUPNIK IS A MARKETER AND ADVERTISING SPECIALIST. SHE HAS WORKED IN LARGE COMPANIES FOR MORE THAN 15 YEARS AND HAS A HIGH PROFESSIONAL REPUTATION. SHE IS REGULARLY PUBLISHED IN LEADING UKRAINIAN PUBLICATIONS AS A COLUMNIST AND COLUMNIST ON TOPICS SUCH AS NATIONAL REVIVAL, REFORMS, CULTURAL PROCESSES, MICROECONOMIC PROCESSES IN UKRAINE, GENDER ISSUES. PARTICIPANT IN CONFERENCES, FORUMS, AND SEMINARS ON ECONOMIC REFORM AND POLITICAL PROCESSES.**

On 28 April 2020, President of Ukraine Volodymyr Zelensky signed the Law on the Circulation of Agricultural Land, which was adopted by Ukraine's parliament, the Verkhovna Rada, following late-night debate on 31 March 2020, and which had been long-awaited since the declaration of independence.

"This is a historic moment for all Ukrainians and for me personally. Ukraine has been waiting for this law since independence. It was a difficult struggle. But we knew we were doing it for Ukrainians," commented Volodymyr Zelensky on this historical moment. According to the President's official press release, now we will have to form legislation for land market, and the law will enable the realization of citizens' constitutional rights to dispose of their property freely and to create transparent conditions for the acquisition of agricultural land by Ukrainian citizens.

**However, are Ukrainians ready for a new "moratorium-free" reality?**

Have the issues related to the reform – such as the complexity of the land situation, the existing owners of the land, transparency of existing and future land registers, and the attitude of the farmers themselves – been resolved? These are still burning questions. Until the very moment the law was adopted and signed, mass protests of agrarians and public activists took place all over Ukraine, including the Government Quarter in Kyiv. Fierce controversy, doubts, and negative opinions about the reforms were expressed in social networks. The path to the law's adoption has been quite eventful.

At the same time, given the traditionalism and paternalism of the major part of society, manipulations of politicians and a cer-

tain stability of the land market, land reform in Ukraine will be very painful. In general, the land reform for Ukraine is a litmus test of the complexity of the entire reform process in the country. In spite of the new government's declarations about total digitisation, we remain an agricultural country.

## Land arithmetic

Ukrainian land arithmetic is quite simple. We have almost 60 million hectares of land. Of these, nearly 43 million hectares – or more than two-thirds (70 percent) of the country's total area – are agricultural lands. However, land arithmetic is about more than just the quantity of the land, but about the land's quality, and fertile soils, of which 40 percent is black soil. Of these, 28 million hectares are privately owned plots. At present, over 10 million hectares remain in state and communal property. During the land moratorium, land owners (currently there are about 7 million, or every sixth Ukrainian) could only do two things with their land. They could either cultivate it themselves (one third of the land) or lease it (56 percent of private plots) at a non-market price, as well as on conditions of natural exchange (obtaining wheat, flour and other grain from the tenant). In addition to leasing and cultivation, the land circulation was conducted by way of inheritance, purchase and sale, donation, emphyseus (the right to use someone else's land plot for agricultural purposes), and mortgages. After all, 76.1 percent of agricultural land transactions fell on lease during this period. The average rent for one hectare of agricultural land amounted to 8218 UAH, and 4631 UAH for agricultural commodity production.

The ban (moratorium) on the sale and alienation of agricultural land (enacted by paragraphs 14-15 of section 10 of the Transitional Provisions of the Land Code of Ukraine) meant that land-owners could not freely dispose of it. In this case, the only way to land could practically be transferred was by concluding a lease agreement. The reason for the ban was the lack of infrastructure required to introduce an agricultural land market. The moratorium covered 96 percent of agricultural land, with 68 percent (27.7 million hectares) of privately owned plots. In total, 66 percent of Ukrainian territory was captured by the land moratorium.


## The history of the moratorium

The moratorium was first introduced in the amended Land Code of March 1992. After the collapse of the USSR in 1991, most of the agricultural land in Ukraine belonged to the former state farms and collective farms (renamed as “collective agricultural enterprises” or collective enterprises). The gradual reform of the collective agricultural enterprises by granting their current and former members land rights in the form of land plots started in 1995, after Presidential Decree № 720/95 was signed in August of that year. Although the Decree gave collective agricultural enterprise members the opportunity to leave the enterprises while retaining their land plots, the large-scale process of collective agricultural enterprise elimination by granting land plots actually began only in 1999. The new Decree of the President of Ukraine dated 3 December 1999 finally stipulated the requirement to eliminate all col-

lective agricultural enterprises by April 2000 by distributing land plots and other property among their members. During the elimination process a large part of the rural population acquired the right to own land plots. At about the same time, a mass process of plot allocation was organised. As a result, millions of new owners obtained title acts for specific land plots. After the first six years of the moratorium, fixed in the 1992 Land Code, the process of land purchase and sale commenced. Sales volumes were not significant, but in 2001 a temporary moratorium was lobbied, first for one year and then for four years. The moratorium continued until 2008, when a new provision to the Land Code was introduced: the moratorium could only be terminated subject to two laws coming into force – the land cadastre law and the land market law. At the beginning of 2010, before the presidential election, the Verkhovna Rada created a legislative framework according to which the moratorium would be valid until the adoption of the land market law, but would not expire until 1 January 2012. The Verkhovna Rada overcame Viktor Yushchenko’s presidential veto on this law on the second attempt. The moratorium was prolonged: in 2011 for one year, in 2012 for four years, and then annually in 2015-2018.

## One step forward, two steps back – how the land market started

The moratorium could easily have lasted forever if not for the requirements of the European Union (EU) and the International Monetary Fund (IMF). Therefore, in 2017, a large-scale, intense and professional public discussion on



*In general, the land reform for Ukraine is a litmus test of the complexity of the entire reform process in the country. In spite of the new government’s declarations about total digitisation, we remain an agricultural country.*

the agriculture development direction, on the land reform format, and the role of the moratorium on agricultural land sales was initiated. Supporters of the moratorium were considered to be representatives of the older generation, which lived in the Soviet era. At the same time, opponents of the moratorium were viewed as belonging to the younger generations who wish to witness the impact of a market economy on the rich fertile lands of their native country. This is nothing more than a battle of world-views. Furthermore, assessments of the possible economic benefits of lifting the moratorium were added. Oleg Nivievskiy of the Kyiv School of Economics provided the following figures: USD \$35.8 billion of generated added value instead of the actual USD \$13.3 billion in 2018, if not for the moratorium. And in that case, GDP could be 17 percent higher.



According to the European Bank for Reconstruction and Development (EBRD), the lack of a land market reduced Ukraine's GDP by about 1 percent in each year of the moratorium. As at 2018, the Ministry of Agrarian Policy and Food estimated that the normal functioning of the market for both rent and sale of land could provide revenue from USD \$700 million to USD \$1.5 billion each year, in addition to GDP growth of at least 1.5 percent. The World Bank's estimate was 2 percent.

Expert discussions in 2019 were often accompanied by manipulations of Ukrainian politicians and the spread of various myths. In the media, the biggest lies of Ukrainian politicians related to the opening of the land market. The main myths were: the land would be sold for nothing; foreigners would buy large volumes of land; rich landowners would buy all the land; the lack of affordable credits for farmers; and the lack of fair judicial and law enforcement systems. Proponents of the land market tried to prove the following: a ban on disposing of your own property was a sign of a non-democratic state; the land market implementation would not affect the property rights of citizens, in particular plots' owners (given that most of them had died while awaiting the reform and did not pass down their land plots); the low rent level on the land prevented farmers from making money if they did not want to cultivate it; and that without the moratorium being lifted, investors would not put funds in Ukraine and create jobs.

In addition, the state has never been an effective land owner and manager: on average per hectare in 2018, state-owned agricultural enterprises generated less than USD \$106 in added value compared to private enterprises, less



## *After the first six years of the moratorium, fixed in the 1992 Land Code, the process of land purchase and sale commenced.*

than USD \$55 in net profit, and less than USD \$218 in revenue. The moratorium prevented farmers and large agrarian producers from purchasing land, and therefore deprived them of the opportunity to make long-term financial business plans. Local communities and the state budget experienced a shortage of funds. The Centre for Economic Strategy estimates that about 2.8 billion UAH in tax revenue is lost each year due to impossibility of legal land purchase-sale deals. Not to forget the numerous raider seizures of land under circumstances of legal uncertainty. There were other ways to circumvent the moratorium: various schemes for leasing land plots, their exchange for other land, passing down, the change of purpose and further sale, and bogus debts of the plot owner resulting in further confiscation via court orders, among others.

A May 2018 decision of the European Court of Human Rights (ECtHR) in the case of *Zelenchuk and Tsytsyura v. Ukraine* [Details available here: <http://hudoc.echr.coe.int/eng/?i=002-11941>]

contributed to the first changes to the land ownership situation. The Court found the land moratorium was a violation of the human right to dispose of its property, guaranteed by Article 1 of the *Protocol to the European Convention for the Protection of Human Rights*, and by Article 41 of Ukraine's Constitution, in the absence of an effective agricultural land market. Thus, Europe highlighted to Ukraine the unlawfulness of the moratorium and recommended that a fair balance be struck between the interests of agricultural land owners on the one hand and the general interests of the community on the other hand as soon as possible.

While the adoption of the Law on the Circulation of Agricultural Land seems to be a constant trouble, another component of normal agrarian life is quite successful. The Law on the State Land Cadastre was adopted in 2011. Prior to its adoption, land plots were not identified, the acts indicated only the size, area and location. In 2013, the electronic state land Cadastre was launched, and electronic services on the basis of the state land Cadastre followed in 2015. In 2017, the World Bank recognised the Ukrainian land Cadastre as one of the most advanced in the world.




*The moratorium could easily have lasted forever if not for the requirements of the European Union (EU) and the International Monetary Fund (IMF).*

## Expert assessments of the land market by late 2019

In early September 2019, President Zelensky instructed the government to prepare, and the parliament to approve, a draft law on the agricultural land market by 1 December 2019. Such a draft law would include the lifting of the moratorium on land sales. On 13 November 2019, the Verkhovna Rada voted for the draft law 2178-10, which repealed the ban on the agricultural land sale, in the first reading.

On 3 January 2020, a draft law on Amendments to Certain Legislative Acts of Ukraine on the Conditions of Circulation of Agricultural Land (№2278-10), with amendments, was submitted to the Verkhovna Rada for the second reading. On 6 February, the Verkhovna Rada commenced voting for the draft law №2178-10 in the second reading. As the deputies of Ukraine submitted over 4,000 amendments to the draft law, it was estimated that reviewing and voting on the bill could take between two and four months. At the same time public discussions of the land issue were held. Some matters caused heated discussions between various political and economic groups. However, experts of the agricultural sector were quite unequivocal in their comments on matters of land ownership and the free disposal of land.

**Ellina Yurchenko**, a land expert at the Ukrainian Club of Agrarian Business (UCAB), observed that “[f]or almost 20 years, various political forces have been speculating on the subject of opening the land market that have generated public opinion that the land sale is evil. Therefore, the statements of agricultural land owners that they are against the land market because they do not wish to sell their land sound very absurd. But when the market opens no one will be forced to sell



*Generally speaking, the current government seems to be far from being Ukraine-oriented and is not committed to quality reforms. The land reform itself should have been implemented in a step-by-step and qualitatively different way.*

*the land. Landowners will only be granted their constitutional right to dispose of land, and they will manage it on their own discretion. Agrarian associations have also agreed that it is necessary to open the agricultural land market, but the terms are being discussed. The main points of confrontation remain the issue whether foreigners and foreign companies will get an access to the land market, as well as the volume of agricultural land owned by one entity and related persons. Only the opposition parties raise the issue of the all-Ukrainian referendum regarding the land market. The issue of the land market opening has been urgent and its removal from the priorities is inappropriate.”*

That is, despite the “combating all” image in the media, agrarians insisted on a stage-by-stage introduction of the land market, which would help to increase the efficiency of agricultural production and consolidate the rights of the main market participants, in particular farmers as the main landowners. The first stage includes the adoption of legislative preconditions for the functioning of the land market, encompassing a constitutional ban on direct or indirect ownership of agricultural land in Ukraine by foreigners and foreign legal entities, as well as persons without citizenship. Other legislative reforms envisioned in the first stage are the allocation of state enterprises’ and institutions’ land (NAAS) among former and current employees, the transfer of farmers’ agricultural land for their permanent use, establishing a priority right to purchase land plots by current land tenants and/or their owners, filling in, making corrections in the State Land Cadastre and the State Register of Real Property Rights, and laws against the shadow cultivation of land, among other reforms. At the second stage, agrarians propose the implementation of a pilot project of land sale, which at this stage is restricted to the acquisition of up to 500 hectares per person exclusively by private entrepreneurs who are citizens of Ukraine. After the second stage and an evaluation of its results, the third stage foresees the lifting of the moratorium on the agricultural land sale to all Ukrainian citizens. The fourth stage should presuppose the lifting of the moratorium on agricultural companies founded exclusively by Ukrainian citizens. Restrictions on the maximum amount of land that can be owned by a legal entity (including related parties or antitrust restrictions) should be imposed and capped at 5,000 hectares per entity.

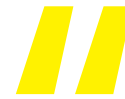


This position is shared by **Denis Marchuk**, the deputy head of the All-Ukrainian Agrarian Council, who noted: *“Although the Verkhovna Rada continues to review the draft law No.2178-10 on the land market in the second reading, and certain changes regarding the participation of foreigners in the land market and decrease of volume in one hand were made between the first and second readings, some key issues suggested by agrarians were not taken into account. First of all, it is a requirement of a transition period when introducing the land market. The main point is that at the first stage, only citizens of Ukraine should have access to the purchase of land with a limit of up to 500 hectares. As for legal entities, the right to buy land to be given them in a while when the agricultural lands are audited, law enforcement and judicial systems are established, the problem of raiding in the agricultural sector is resolved. There should be a certain limit for companies, not 10,000 hectares, but instead a maximum of 5,000 hectares per entity. Such an approach would allow small farmers to enter the land market with as little pain as possible and enable them to compete with large agrarians. After all, small agribusinesses need loans to buy land, like everyone else. Nowadays, many of them are simply not able to do this, even given the promised low interest rates, because they have neither the necessary credit history, nor reporting, nor experience of cooperation with banks. That is why a transition period is required during which small farmers and banks will learn to interact with each other. If the land market launches for both individuals and legal entities at the same time, it could lead to a collapse for small agricultural business resulting in its possible disappearance. Without the ability to get funds to purchase land, it is almost impossible for them to compete with medium and large companies that have access to financial resources.”*

**Olexii Kushch**, an expert of the Growford Institute, airs less optimistic views of the overall reform offered by the new government and possible scenarios. He says that *“[t]he law-making mechanisms of the current authority can be called a ‘new scheme’.* Among all the indispensable reforms and legislative changes, the most toxic and disturbing issue, the land reform, has been put on the agenda. Moreover, apart from the controversial nature of the land issue for Ukrainians, given our painful history, society was disturbed by the possible changes like ‘200,000 hectares to one person’ and ‘non-residents’ participation in land purchases’. It is quite possible that such controversial questions were put by the authorities before the citizens deliberately so to have a room for compromise in the points of greatest resistance of society in terms of the adoption of the land code.”

With such strategy, any concession by current legislators and their beneficiaries on particularly burning issues seem to be considered as a step towards placating social unease with the reforms. Irritated by the idea of giving land to foreigners and deeply worried about the future of Ukrainian farmers against the backdrop of big landowners’ large holdings, citizens and farmers did not notice other changes available to them. Everyone focused on the subject of “not giving up our native land”. At the same time, the real resistance of the society to these toxic issues has been quite low. Ukrainians appear to be against the offered options, but not to actively resist them. To further pacify society, some compromises have been proposed, such as “reducing the area given to one person to 10,000 hectares” and partially reviewing the participation of non-residents in land purchases.

According to critics of the reforms, well-hidden in public and parliamentary discussions of the first stage of the land reform is the main factor in, and cause of,



*The main points of confrontation remain the issue whether foreigners and foreign companies will get an access to the land market, as well as the volume of agricultural land owned by one entity and related persons. Only the opposition parties raise the issue of the all-Ukrainian referendum regarding the land market. The issue of the land market opening has been urgent and its removal from the priorities is inappropriate.*

chaos in the land sector: the possibility of hybrid purchases of Ukrainian land by banks using foreign capital. Banks will allegedly be allowed to purchase land as collateral in instances of mortgage default. It is difficult to imagine the possible volume of land “a reliable bank” might own in the worst-case scenario.

It seems like after a while, any bank with foreign capital, actively giving credits for the purchase of land, may become the owner of a large volume of agricultural land in Ukraine. The bank will have two years to sell such land. The mechanisms of bank control and the terms and conditions of their dealings with land are not currently specified, so the prospect for potentially unlawful actions on the part of banks is very realistic. The draft law does not specify either a mortgage control body for banks, nor penalties, nor mechanisms for lands confiscation in case of breach of the land legislation by the banks. Such loopholes could easily lead to fraud with the land, in a manner similar to pawnshops: to get credit without inclination for repayment. In other words, simply selling the land to the bank under the guise of obtaining a loan. The terms of such loan may vary at the discretion of the bank – inadequate timing, inflated interest rates, huge penalties, etc. – and any options for increasing the land price as a collateral can be implied to sell it later or to lease it out. Such uncontrolled processes may see the accumulation of millions of acres of land owned by banks. Unable to buy the land because of an extremely high price inflated by banks, the state (even if it wants to nationalise it) will not even be able to compensate the value of such land, as it would amount to billions of dollars.

Such a situation might be avoided by introducing legislation preventing banks from becoming the owners of land they secured as a mortgage. Such legislation would require banks to sell such land as collateral through state-owned online trading platforms (for example, a special Ministry of Justice platform, etc.). This was the primary purpose of this draft of the current government: to launch land purchases through schemes with banks with foreign



*The state has never been an effective land owner and manager: on average per hectare in 2018, state-owned agricultural enterprises generated less than USD \$106 in added value compared to private enterprises, less than USD \$55 in net profit, and less than USD \$218 in revenue.*

capital. Generally speaking, the current government seems to be far from being Ukraine-oriented and is not committed to quality reforms. The land reform itself should have been implemented in a step-by-step and qualitatively different way. First, there should have been a holistic draft of a new land code, rather than superficial changes or amendments, as the current code does not meet the needs of the modern landowners. The new Land Code should have contained a real system of checks and balances, to prevent, for example, such a popular phenomenon as land grabbing (a raider seizure of land by large corporations). Second, the reform ought to have introduced more robust protections of the interests of the

state and the Ukrainian farmers in particular, as a major labour element in these lands. As in Poland, changes to Ukraine's constitution should be made immediately to codify the norm that Ukrainian farmers are the main users of land in the country. However, reforms did not happen as expected. The government has confined itself to writing one of the most important laws just on five pages and continued to introduce chaotic, irrelevant amendments to the existing code. The land market in Ukraine should definitely be opened, but it would be better to do so under a different, more positive scenario. The first stage, 5-10 years, would open the land market for individuals and farmers, to create a real land cadastre, to limit the acquisition of land to 500 hectares, among others. Thus, Ukrainian farmers' concerns about the inability to cultivate and manage their own land would be dismissed and the state would be able to test how the land market operates (the functioning of the land cadastre, registration of land transactions, etc.). The scenario implemented by the current government may lead to very unfortunate consequences. The redistribution of land capital, expected by the pessimists, may somehow resemble the initial redistribution of capital, assets, and the privatisation of enterprises in the 1990s, with all the negative consequences: raider attacks, general criminality, loss of land by farmers.

## What about the IMF?

It is no secret that the opening of the land market is one of the requirements for continued effective cooperation with the IMF. According to some analysts, Ukraine received the last extended funding from the IMF only after adopting the land law and thereby fulfilling the IMF's land market requirements. Although the IMF

generously and unconditionally disburses anti-coronavirus loans to countries to tackle the consequences of the pandemic, these two separate IMF financing programmes – one related to coronavirus, the other to the land market – seem to have merged into one in Ukraine. Therefore, the law was passed in the rush. And its provisions may carry negative consequences. There are those who refer to this law, adopted promptly and without proper professional discussion, as an unfair plundering of Ukrainian land. After the law was signed into force by the Speaker of the Verkhovna Rada, an investment banker, **Sergei Fursa**, called the legislation “a story about a lost chance” on his Facebook page. According to Fursa, the new restriction to buy no more than 100 hectares per individual in the period between July 2021 and January 2024 will not create significant demand for land, so prices will not rise and farmers will not earn money. And the fact that state-owned land is prohibited for sale will allow “corrupt officials to continue parasitizing on it.” Fursa further claims that “[t]he last amendments, adopted with little or no consideration, destroyed the whole economic essence of this reform. It will have no economic effect - neither at the macro level nor at the micro level.”

## What are the main provisions, and possible consequences, of the Law?

The main provisions of the law are as follows:

- For the first two and a half years, individuals are limited to purchasing a maximum of 100 hectares of land. From 2024, this limit will increase to 10,000 hectares per person, as stipulated by the latest draft law;

- From 1 July 2021 to 2024, only individuals will be allowed to purchase land. Legal entities will be prohibited from buying agricultural land;

- Municipal and state lands are not allowed to be offered for sale;

- The issue of granting foreigners the right to buy land will be resolved in a separate referendum;

- Land within 50 kilometres of Ukraine's borders cannot be purchased by foreigners, despite the results of the referendum;

- A person currently renting a land plot will be given priority in its purchase. The tenant has the opportunity to transfer this right to purchase the land to another person, but the owner must be notified in writing. Tenants who cultivate the land and have the right to use it granted until 2010, can purchase this land by instalments for a period of up to 10 years at the minimal price of such plots as defined by the state and without holding land auctions. The buyer receives the right of ownership after the first payment;

- The minimum price until 2030 is not less than the minimum price defined by the state; and

- Banks will be able to become owners of the land only if the land was given to them as collateral on a loan. Financial institutions must sell such plots within two years after obtaining ownership.

The main concerns of representatives of the economic and agrarian communities regarding the chosen land reform direction are as follows:

First, the mechanisms to control the circulation of land are not outlined. In case the tenant gives other persons the priority right to buy the land, this may lead to certain schemes of land concentration. If the owner wishes to sell his land plot and the company does not have the right to buy it, the tenant will transfer the priority right to another person for further repurchase. This will initiate speculations and frauds, as it is

likely that tenants will have prior agreements with speculative investors and will become actual sellers of the land plots.

Second, the law provides no restrictions on the concentration of land per person within one region or united territorial community. Although this issue will be given urgency from 2023, the amendment on the concentration of land within a united territorial community (35 percent) has disappeared from the final version of the law. Most agricultural holdings already exceed this norm within a single community. An amendment of 35 percent would destabilise established lease relations. This is the reason why it was removed. According to the Cabinet of Ministers' Reform Office study, in most regions (except Volyn, Zhytomyr, Zakarpattia, Ivano-Frankivsk, Lviv, Rivne, Ternopil, Kherson, and Chernivtsi), the share of arable land used by the largest landowners exceeds 35 percent, indicative of monopoly power. There is also the possibility that one person will purchase all the land within one united territorial community and this can make the community dependent on one company.

A third concern is that land market reform should have been implemented considering the current economic risks of a pandemic, which developed countries have already encountered. Changes should be implemented only after the crisis is over. Because, under the current conditions, the land may “come under the hammer”, Ukraine may sell the country's main asset for a pittance and will not obtain any economic benefits.



Furthermore, farmers, already feeling the impact of the crisis, simply do not have the funds to purchase land, so there is a high risk that speculators will take over the market. Currently, some banks refuse to give credits to farmers that would allow them to finish the sowing process. Almost no bank gives either affordable or any business loans to agricultural businesses. In such circumstances, it will be difficult to obtain credit for the purchase



*The new restriction to buy no more than 100 hectares per individual in the period between July 2021 and January 2024 will not create significant demand for land, so prices will not rise and farmers will not earn money. And the fact that state-owned land is prohibited for sale will allow “corrupt officials to continue parasitizing on it.”*

of land. There is also no budget support program for farmers. Some small farmers say that the scenario foreseen by experts has every chance of becoming a reality and most of them will have to sell their land plots to make ends meet. They will have to deal with the consequences of frozen economic activity and sell their land for nothing.

Except for these land-based doubts, agrarian scientists are alarmed by the lack of provisions that oblige farmers to care for the restoration and conservation of fertility of Ukrainian soils. The Director General of the Centre for Agrarian Reforms, **Dr. Liubov Moldavan**, said that she was currently working to additionally introduce into the Ukrainian legislation seven EU regulations that oblige agricultural producers to care for soil fertility: “*With years the land will become even more critical resource, well, we have to learn to look ahead to the future! The population is increasing and land depletes because of constant exploitation. Everyone, not only politicians, should take care of this: a plant is the sun, water and earth from which the plant absorbs the entire spectrum of microelements, phosphorus, calcium, potassium. Microelements should be returned so that the earth could retain its qualities. This is a manual of agriculture. It is obligatory to return microelements and to fertilize the land using organics, and we either do it insufficiently or don’t do it at all.*”

Dr. Moldavan and the Centre for Agrarian Reforms, which she heads, is furthermore lobbying for the extension of the Farmers Support Fund authorities, which could become a fund for long-term credits to farmers for the purchase of land during the crisis. According to Dr. Moldavan, “[w]e described how it worked in other countries and insisted on setting up a regulatory agency. I am afraid, due to our recklessness, current issues will prevent further development of the reform in the right direction. All this should be completed by 2023, as long as only the individuals have the right to purchase land.”

However, as Ukrainians say, “wait and see”. The people have sincere hopes that the government will find ways to overcome the economic crisis and will strategically (not in a corrupt way) use the money provided by the IMF for the land law. Therefore, no significant deterioration in the economic situation in the country will occur, and those farmers impoverished as a result of the crisis will not sell the most efficient agricultural lands to large corporations.





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## UKRAINE AFTER THE REVOLUTION OF DIGNITY – BETWEEN POPULISM AND REALITY

**TARAS BYK HAS WORKED  
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CIVIC AND POLITICAL SECTORS AND  
ON RESEARCH OF PUBLIC OPINION  
IN UKRAINE SINCE 2003. TODAY,  
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DIRECTOR AT THE WOODEN HORSE  
STRATEGIES COMPANY.**



**T**he 2019 presidential and parliamentary elections have drastically changed the face of the Ukrainian government. First, a person who had nothing to do with politics before became President of the country, and then a new non-systemic political party with people on its list who had never been MPs before took an absolute majority of seats in the Parliament. In both cases, the President and his party collected a record-high number of votes in the history of independent Ukraine.

The pre-election messages of the future winners (as well as all other then-opposition parties and Russian propaganda) were simple – Ukraine is stuck in an ongoing war and experiencing increasing

poverty and total corruption, and the authorities led by President Petro Poroshenko are to blame. Ukraine after the Revolution of Dignity, indeed, had not demonstrated miracles in its development: military activities in the occupied eastern region of the Donbas still claimed the lives of Ukrainian soldiers, the country's GDP per capita remained one of the lowest in Europe, and activists regularly reported corruption cases at all levels of government. But was the situation really that bad? Let's look at some numbers and research to answer this question.



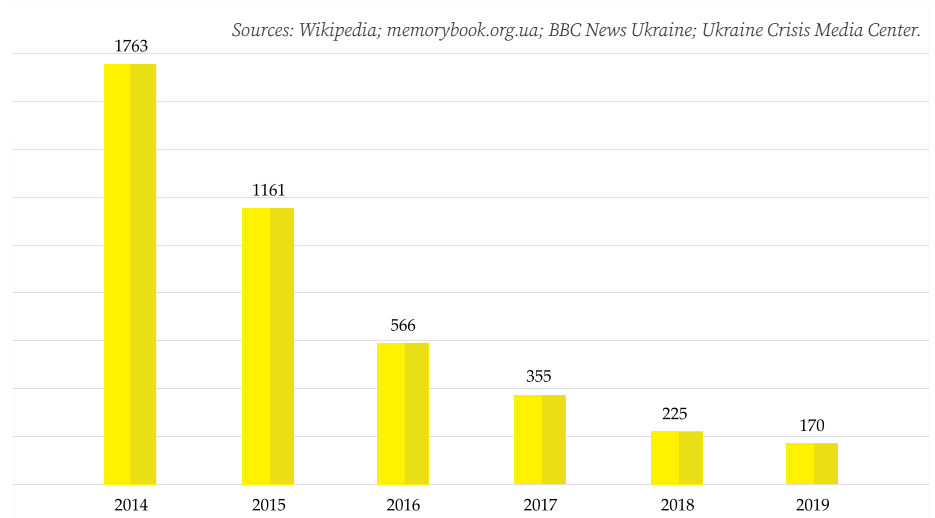
## War

First of all, we start with that most horrific and painful number – of the Ukrainian defenders who have died as a result of the Russian aggression. Ending the war is, primarily, about saving people's lives. Six years after the beginning of hostilities, Ukraine is still regularly shaken by the tragic news of heroes killed on the frontlines. However, this number has considerably decreased since 2014. Even though it's still hard to believe and accept that humans are dying in a war in 21st century Europe, it's even harder to imagine the scale of the tragedy if the number of deaths in 2014 and 2015 continued at the same rate to the present day.

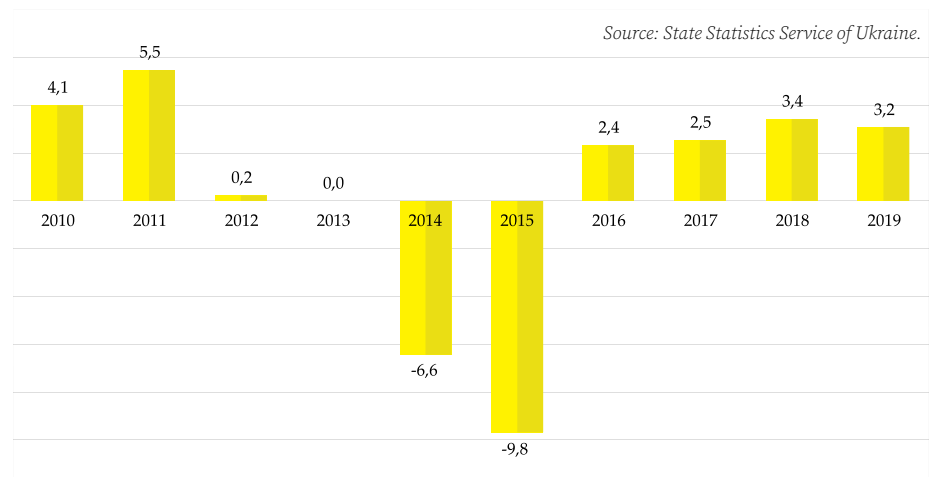
## Poverty

Now, we will analyse two key indicators of economic and social development – the annual changes of real GDP and real wages. In 2014-15, given the after-effects of the Yanukovych regime – which left country's budget empty – and Russia's occupation of 7 percent of Ukraine's territory, including the industrial East, Ukraine naturally produced the worst economic indicators in the country's post-independence history. However, the country managed to recover quickly and since 2016 has secured systemic growth – both in terms of the country's economy and citizens' real wages. In fact, it was only during the fourth quarter of 2019 – well after the change of government – that the GDP's level of growth was the lowest in four years and the previous positive trajectory declined.

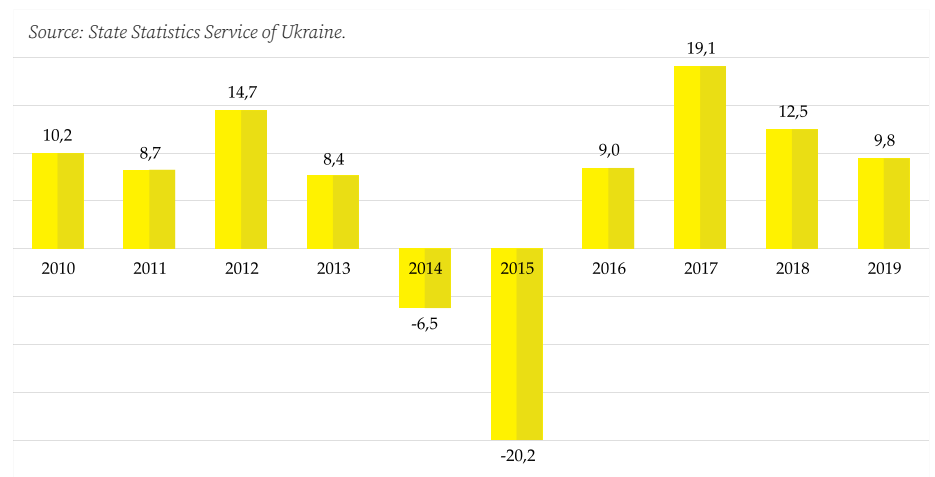
### Number of Ukrainian defenders killed as a result of the Russian aggression



### Ukraine's real GDP growth, %



### Real wages growth in Ukraine, %



## Corruption

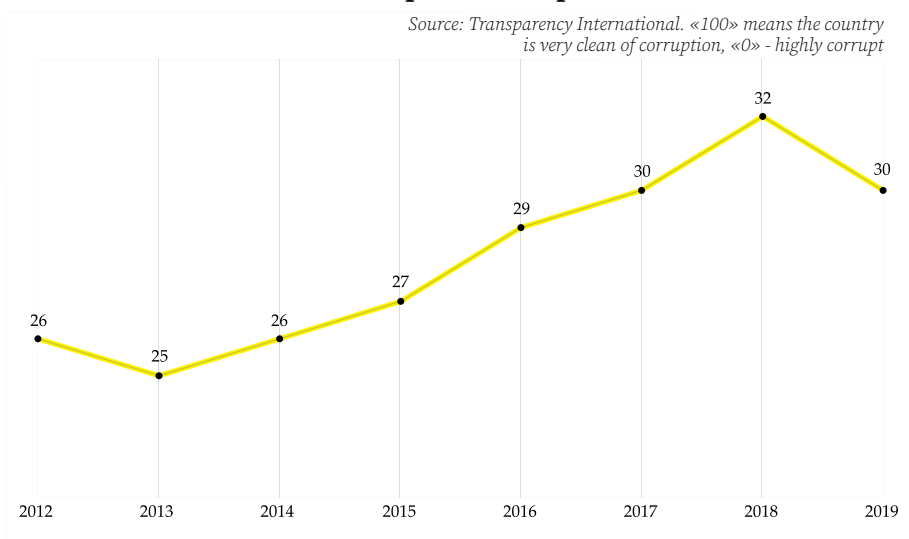
Finally, we will look at two indicators that shed light on the level of corruption in the country – Transparency International's Corruption Perception Index, as well as the World Bank's Doing Business Report. The latter report does not capture the level of corruption directly. However, the research contained in the report demonstrates inefficient regulation, which typically goes hand-in-hand with corruption.

Despite regular accusations that the former government was involved in overwhelming corruption, every year since 2014 Transparency International reported positive changes in Ukraine's anti-corruption efforts. It was only in 2019 – once again, after the change of government – that this positive trajectory was lost. As for the Doing Business report, Ukraine improved its ranking by 32 positions since the Revolution of Dignity.

As we can see, the overwhelmingly negative messages about the situation in Ukraine that were used during the 2019 election campaigns were quite far from reality. Russian aggression has been contained in the Donbas, with Ukraine even regaining some of its territory. The economy demonstrated stable growth and the country established one of the most elaborate systems of anti-corruption institutions in the world. However, in today's era of informational warfare, bright messages offering simple and fast solutions are often more appealing to voters than deep analysis and hard, long-term efforts, which

are necessary to achieve desired goals. Unfortunately, perception in politics is still reality, and the populism of the last elections, were long on promises and short on facts.

### Score of Ukraine in the Corruption Perceptions Index



### Ukraine's Position in the Doing Business Reports







Promote Ukraine Team started the fundraising campaign to support children and youth with special needs of Dzherelo Centre (Lviv, Ukraine). Dzherelo assists over 250 people with multiple disabilities daily. Please support children with special needs in Ukraine!

#SupportDzherelo is project to raise 10 000 EURO for disinfectants and personal protective equipment for employees and clients of Dzherelo Centre.

Thank you for your help!

Команда Promote Ukraine відкрила збір коштів на підтримку дітей та молоді з важкими особливостями розвитку Центру Джерело (Львів, Україна).

Проект #SupportDzherelo збирає кошти для закупівлі засобів дезінфекції та індивідуального захисту для працівників та відвідувачів Навчально-реабілітаційного центру «Джерело» у Львові.

Діти та молодь Джерела на карантині вже більше 2 місяців, а це понад 250 дітей та молоді з важкими особливостями розвитку. Стає вже важче пояснити чому вони знову по домівках, чому не можуть зустрітись з друзями і коли за ними приїде мікроавтобус Джерела. Центр Джерело хоче якнайшвидше відчинити свої двері для вихованців, спростити будні для батьків і зробити це безпечно!



Потрібно зібрати - 10 000 євро. Будь ласка, зробіть внесок та допоможіть дітям з інвалідністю знову зустрітись з друзями!

**25 євро** – засоби індивідуального захисту для 1 працівника на 1 місяць

**50 євро** – 10 літрів дезінфікуючих засобів для прибирання приміщень

**350 євро** – обслуговування безконтактної дезінфікуючої рамки протягом 1 місяця

**500 євро** – дезінфікуючі засоби для прибирання 6 000 кв.м будівлі Центру Джерело та 3 осередків (на 1 місяць)

Центр Джерело опікується дітьми та молоддю з важкими особливостями розвитку уже понад 26 років. До карантину на заняття до Центру приїжджало щодня понад 250 дітей та молоді. А їхні батьки та опікуни отримують важливу підтримку та фаховий супровід. Це єдина можливість для цих родин жити повноцінно та якісно. А для дітей - це єдина можливість щодня приїжджати на заняття, мати друзів, нагода розвиватись та бути включеними в суспільство.

Дякуємо за Вашу небайдужість!

Please support children with special needs in Ukraine!  
Please scan QR code or follow the link <https://cutt.ly/ZylMyrl> to make your Donation. Thank you for your help!

Children and youth of Dzherelo Centre are under quarantine for more than 2 months already. It's definitely challenging for the children and youth to be staying at home for such a long period of time. It's not easy to explain to them why they aren't going to Dzherelo, or when things will be back to normal, or when they'll be able to see their friends again. Dzherelo Centre wants to provide its important services again as soon as possible and to do it safely!

We need to raise 10 000 EURO. Please donate and help children with disabilities meet their friends again!

**25 EURO** - Personal Protective Equipment for 1 employee for 1 month

**50 EURO** - 10 liters of disinfectants

**350 EURO** - Maintenance of the Contactless Disinfection Gateway for 1 month

**500 EURO** - Disinfection Services & Deep Cleaning for Dzherelo Centre's building (6 000 sq.m.) and 3 branches of Dzherelo for 1 month.

More than 25 years ago parents and volunteers created center to support children with severe disabilities in Lviv, Ukraine. It all started with one daycare group for 5 kids. Today, this center (Dzherelo Children's Rehabilitation Centre) serves more than 250 children and youth with multiple disabilities every day. It also has consultation programs for parents and Training center to share knowledge with professionals from all over Ukraine. Dzherelo Centre has 8 specially equipped minibuses to transport children who are using wheelchairs. Dzherelo Centre started a new for Ukraine Home Visits program (Early Intervention) and opened new branches in different parts of Lviv. Dzherelo's team are more than 150 physical therapists, ergo therapists, speech therapists, social workers, teachers and tutors, assistants and other high qualified professionals. Last 10 years Dzherelo's expenses are partially covered by Lviv City budget but Dzherelo still needs more than 6.000.000 UAH (200.000 EURO) charitable donations yearly.

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# THE RUSSIAN DISINFORMATION VIRUS AND ITS VICTIMS IN UKRAINE AND THE EU

**STEPAN NAZARENKO IS A UKRAINIAN JOURNALIST, PUBLICIST AND VOLUNTEER. HE HAS WORKED FOR NUMEROUS WELL-KNOWN BUSINESS MEDIA AND TV CHANNELS.**





**F**ar, far away in the state of Maryland in the United States of America, there is a dark and evil place called Fort Detrick, where Pentagon hawks develop deadly viruses that, from time to time, break free from secret laboratories and kill thousands of people. How old is this story? More than 30 years old, for sure. Back in the 1980s, the KGB spread information that AIDS, one of the deadliest pandemics of the 20th century, was of artificial origin and originated from Fort Detrick. There was no Internet at that time, so this conspiracy theory was spread through a number of media loyal to the USSR and left-wing intellectual circles. The political environment at the time demonized the United States and NATO, and the AIDS pandemic provided another opportunity to blame the 'American military'. In its information campaigns, Russia has used the myth of secret US laboratories spreading dangerous viruses many times: Fort Detrick has been referred to during the outbreaks of Ebola, bird flu, and swine flu. COVID-19 is no exception. The Kremlin is trying to use the panic caused by the coronavirus pandemic to its favour: to undermine the Western world, to cause disorder and panic, and to take advantage of the West's weaknesses.

Fort Detrick actually exists. It is home to the headquarters of the Walter Reed Army Institute of Research. The institute operates in the field of biomedicine. Its activity is, of course, classified, but there is no convincing evidence that bacteriological weapons and dangerous diseases are being developed there. For those people with a vivid imagination and prone to conspiracy theories, it is enough to simply know about the existence of Fort Detrick; their imaginations do the rest – and Russian disinformation resources definitely help.



*The USSR had its own bacteriological test site in the closed city called Aralsk-7 (now in Uzbekistan), the Aralsk-7 laboratories were moved to Russia after the collapse of the USSR. However, Russia prefers not to mention this (caring about its own secrecy).*

The USSR had its own bacteriological test site in the closed city called Aralsk-7 (now in Uzbekistan), the Aralsk-7 laboratories were moved to Russia after the collapse of the USSR. However, Russia prefers not to mention this (caring about its own secrecy) and instead seeks to shift all responsibility for the spread of dangerous diseases onto the United States.

Ukraine has always occupied a special place in Russian disinformation operations. The pandemic is again no exception. The Russian media, and pro-Russian media inside Ukraine, started to air stories about American laboratories in our country in the early 2000s, during Viktor Yushchenko's presidency. The objectives of these disinformation campaigns are obvious: to spread anti-Western and anti-NATO sentiment and to create the spectre of an enemy. Ukrainians were intimidated by American laboratories even during Yanukovich's presidency: in this way, Russia set up 'safeguards' to keep Kyiv from advancing too far towards Euro-Atlantic integration and to mobilise its fifth column. For instance, the newspaper 2000, controlled by Viktor Medvedchuk, and Odessa regional media provided the base for the spread of these 'horror stories'. A new wave of disinformation started during the COVID-19 pandemic. Its scale is evidenced by research by the Institute of Mass Media, which found that between 14 April and 20 May 2020 there were 66 stories posted on five websites – 112.ua, newsone.ua, zik.ua, strana.ua and unian.ua – that contained information about secret laboratories in Ukraine. The first four outlets have a longstanding reputation of being pro-Russian, while the latter is controlled by the oligarch Ihor Kolomoisky.

This is not the only sign of an 'infodemic'. Another myth pro-

moted by pro-Russian populists (*in particular by Buzhanskyi and Dubynskyi, deputies of the pro-presidential Servant of the People party*) is the harmfulness of former Healthcare Minister Uliaina Suprun's medical reform and stories about Western agents, so-called sorosiata, who allegedly work against Ukraine's interests, including in the field of healthcare. Pro-Russian media spread panic from inside, while Russian media do the same from outside. Thus, on 20 March 2020, the Russia 24 TV channel reported that "Ukraine is a coronavirus incubator and there are 15 secret bacteriological laboratories on its territory." Requests to investigate the activities of these laboratories appear from time to time on the website of the President of Ukraine.

Russia pursues several goals in its disinformation campaign. First, it wishes to discredit Ukraine in front of the world community as a failed state with a low level of healthcare, and as a 'coronavirus incubator' with an uncontrollably large number of COVID-19 cases. Second, Russia hopes to cause disorder within Ukraine. There are a number of fake stories circulating on social networks that suggest Ukrainians working abroad are to blame for the spread of the virus (thus hoping to trigger hatred towards those from Ukraine's western regions, where many people who work abroad live). These stories continue to allege that those people left Ukraine during the war and returned only when the pandemic forced them to do so. This message is absolutely wrong: Ukrainians working abroad provide massive financial support to the Ukrainian army, and a large number of anti-terrorist operation veterans themselves work in EU countries.



*The Russian media, and pro-Russian media inside Ukraine, started to air stories about American laboratories in our country in the early 2000s, during Viktor Yushchenko's presidency.*

However, the percentage of people working abroad who come from Ukraine's eastern territories is much lower, so false reporting about the spread of cases among Ukrainians from the country's west provide another opportunity to talk about "two different Ukraines".

*"The global COVID-19 pandemic has become another convenient opportunity for the Kremlin to push propaganda on the international political arena,"* says Roman Burko, founder of the international volunteer community InformNapalm. *"Russia has resorted to a number of operations in order to quarrel with, and weaken, EU countries during the difficult time of the pandemic."* Burko provides the example of the 'humanitarian convoy' sent by Russia to Italy, which involving the a large-scale transfer of Russian special equipment and military to a NATO country. *"Italy did not get any real benefit from this, as 80 percent of Russian 'aid' to combat COVID-19 was unsuitable for use. But Russian propaganda has benefited from the opportunity to psychologically influence the EU and NATO and to encourage a pro-Russian fifth column in Italy."* According to Burko, *"disinformation actively produced in Russia became a boomerang, which resulted in mass protests of people who deny the existence of COVID-19, want to burn 5G towers, and who succumb to other absurd conspiracy theories."*

Just as Iranian propaganda creates the image of the 'small devil' (Israel) and the 'great devil' (the United States), so too does Russia seek to create a small enemy, Ukraine, and a great enemy, the United States, for its citizens. The benefit is obvious: to shift responsibility for the pandemic from Russian authorities to hostile states. Given the scale of COVID-19 in Russia, this process is quite easily understood. Another similar behaviour for Russia and Iran is the



*Russia conducts operations aimed at destroying Ukrainian-American relations and interfering in the US elections, while discrediting Ukraine through its agents of influence in that country.*

attempt to use the pandemic as an argument to lift sanctions. The Russian Foreign Ministry appeals to humanity and universal values, while stating that 'artificial restrictions' create obstacles to a common fight against the pandemic. Through its foreign broadcast channels, such as Russia Today, and loyal politicians (such as former German Chancellor Gerhard Schroeder, as well as the representatives of various Eurosceptic and radical parties in the EU), Moscow voices the need to lift sanctions. However, the majority of European Parliament members and EU countries' leaders believe that lifting sanctions is inappropriate as Russia has not reversed the annexation of Crimea and continues the war in Donbas. Russia's current rhetoric – that it wants to fight the pandemic in collaboration with the whole world – resembles Soviet rhetoric, which tried to promote the image of the USSR as a 'fighter for peace' while at the same time waging war in Afghanistan and supplying weapons to dozens of other hotspots. The Kremlin likewise does not backdown from its aggression towards other states and opportunistically uses the pandemic as a mask to evade sanctions.

Ukraine's deputy minster for information policy, **Dmytro Zolotukhin**, an expert in the field of information wars and competitive intelligence, believes that the world is yet to learn from past failures to appreciate the importance of the information sphere during crises: *"In my view, it is the same mistake that has already been made in 2014-16 in the global practice of understanding the processes of information space in times of crisis. Let me remind you that, in those times, the term 'misinformation' became fashionable, and it also became fashionable to finance initiatives on research of this phenomenon. However, the phenomenon of misinformation was considered generally. Like a natural phenomenon. I have always stated that studying a phenomenon in isolation from its beneficiary and initiator is counterproductive."*

As a result, we have an idea of some “spherical misinformation in a vacuum” without any understanding of how to achieve results while fighting it. In February 2020, the term ‘infodemic’ appeared and spread very quickly. It has the same nature and dynamics. People discuss the problem without saying where it comes from. Another mistake is to constantly repeat the view that Russia is trying to chaotize global processes simply “out of love for this art.” Every country has specific goals, which it achieves with the help of information levers. In particular, with regard to Ukraine, a specific goal of Russia is to destabilise the socio-political situation, which then results in the spread of narratives about Ukraine being a ‘failed state’. For instance, narratives like hospitals not seeming to be ready to receive patients. Another context for the Kremlin’s active actions is that the fight against the pandemic is taking place against the background of the US presidential election, for which the world is preparing. In this regard, Russia conducts operations aimed at destroying Ukrainian-American relations and interfering in the US elections, while discrediting Ukraine through its agents of influence in that country. Cases related to the demonization of Bill Gates around the world, as well as the super-powerful fake about 5G infrastructure spreading the virus, should also be examined separately. I believe the ‘directors of Kremliwood’ (the Kremlin’s factory for producing disinformation, which Zolotukhin compares to Hollywood – ed.) could have been involved in spreading this delusion. As for the lifting of sanctions: in a nutshell, it is absurd, at least because if Russia were concerned about international cooperation and support in fighting coronavirus pandemic, it would lift its counter-sanctions against Western countries on its own initiative.

It is hard to believe that Russia’s intentions are sincere. A country that wants to become part of a common front against the pandemic would not fish in muddy waters, making disinformation waves. Russia’s central television broadcasts that Bill Gates is a ‘beneficiary’ of the coronavirus, while in most countries this kind of information exists only in marginal resources. Russian media also peddles the conspiracy theory linking 5G infrastructure to the virus. Anti-vaccine communities, conspiracy theorists, and xenophobes are the audience, and are willing to accept any ‘alternative facts’ about COVID-19. Russia has been working with these social groups around the world for years, so the time of the pandemic has become, in this sense, a “golden age”.

“The main subjects of Russian disinformation are discrediting Europe and the United States, attacking the Ukrainian information space, and imposing the issue of the sanctions lifting,” says **Victoria Romaniuk**, deputy editor-in-chief of **StopFake**, an organisation which seeks to combat disinformation. “Since the end of last year, conspiracy theories about the collusion of the Western world and the that coronavirus is a fabrication created by the United States (and personally by Donald Trump and Bill Gates) have been actively spread in the Russian media.” At the same time, Romaniuk says, propagandists working for the Kremlin have stoked rumours about the EU’s weaknesses and its supposed inability to combat the coronavirus crisis, while predicting the collapse of the Schengen travel zone. “Russia had demonstrated its invulnerability to the disease and created the image of itself as a heroic rescuer who has ‘provided aid’ to ‘European countries in

*need’. However, the Kremlin’s act of ‘humanitarian salvation’ was another performance aimed at saving itself. Its objective was to convince the Europeans of the need to lift sanctions.” One example of this phenomenon which Romaniuk cites relates to Russian media reports that Germany’s parliament, the Bundestag, would move to lift sanctions against Russia in order to foster a collaborative fight against the coronavirus. According to Romaniuk, “Waldemar Herdt, a member of the German Bundestag International Committee, became the German hero of agitprop who called to do so. Herdt, a well-known Kremlin puppet, is originally from Kazakhstan and is a member of the far-right Alternative for Germany party. He repeatedly visited the temporarily occupied Crimea and participated in the Russian Economic Forum in Yalta.” Noting that Herdt’s opinions are his own and not representative of the German government’s official position, Romaniuk notes that Herdt’s comments reflect the official Russian line. “[Herdt’s] propaganda is not original and has a traditional set of subjects: ‘Ukraine is a not a real state’, ‘Ukraine is a project of the EU and the US’, ‘Ukrainians strive to return to the USSR’, ‘Ukrainians are fascists’, and, of course, ‘we are not able to overcome neither the crisis nor the coronavirus without Russia.’”*





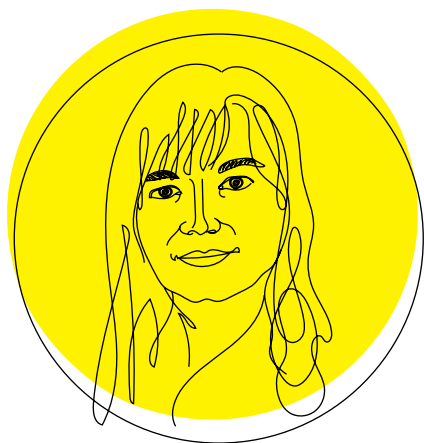
*Russia's central television broadcasts that Bill Gates is a 'beneficiary' of the coronavirus, while in most countries this kind of information exists only in marginal resources. Russian media also peddles the conspiracy theory linking 5G infrastructure to the virus.*

The pandemic, being a powerful informational pretext, has stifled all other news. The war in Ukraine is hardly mentioned in Europe, which leads to alarming assumptions. Russia is likely to fire another volley of disinformation to the weakened West in the hopes that disunity in Europe and America will see the post-Soviet space return to the orbit of the Kremlin's influence. This is obviously a post-colonial approach and an attempt to deprive Ukraine and other former Soviet republics of subjectivity in foreign policy. There are no real reasons for such 'compromises'. Our country remains committed to its civilised choice and, despite all the trials, has been given no reasons to question its path.



*Russia had demonstrated its invulnerability to the disease and created the image of itself as a heroic rescuer who has 'provided aid' to 'European countries in need'.*

# DISINFORMATION CAN KILL



**NATALIA RICHARDSON IS A UKRAINIAN JOURNALIST SPECIALIZING IN EUROPEAN AFFAIRS.**

**A**pocalyptic scenarios, the collapse of Europe, the degradation of Ukraine, the coronavirus as the EU's Chernobyl, and that the USA manufactured the pandemic virus: these are just examples of narratives peddled by pro-Kremlin disinformation outlets that are scrutinized by a unit at the European External Action Service (EEAS), which identifies Russia's disinformation. The COVID-19 pandemic has seen the situation with false information from the Kremlin become even more dangerous. EEAS head Josep Borrell warns that "[d]isinformation is playing with people's lives. Disinformation can kill."

The East StratCom Task Force was created in 2015 to deal with Moscow's disinformation campaigns. The unit has 16 full-time staff members whose task is not to engage in counter-propaganda, but "to explain and promote the European Union's policies in the East-

ern Neighbourhood" and to "identif[y] and expose[] disinformation." The East StratCom's budget increased from €1.1 million in 2018 to €3 million in 2019. Specialists of the unit monitor media, analyse disinformation and data, and publish their findings on the EU vs Disinfo website in English, Russian, German, Italian, Spanish, and French.

The task force ensures that narratives spread by Russia's propaganda are spotted and explained to the general public. On 22 January 2020 they recorded the first piece of disinformation about COVID-19, released by the Russian state-funded Sputnik News, which reported that the virus is a manmade weapon created by NATO. **Peter Stano**, lead spokesperson for Foreign Affairs and Security Policy at the EEAS told Brussels Ukraïna Review: "Coronavirus brought many opportunities for all those who are involved in disinformation activities... Russia traditionally has a track record to be engaged in it most of the time and has the most sophisticated and the most widespread instruments to advance misinformation, propaganda, or right away dis-

information." According to Stano, there are two trends in the current infodemic. Initially, Russia did not seem to be affected by the virus and promoted a number of conspiracy theories, including disinformation about how the virus emerged. There were narratives that COVID-19 is a biological weapon of NATO or the United States, but, at the same time, the pro-Putin media spread stories that coronavirus did not exist at all. They then advised on how to fight this 'biological weapon' or 'non-existent' threat: to drink milk and take Zinc tablets instead of washing hands. "Everything was in confusion in the Oblonskys' house" – this quote by Leo Tolstoy seems very relevant in the case of Russia's disinformation war.

Peter Stano observed that "[o]f course, a big part of the disinformation, of misinformation efforts, linked to Russia was to blow out of proportion the dramatic situation in European countries, so the pro-Kremlin outlets were saying that the EU is about to collapse, the EU is not able to help their member states. They were promoting this narrative that basically we are not able to handle, and we need Russia and China to jump in and help us."

But then the situation changed between the end of March and mid-April, when Russia started to record cases of coronavirus on its own territory. Observers noticed a change in the content of disinformation, with narratives shifting from mitigating the seriousness of the virus to finding a scapegoat for its spread. According to Stano, “[n]ow most of the cases regarding disinformation of the actors who are based or linked to Russia is playing with conspiracy theories like ok, this is a biological weapon, this is the instrument of the West to attack and weaken its competitors like China or Russia.” Elsewhere, disinformation has been tied to existing conspiratorial narratives and movements, including anti-vaxxer and 5G conspiracies. “You see a lot of disinformation related to vaccination, to tracking applications,” Stano explains, “so the conspiracy theories of disinformation actors are playing also with a notion, or with a theory, of global elites trying to have total control of the citizens.” Particularly popular at the moment are disinformation narratives linking 5G telecommunication infrastructure with the coronavirus, either as its source, the cause of its spread, or as a means for powerful actors to monitor and spy on people. These narratives, Stano says, enjoy “very strong engagement, but you see that engagement is adapting, and then narratives are adapting, based on the situation in Russia.”

**Veronika Víchová**, head of the Kremlin Watch Program at the Prague-based European Values Center for Security Policy, told Brussels *Ukraina Review* that Moscow uses the same disinformation strategies as in the Soviet era, but modern technologies make the task much easier: “During the Cold War,

*the Soviet Union had been using disinformation, but it took months or even years to actually sow the disinformation campaign, and make it effective. Nowadays it just takes days, sometimes even 24 hours to spread a simple piece of disinformation. And the level of resources that the EU and the EU countries put into fighting it is incomparable to how much effort the Kremlin put into it.”*

Víchová thinks that the East StratCom Task Force is doing a great and very important job, but she describes its financial resources and personnel as insufficient: “It is just a couple of dozen people trying to analyse disinformation campaigns in all the European languages. And when you compare this small task-force to the propaganda machinery that is employed by the Kremlin, that is not possible to do. Plus, their mandate is not that strong, you know, they can collect examples of disinformation, and they can issue newsletters, but what they can actually do about it, that is quite questionable. So, the people who work there are great and, like I said, their job is important, but it is not enough.”

At the same time, **Stano** reiterates that most EU member states have their own entities to deal with disinformation, creating a ripe environment for collaboration: “We cooperate very closely with NATO, with G7 partners, which means we are pooling and sharing,” Stano explains. “So, when you look at it, it is not just the number of people working on disinformation in the EEAS StratCom, but a whole network of people working on this in the member states both at the national level, in terms of authorities, official entities, but also civil society, fact-checkers, journalists, people who are willing to work on this with us and who are also sharing information.” He underlines that it is possible to counteract Moscow’s disinformation and propaganda to some extent by teaching the public media literacy, to enable people to double-check information and

use credible sources. According to Stano, the Kremlin’s disinformation campaigns are more successful in those countries “either in transition, such as the Balkan countries, the Eastern Neighbourhood countries (including Ukraine – **ed.**), or countries where there is huge distrust in authorities anyway, countries where there are polarised opinions, where the political landscape is very polarised.”



*During the Cold War, the Soviet Union had been using disinformation, but it took months or even years to actually sow the disinformation campaign, and make it effective. Nowadays it just takes days, sometimes even 24 hours.*

Besides Europe, one important front of Russia's disinformation attacks is, of course, the United States. According to **Víchová**, *"the general approach of the Kremlin during the pandemic has been anti-American. Partly I think it is because the Kremlin's outlets have been repeating and amplifying the official Chinese propaganda, which mostly just tries to blame the whole crisis on the US, or even suggests that the US created the virus or that American soldiers are spreading it."* Víchová observes that *"many Kremlin and pro-Kremlin sources have been repeating this kind of disinformation, but that has been the issue before as well. I mean, the US is often been demonised by these outlets, and the coronavirus only offers another chance to do it even more."*

In this confrontation with the West, Russia very actively uses social media as one of the quickest and most effective ways to diffuse any kind of disinformation. Recently, the Dutch Home Affairs minister, Kasja Ollongren, said in a letter to the parliament of the country that the Netherlands intelligence services found "Russian narratives" about coronavirus in some Dutch-language social media groups. Published posts underlined alleged divisions in Europe and a supposed lack of mutual solidarity in the EU in the fight against COVID-19. Víchová thinks that during the pandemic *"the one thing social media tries to do is at least push factual information a little bit towards its users, but in general, when it comes to fighting disinformation, I think most of the efforts issued especially by Facebook have been mostly for show."* Víchová believes that, unfortunately, *"the division of society that has been amplified by disinformation is kind of a basis for a business model for companies like Facebook, so I don't think they have a real interest in fighting disinformation, and many of the measures that they took were only very shallow."*



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"If you ever need a helping hand, it's at the end of your arm," said the wonderful actress Audrey Hepburn. Common sense and media literacy can prove useful in this difficult time of the coronavirus pandemic. "Stay healthy; don't be deceived", the East StratCom Task Force encourages readers to its website, which can be found at <https://euvsdisinfo.eu/>.

**Robert van Voren**, Professor of Soviet- and Post-Soviet Studies at Vytautas Magnus University in Kaunas and Chief Executive of Federation Global Initiative on Psychiatry, Director of the Andrei Sakharov Research Center draws attention to another aspect - the misinformation in Russia itself, in its medical sector: *"Unfortunately, the falsification of death rates regarding the COVID-19 pandemic in Russia is not new, but rather a continuation of old practices. In Soviet times statistics were made not to reveal the truth but to consolidate the desired truth, and thus they were wholly untrustworthy. Now, it is no different. While in Dagestan some time ago 27 cases of coronavirus related deaths were reported, there were also 657 "community induced pneumonia" deaths, of which at least part was related to COVID-19. The Ministry of Health of Russia at the end of May stated that cases in which the patient did not have any complaints would not be added to the statistics, while now Moscow has almost doubled the number of coronavirus related deaths by adding "disputed" ones. In reality, probably the mortality rates are far higher than reported, and when one knows the level of hospital care in the further out regions of Russia, one cannot really believe that Russians are miraculously partially "immune" to COVID-19 and are not dying at far higher numbers."*





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*The one thing social media tries to do is at least push factual information a little bit towards its users.*

# UKRAINE V RUSSIA: MAJOR COURTROOM BATTLES LIE AHEAD



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## UKRAINE V RUSSIA: MAJOR COURTROOM BATTLES LIE AHEAD

**L**arge-scale Russian aggression against Ukraine has created a number of new challenges for all civilised states. The threat and use of force, aggression, and pressure from a major, nuclear-armed world power and permanent member of the United Nations (UN) Security Council inhibits smaller states from effectively protecting their sovereignty and territorial integrity.

This issue is of a particular relevance in the context of recent statements by the Russian Embassy in Norway. According to one statement, the Spitzbergen archipelago “is not an ancestral Norwegian territory.” Some experts have therefore already raised concerns about the possibility of a new territorial confrontation in Europe in a repeat of the scenario used by Russia to annex the Crimea.

In February 2020, Ukrainian President Volodymyr Zelensky said at the 56th Munich Security Conference: “We now realize that, unfortunately, a strong army or nuclear weapon or NATO can protect the independence and integrity of one country or another. No documents, no signatories, no memorandums provide such protection. This is what we are telling you as Ukraini-

ans, on our own example. Because, in fact, the Budapest Memorandum of 1994 appeared to be not worse a paper it is written on for Ukraine.”

“Nobody guarantees anything, unfortunately, although we talk a lot about international law. The 21st century – the right of the strongest,” Zelensky continued.

However, the entire civilised world understands that compliance with agreements, treaties, and even deals is the basis of a mutually beneficial and peaceful existence. Having crossed this line, humanity is slipping towards widespread international conflicts. So, in this context, of course, developed countries support Ukraine, which has had to endure attacks of a strong neighbour and blatant breaches of international agreements.

Meanwhile, it is very important not to be complacent, but instead to document and record all acts of aggression and all damage caused by the Russian Federation. After all, in the time of globalisation, it is possible to resist an aggressor not only in the trenches but also in international courts: seizing the enemy’s assets abroad, limiting its business opportunities, and forcing it to pay the heavy cost of breaching an agreement.



*Oschadbank's interests in this matter were protected by the international law firm Quinn Emanuel Urquhart & Sullivan LLP and the Ukrainian law firm Asters. As Svitlana Chepurna, an Asters partner working on this project, noted: "This arbitral award was the first victory in the history of the Ukrainian state-owned company involving the restoration of rights and interests related to the Crimea with the help of the international investment protection mechanism."*

Work in this regard has long been underway in Ukraine and already the first major achievements offer hope for further successful lawsuits against Russia, although establishing guilt for international crimes is extremely difficult.

As early as 27 March 2014, at a special session of the UN General Assembly, a resolution on the recognition of Ukraine's territorial integrity was adopted. The so-called referendum in the Crimea was declared invalid.

In 2016, the office of the Prosecutor of the International Criminal Court (ICC) released an assessment of the situation in the Crimea and qualified the hostilities as an international armed conflict between Ukraine and Russia. At the same time, it was noted that "in the Crimea and Sevastopol, [a] state of occupation actually remains." In 2018, the Prosecutor's office reiterated its assessment of developments in the Crimea since Russian aggression began. Such a qualification created the legal basis for submitting reports on offences in the occupied peninsula to the ICC.

### **Everyone demands compensation**

Ukrainian state and private companies that lost assets due to the annexation of the Crimea are filing compensation claims at arbitration. About 10 such cases (individual and collective litigation) are currently before tribunals in the Netherlands, France, and Switzerland.

In 2015, 12 Ukrainian companies appealed to the Permanent Court of Arbitration at the Hague and demanded compensation for the damage caused as a result of the confiscation of their assets in the Crimea following Russia's annexation of the peninsula in spring 2014.

After five years of litigation, the Federal Court of Switzerland upheld an arbitration decision in Geneva, which obliged the Russian Federation to pay compensation of CHF 80 million (approximately \$82.1 million USD).

In November 2018, the Arbitration Tribunal in Paris issued a verdict in favour of the Oschadbank and ordered the recovery of \$1.3 billion and interest from the Russian Federation for the bank's losses due to the annexation of Crimea, plus interest, which accrues from the time of the decision until the moment of compensation is paid.

The Ministry of Justice of the Russian Federation declared that Russia did not recognize the arbitration decision and would not pay. However, the litigation continued. On 22 October 2019, the Paris Court of Appeal decisively resolved the case by ruling in favour of the Oschadbank.

As noted by the financial institution, the implementation of decisions of international courts may be enforced at the expense of Russian state property.

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In February 2019, the Permanent Court of Arbitration at the Hague ruled that the Russian Federation illegally seized PrivatBank assets in the Crimea in 2014 and that the company is entitled to full compensation for its losses.

The case is ongoing, and the Court of Arbitration has to determine the amount of compensation. At the same time, Privat-Bank expects to receive more than \$1 billion for its assets.

These and other cases not only give Ukrainian companies the opportunity to be compensated for their lost assets in the Crimea, but also set a precedent: it is the first time in the history of commercial arbitration that the issue of protection of investments in illegally controlled territories has been considered. And every decision in favour of Ukraine increases the number of those who want to apply to court to receive compensation.

## The investigation into Russia's shootdown of MH17

One of the most promising cases against Russia is the investigation into the crash of Malaysian Airlines flight MH17, which was shot down over Donbas on 17 July 2014. The airliner was flying from Amsterdam to Kuala Lumpur, with 298 passengers and crew on board, including citizens of the Netherlands, Malaysia, Australia, and Indonesia. Nobody survived.

Despite Russia's attempts to deny involvement in the shoot-down, and its efforts to shift responsibility for the disaster to Ukraine and various manipulations of the circumstances of the tragedy through the Russian media, the investigation has been constantly moving forward.

In 2016, the International Investigation Team – consisting of representatives from the Netherlands,

Australia, Belgium, Malaysia, and Ukraine – officially released the results of the investigation. The investigation found that the plane was hit by a missile fired by a BUK missile system, which was delivered to Donbas from Russia. This BUK-M1 missile system belonged to the 53rd Missile Brigade of Russia's Armed Forces. The military unit is based near Kursk.

The BUK-M1 missile system, together with its Russian crew, was delivered to Donetsk by mercenary militants who carried out orders of the Russian military. After the Boeing was shot down, the BUK-M1 system was returned to Russia. The prosecution has detailed information about the routes that the anti-aircraft missile system was brought to Donbas and then returned to a military unit based in the Kursk region of the Russian Federation. As the investigators discovered, the Russians transported not one, but two BUK-M1 systems to the territory of temporarily occupied and uncontrolled territories of Ukraine, but the second did not engage in "combat duty".

The prosecution in the Hague has witness statements, which it claims prove that at least several dozen Russian military and Russian-funded mercenaries took part in guarding the BUK-M1 anti-aircraft missile system.

For now, the Netherlands' Prosecutor's Office has filed charges against four individuals and summonsed them to the investigation. In June 2019, the International Investigation Team named the four suspects, including three Russians and one Ukrainian: former Defence Minister of the so-called Donetsk People's Republic (DNR) Igor Girkin-Strelkov; Major-General of the Russian Army Sergii Dubinskyi

(a subordinate of Strelkov); head of second department of Main Intelligence Directorate (GRU) of the DNR Oleg Pulatov (the subordinate of Dubinskyi) and Ukrainian citizen Leonid Kharchenko (who is believed to have accompanied, with Pulatov, the BUK missile system to Snizhne, from where the missile which shot down MH17 was fired).

The investigators claim that the BUK-M1 system could enter Ukraine without the permission of the top military political leadership of the Russian Federation, and certainly unbeknownst to Vladimir Putin. They are personally responsible for the special operation of transferring the BUK-M1 to Ukraine, which resulted in the destruction of the plane and the deaths of 298 people.



*The prosecution in the Hague has witness statements, which it claims prove that at least several dozen Russian military and Russian-funded mercenaries took part in guarding the BUK-M1 anti-aircraft missile system.*





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The trial of the M17 aircraft crash began on March 9, 2020 in The Hague District Court, which is famous for its objectivity and scrupulous approach to details.

The Dutch chief prosecutor chief prosecutor Fred Westerbeke, who heads the International Investigation Team, accused the Russian authorities of not providing any assistance in the investigation of the disaster. Furthermore, the Russian Federation interfered with investigators, falsified evidence, intimidated witnesses, and conducted large-scale disinformation operations. Russian agents tried to influence the composition of the investigation team and to hack into the computers of Malaysian and Dutch experts involved in the MH17 case. As soon as the Russian Federation gained access to the investigation materials through

the Colonel Pulatov's lawyer, fragments of documents constituting secret information began to appear in various media reports. Experts believe that, in this way, the Russian special services are trying to disseminate false information in order to raise doubts about the International Investigation Team's conclusions and the future court decision.

After all, according to lawyers, responsibility for the crashed aircraft lies with the state in control of the persons who violated international humanitarian law. Accordingly, this country has to pay compensation for the damages caused, to apologize, and to provide assurances that such actions will not occur again in the future. In addition, criminal charges should be brought against all involved in the crime – including those who directly used the BUK missile system, their officers, and those who ordered the transfer of weapons.

Thus, if Russia's involvement in the MH17 tragedy can be established, new judicial prospects will open for Ukraine. After all, the case concerns the use of the Russian Armed Forces' BUK missile system on the occupied territory of another sovereign state.

Meanwhile, relatives of MH17 victims filed a separate lawsuit against Vladimir Putin and Russia in the European Court of Human Rights. In accordance with the laws of the Kingdom of the Netherlands, a person involved in committing a crime, even if not present at the time and place the crime was committed, is considered guilty. In this case, it is obvious that the criminal chain leads only to the Kremlin, and all the stories that the militants in Donbas could manage the complex BUK-M1 system on their own are nothing more than tales.



*Meanwhile, it is very important not to be complacent, but instead to document and record all acts of aggression and all damage caused by the Russian Federation. After all, in the time of globalisation, it is possible to resist an aggressor not only in the trenches but also in international courts: seizing the enemy's assets abroad, limiting its business opportunities, and forcing it to pay the heavy cost of breaching an agreement.*

## The Azov crisis: no resolution is reached

In November 2018, Russian border guards detained three Ukrainian ships at gunpoint in the Kerch Strait: the tugboat Yany Kapu and two small, armoured boats, Berdiansk and Nikopol. The vessels were heading to the Ukrainian port in the Sea of Azov – Mariupol. Twenty-four Ukrainian soldiers were arrested and accused of illegally crossing the border of the Russian Federation. At the same time, Russia refused to recognise them as prisoners of war.

In response to these actions, the Ministry of Foreign Affairs of Ukraine appealed to the UN International Tribunal for the Law of the Sea (ITLOS), requesting that coercive measures be applied against Russia in order to liberate the Ukrainian sailors.

On 25 May 2019, the Tribunal ordered Russia to “unconditionally and immediately” release the Ukrainian sailors and to return the captured ships. However, Russia used various methods to delay the implementation of the decision and then included all arrested sailors on prisoner exchange lists.

On 7 September 2019, the sailors and other Kremlin captives arrived at the Boryspil airport, although Russia continued its persecution of the Ukrainian sailors in absentia.

On 18 November 2019, the three captured ships were returned to Ukraine, and Russia called this action an “act of good will”. Violating the ITLOS decision, Russians seized weapons, communication facilities, documents, and equipment from the vessels. Specialists additionally discovered that all three vessels were damaged.

According to the Deputy Permanent Representative of Ukraine to the international organizations in Vienna, Igor Lossovskyi, the amount of damages on ships amounted to at least UAH 55.5 million (\$2.24 million USD).

Yet the return of the Ukrainian sailors and ships does not mean that the dispute has been settled, nor that Russia has respected the ITLOS decisions.

On 21 November 2019, the Hague Arbitration Tribunal officially started hearing a case on the arrest of three Ukrainian naval detainees and their crew.

Ukrainian lawyers believe Ukraine has a very high chance of winning, but patience is necessary as the arbitration may take years to resolve. The Tribunal must now determine whether Russia has actually violated the immunity of the Ukrainian naval vessels and their crew members and what damages were caused. At a later stage, Ukraine will raise the issue of compensation from the Russian Federation for losses (both material and moral).

On 21 February 2020, ITLOS acknowledged that it had jurisdiction in the case and ruled that it would consider important aspects of Ukraine’s claims, including those related to violations by Russia of maritime law in the Kerch Strait and the Sea of Azov.

The Tribunal agrees with Ukraine that Russia’s demand regarding inland water status is not a proper reason to deny jurisdiction; this issue must be resolved at the merits stage of the case. The decision implies the need for a legal examination of legality of

the Kerch Bridge construction by Russia and the stopping of ships in the Azov Sea, which is detrimental to international shipping. As noted by the Foreign Ministry of Ukraine, the Tribunal’s decision has again confirmed the evident international consensus on the non-recognition of the illegal annexation of the Crimea by the Russian Federation.

## International Court of Justice

On 16 January 2017, Ukraine filed a lawsuit to the United Nations International Court of Justice (ICJ), accusing Russia of violating the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination.

Moscow officially appealed against the jurisdiction of the ICJ, and yet in November 2019 the Court acknowledged its jurisdiction in the case, which



means that it can proceed to consider the case on the merits. At the same time, the Court stressed that Ukraine had properly followed all legal pre-trial procedures.

Russia has been charged with: the provision of weapons and other aids to illegal armed forces; shooting down Malaysian Airlines flight MH17; shelling residential areas in Mariupol and Kramatorsk; the GRAD rocket attack on a civilian bus near Volnovakha; the explosion during the peaceful protests in Kharkiv; discrimination against Ukrainian and Crimean Tatar communities; the ban on activities of the majlis of the Crimean Tatar people; the disappearance and murders of activists, as well as unauthorized searches and detentions; and restrictions on teaching the Ukrainian and the Crimean Tatar languages.

Russia has to file its defence until 8 December 2020. The Court's final decision in this case is not expected until 2022.

The fight in the courts is ongoing, and for Ukraine it is the beginning of a long legal process. In this context, the use of international conventions is one of the possible mechanisms to respond to Russia's hybrid aggression.

The 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards requires its 159 States Parties to recognise and implement international arbitration rulings. Enforcement of such

*The Russian Federation interfered with investigators, falsified evidence, intimidated witnesses, and conducted large-scale disinformation operations. Russian agents tried to influence the composition of the investigation team and to hack into the computers of Malaysian and Dutch experts involved in the MH17 case.*

rulings is possible by seizing property which is not protected by sovereign immunity. Such recovery, however, is problematic, according to lawyers.

Nevertheless, international court and arbitration victories allow Ukraine to prepare for future, comprehensive consideration by the UN of Russia's aggression against Ukraine. Currently it is impossible to use this platform, as the Russian Federation, being a permanent member of the UN Security Council, has a veto power. The world is constantly changing, however, and Ukraine should be ready to exploit the first opportunity to make its voice heard and assert its rights.



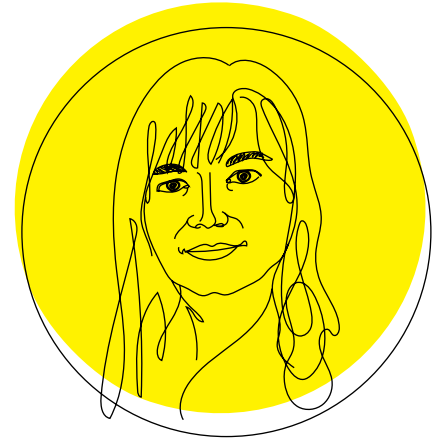
*Responsibility for the crashed aircraft lies with the state in control of the persons who violated international humanitarian law.*

## MEP ANDRIUS KUBILIUS: “EU TRIO STRATEGY WOULD OFFER UKRAINE NEW EU HORIZONS”

*In the next 10 years it will be clear whether Kyiv becomes a member of the European Union (EU); Ukraine’s European integration is not directed against Russia; and free trade between the EU and Ukraine is a success story. Mr. Kubilius, the Lithuanian Member of the European Parliament (MEP) from the European People’s Party (EPP), shared his thoughts with Natalia Richardson, a journalist of Promote Ukraine, about Ukraine’s current performance on the European stage and its chances of being invited into the EU family\*.*







**Mr. Kubilius, how has EU policy changed after the beginning of COVID-19 pandemic? Are you happy with the current response and new proposals from the European Commission on the Eastern Partnership policy beyond 2020, adopted in the midst of crisis?**

On 18 March 2020, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy adopted the Joint Communication on Eastern Partnership policy beyond 2020, exactly at the moment when our world was struck by the COVID-19 pandemic. The EU has found itself in an unprecedented situation, which now will require institutional courage, bold strategy, and firm action.

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***Our current Trio Strategy is targeted towards Ukraine, Georgia, and Moldova as frontrunners, as the countries that have Association Agreements, and that is how we are trying to implement what is called a differentiation principle. In brief, and in all languages, it is called "more for more".***



*We have heard the statements of French President Macron, and we are sceptical of the possibility of resuming or supporting the dialogue with Putin. I see some danger in these sentences, I am openly saying that if that vision of Macron will start to be implemented, then the price for it can be paid by Ukraine.*

The EU has rapidly taken numerous decisions mobilised, in total, more than 3 billion euros for the whole EU neighbourhood and has allocated for Ukraine more than 190 million euros to address the COVID-19 crisis, including its socio-economic impact. It has adopted for Ukraine a new macro financial support programme of 1.2 billion euros as a part of a geopolitical package for Eastern Partners, South Neighbourhood, and Western Balkan countries to limit the economic fallout of the coronavirus pandemic.<sup>1</sup> Ukraine also has taken important measures and adopted a revised 2020 budget with a 2.5 billion euros coronavirus fund for immediate measures to counter the spread of COVID-19.

However, this won't be enough and the EU will have to stay vigilant and be innovative in designing the next steps of the Eastern Partnership and providing financial assistance. The COVID-19 crisis will have a huge impact on Ukraine's economy and the EU and its international partners must be ready to do whatever it takes to help Ukraine to recover fast from the global pandemic.

The business as usual rhetoric is not what Europe needs today. We have to be more ambitious than the proposals of the Joint Communication on the Eastern Partnership policy beyond 2020 adopted in March. The times have changed and kicking the can down the road will only make us repeat mistakes of the past while keeping our eyes closed to the future.

We need a geopolitical EU Commission and, after this crisis, it will be judged by its results. So now we have to be looking more into the geopolitics of the Eastern Partnership. We need new flagship initiatives, such as Trio Strategy 2030, to show that there is the EU next door,

which is ready to boost its support for reforms and investments to end COVID-19 and help the recovery of Ukraine's economy.

The new **Trio Strategy 2030** would give Ukraine, Georgia, and Moldova new instruments that will enable them to become closer to the EU. More has to be done on communication strategy and new financial instruments, such as investment and economy plan for the region, especially for the EU associated countries (**EU Trio**). The same proposals have already been made for the Western Balkans region; however, they were not as bold in the Joint Communication on the Eastern Partnership. Many proposals will need to be instrumentalised, including on reform conditionality, investment platforms, or reform support planning and implementation. For the time being it is unclear how they will be differentiated and based on what incentives, so our policies could continue to be judged by deeds.

Today the EU must be smart, firm and engaging, open to reformers, austere to empty promises, active in picturing a perspective to committed front leading countries. The EU must embrace reform leaders and EU associated countries, and show the way forward for this **Trio**.

<sup>1</sup> More information can be found in the recent Statement by Kubilius-Krulko, <https://elpnariai.lt/en/on-the-eu-assistance-for-ukraine-to-mitigate-the-effects-of-covid-19-crisis-and-continue-reforms-necessary-to-sustain-the-economic-recovery/>

This would also send a clear signal to all Eastern Partners that there is road-map for Eastern Partnership policy over the next decade. We can do so by using the examples of EU policies in Western Balkans and EEA. We can do this by discussing the future of EU association agreements and the next steps possible. We can do this together and we believe the EU can be ambitious in proposing a way forward together with the road map of other incentives.

**Mr Kubilius, can other countries join the Trio?**

We call the new document a Trio Strategy and we already now hear calls to expand our Strategy to the other Eastern Partnership countries willing to choose the European path. And I would agree with this, because what shall we do if other countries, like Armenia, want to join? Armenia is now trying to catch up, but how the strategy's name might change if other states wish to join is not a major issue. The major issue is their commitment to the EU integration.

Our current Trio Strategy is targeted towards Ukraine, Georgia, and Moldova as frontrunners, as the countries that have Association Agreements, and that is how we are trying to implement what is called a differentiation principle. In brief, and in all languages, it is called "more for more". I mean if a country is doing more, if the country is moving ahead, if the country



*We want to show Russian people again the kind of relationship that could be established between the EU and a democratic Russia, once Russia becomes a democracy. I mean very practical instruments like visa free travel, free trade or something like that in order to show Russian people what they are losing whilst they have such a regime.*

has an ambition to integrate with the EU, if the country is making reforms, then there should be an adequate response from the EU. This is what we are proposing: for those three countries – Ukraine, Georgia, and Moldova – which are pushing forward reforms, the EU should introduce new horizons – new instruments and new programs, which Ukraine, Georgia, and Moldova would be able to join.

**Will this strategy replace the Eastern Partnership?**



*In the next 10 years it will be clear whether Kyiv becomes a member of the European Union (EU); Ukraine's European integration is not directed against Russia; and free trade between the EU and Ukraine is a success story.*

No. It is inside of Eastern Partnership. We still want to keep that camp of the Eastern Partnership but we want to see it be more effective. Inside we want to see differentiation, the so-called principle "more for more". So, if Ukraine does more, then Ukraine gets some instruments from this trio package,

which will be devoted only to those three countries. The other three countries are not forgotten – Belarus, Armenia, and Azerbaijan remain in the same Eastern Partnership camp, but they will have more individualised approach. They are different. We do not propose putting them into another smaller basket because we cannot compare Armenia for example, with Azerbaijan or with Belarus. This is our view.

For Ukraine, Georgia and Moldova, which are pushing forward reforms, we propose first of all to take as much as possible the different instruments of financial support and instruments for economic development, which were implemented in Western Balkans by the EU, to have some kind of parallel development.

**There is no membership perspectives in this plan, right?**

For the time being, no. We are still using the same language: Article 49 (of the Lisbon Treaty – ed.) allows each country on the European continent sharing the same values as the EU to have EU membership on its agenda. It will take time. But I think this decade will be crucial. I hope that really, by the end of this decade, we will have a different picture. Here it will be political will on the EU side to be open for the integration of those countries wishing to integrate. Not by the end of decade, but sometime around then, I hope that there will be also positive transformations in Russia, that Russia will come back to more democratic developments. That is what we are trying also to discuss in our two forums.

**What is the idea behind this**

**informal forum with Russia?**

We have two forums. One forum on the Eastern Neighbourhood, where we are discussing all those issues connected with the Eastern Partnership strategy, with seminars for individual countries like Georgia or Belarus. For instance, we are planning to have a whole week dedicated to Ukraine, with nice events and also serious discussions. That is one thing, which we are doing. And there is another thing. Because, of course, the Eastern Partnership is a strategy targeted towards a region between the EU and Russia and, of course, we cannot avoid speaking about Russia. We have heard the statements of French President Macron, and we are sceptical of the possibility of resuming or supporting the dialogue with Putin. I see some danger in these sentences, I am openly saying that if that vision of Macron will start to be implemented, then the price for it can be paid by Ukraine. That is our view. We are proposing to speak much more about what kind of EU strategy we need to have towards Russia in order to help Russia's transformation to a Western-type democracy at some time. We don't expect it will happen whilst Putin is leading Russia. But we believe that at some time Russia will transform itself into a more democratic and European-style development. And here we see two major instruments that the EU might deploy. One is the power of Ukraine's successes, which can be used by the EU as an example which will both assist Ukraine's further development while also having a positive impact on ordinary Russians, forcing them to ask questions about why Ukraine is closer to Europe and why it is becoming a success story while Russia is left somewhere in the wild east. And the second, of course, is to show Russian people again the kind of





*Ukraine used quotas in the first week. Tomatoes, sunflower oil, ketchup, etc. So that is where things need to be done. As we know, the government is asking for some amendments. I think it is a really good time to do it. And, of course, Ukraine should have a clear goal: for example, to have two-thirds of its export going into the EU market.*

relationship that could be established between the EU and a democratic Russia, once Russia becomes a democracy. I mean very practical instruments like visa free travel, free trade or something like that in order to show Russian people what they are losing whilst they have such a regime. So that's what we are discussing. We had first discussions, now we will have further discussions. It was successful, it was in presence of Russian opposition people, experts and so on. We are also trying to show here in the Parliament and in European capitals that Ukraine's integration and Ukraine's success is not targeted against Russia. In some capitals you hear: the EU's support Ukraine can provoke Putin's anger. Our view is the total opposite. Ukraine's success can be helpful for Russia itself. If you have a longer-term perspective.

**Can you call the Free Trade Area between Ukraine and the EU a success story?**

I think so. Absolutely. Because it is really very ambitious and it opens a lot of possibilities. As always, with free trade, things do not all happen in one night. I remember very well our own experience with a free trade and association agreement, starting from 1995. We had many concerns that our agriculture would lose competition in a free trade arrangement, that some other areas will suffer. But in the end, it appeared that it was exactly the opposite. Our agriculture had the biggest

success being part of the single market and being in free trade conditions.

So now, I would be happy to see that the EU-Ukraine trade would increase even more rapidly. Ukraine has a very big potential to be successful in a competitive economy. Of course, for that Ukraine needs to do its own homework, which sometimes is not so easy. Like land reform or some other issues. I think that Ukraine can be very attractive for foreign direct investments or for international financial institutions to invest into some big infrastructural projects. But Ukraine needs to be effective in attracting those investments.

**Do you see difficulties in the free trade area between Ukraine and the European Union?**

I do not know the whole regulation as to how quotas can be increased. As we know in some products, Ukraine is really strong. Ukraine used quotas in the first week. Tomatoes, sunflower oil, ketchup, etc. So that is where things need to be done. As we know, the government is asking for some amendments. I think it is a really good time to do it. And, of course, Ukraine should have a clear goal: for example, to have two-thirds of its export going into the EU market.

We went through the same. I remember that in 2000 we had our trade at that time 50/50: 50 per cent went to Russia, and 50 per cent went to the EU market. In some ways, we can call it luck, or we can use some other words, but there was a crisis in Russia at this time – in 1999-2000, when the Russian market collapsed, our producers understood that it is much better to go to the European market. And that was exactly the factor that pushed them. After that we had 70 per cent or something like that go to the EU market, and we are happy.

#### **Are you in favour of the Land Law that Servant of the People initiated?**

I do not know all the details, of course. To have a European type of land regulation, land law, carrying the possibility to sell land or use it as collateral to the banks – that is what is very much needed for the economy. That is what we did back in 1995-1997. Again, we had huge discussions in Lithuania. However, we adopted the law entirely according to all EU regulation in that area, created the basis for modern agriculture to be created in Lithuania.

#### **Was there resistance?**

Sure, sure! On one side there was resistance because of a belief that foreigners would buy all the land and we would be without any land in Lithuania at all. So, we introduced a so-called transition period and finally, we allowed foreigners to buy the land only in 2014. This diminished, at that time, some of the emotional tension that Germany or the Netherlands would come and buy all the land.

Now foreigners are free to buy the land, but I do not see German or French farmers rushing to buy our land. Not at all, for the time being.

Second, there was a discussion about how big the plot of the land a farmer can have. That was not regulated from the very beginning in a proper way, so we had some excessive farms. But now people are starting to think about how to regulate land ownership. It is also EU policy not to give direct subsidies to landlords above a certain limit. So, things are really normal, agriculture is in good condition with all the modern technologies and with huge exports to all the different markets. And always, of course, farmers complain that things are not good. Lithuanian farmers are demanding a bigger budget line in the multiannual financial perspective, so that is pretty normal. Nothing very different from other countries.

**Ukraine has a lot of internal problems, as you know. But, at the same time, the majority of Ukrainians – 60 per cent – want to join the EU. Do you think that a country with such aspirations can at least apply for membership in the foreseeable future?**

Everything is possible. You know it is a question of tactics and a choice of when to do what. Now there is also some kind of a new stage in the enlargement policy, and we still need to understand what that new enlargement methodology means. For the time being, it is applicable only for the Western Balkans, but methodology itself has some positive developments, and I think it offers real encouragement for moving forward. It brings the possibility of integra-



*Borrell's philosophy was something like that: if the EU wants to be a globally important power, geopolitically important power, first of all, the EU needs to take care of its own neighbourhood, from a geopolitical point of view. And there is the southern neighbourhood, there are the Western Balkans, and there is the Eastern Partnership. And that is what he is formulating in a very clear way.*

tion into specific areas of EU policies without waiting until the final decision on membership is made, and so on. Of course, now all the language is targeted towards Western Balkans, as I said. But we have a very clear understanding, that it is the same methodology, which at some time will also be applied for Ukraine.

**Europe's mood towards Ukraine and Russia is, let's say, more pro-Russian now than it was two years ago. What about the European Commission? If you look at biographies of the new president of the Commission, of Commissioners and so on, we do not see that they are really friends of Ukraine, and it seems that they are not so interested in Ukraine. Is this true?**

Of course, we would like to see maybe stronger language sometimes and deeper engagement. But I am not pessimistic from that point of view. First of all, last year, when we were newcomers, we were kind of sceptical about the European Parliament. We were worried because it looked like nobody was speaking about Ukraine anymore, nor about the Eastern Partnership or even about Russia. That's why we started to create forums (on the EU Neighbourhood and Russia – ed.). Then we became a little more optimistic when we saw that really the climate in the Parliament is not bad. We had several resolutions, including one on Ukraine and political prisoners, then another about the Molotov-Ribbentrop Pact. Putin became very, very angry after this resolution passed. Those resolutions were passed with a huge majority and strong statements from different groups. We then started to target also the Commission. First, we are, of course, trying to have a good partnership with the Commissioner for Neighbourhood and Enlargement; we have talks that went well.

Then, of course, a very important person is vice-president of the Commission, Josep Borrell. When he was going through appointment, approval procedure, he used good language in the hearings, I would say. Strong language. And sometimes for us, it looked like he was reading our papers and then repeating us (laughs). And I agree absolutely with his philosophy. Borrell's philosophy was something like that: if the EU wants to be a globally important power, geopolitically important power, first of all, the EU needs to take care of its own neighbourhood, from a geopolitical point of view. And there is the southern neighbourhood, there are the Western Balkans, and there is the Eastern Partnership. And that is what he is formulating in a very clear way.

*\* This interview was taken in February and then updated in May to cover the latest developments of the COVID-19 pandemic and takes on board new challenges to the Eastern Partnership region, especially on the necessity of boosting the EU's policy for Eastern Partnership countries, including Ukraine, to fight COVID-19 and help the economic recovery from this crisis.*



# **RESULTS OF AN ONLINE SURVEY ON THE ATTITUDE OF THE UKRAINIAN POPULATION TO THE RESTRICTIVE MEASURES INTRODUCED TO COMBAT THE COVID-19 PANDEMIC AND THE AUTHORITIES' STEPS TO RETURN UKRAINIANS HOME FROM COUNTRIES WITH HIGH RATES OF MORBIDITY AND MORTALITY FROM COVID-19**

## **SURVEYS**

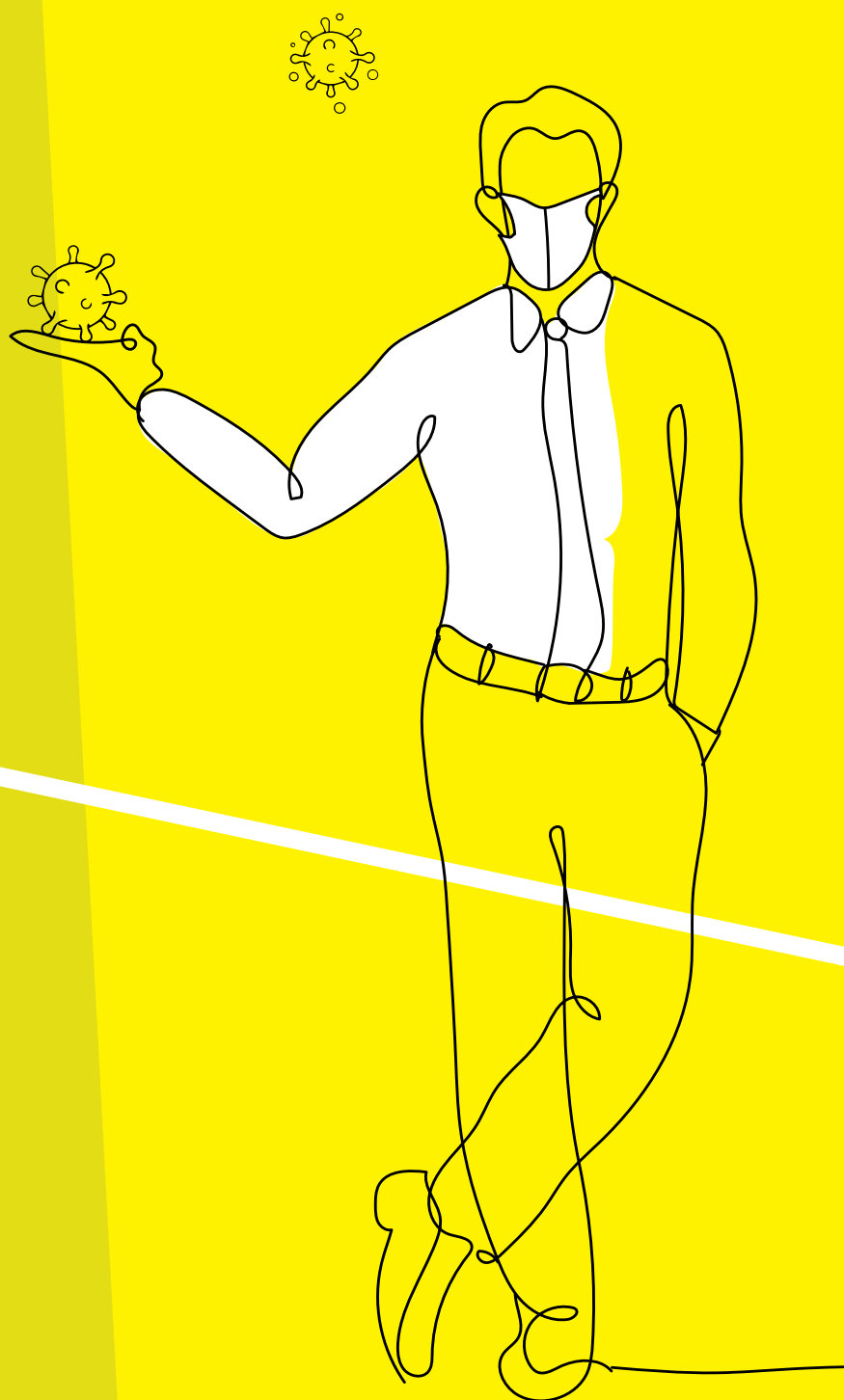


The COVID-19 pandemic has unveiled the socio-political, economic and psychological vulnerabilities of the world's population. One of the phenomena, which combines all these aspects, is labour migration. In case of Ukraine, it is one of the driving forces for legislation modernization, European integration in action, the "lifeline" of the economy, "not lost" generations (or perhaps just on the contrary - time will tell) who have grown up with parents and grandparents "via Skype" but with imported delicacies and the chance to get a dignified higher education.

Current estimates show that the number of Ukrainian labour migrants ranges from 2 to 7 million, and from 120 to 250 thousand of them returned home because of the coronavirus.

What will happen to them? What will the consequences of their forced "vacation" be for Ukraine and the countries of their employment? Well-known Ukrainian and foreign news agencies have been trying to predict scenarios since the beginning of lock-down in March 2020.

The NGO "Promote Ukraine" was not staying away from this topic either, and explored on its own the reaction Ukrainians to their return from the countries where the outbreak of the COVID-19 pandemic was greater than in Ukraine. Will Ukrainians, with skills of working and living in the European environment, become the basis for the "Europeanisation" and economic recovery of Ukraine? Is it reasonable to expect that love for motherland will overcome their wish of a better life (especially for their children)? Herewith we offer the results of our survey - a debut in sociological research.



### Survey Methodology:

The survey was conducted from 20 April till 10 May 2020 by means of CAWI method and Google forms. The link to the survey was posted on the site of Promote Ukraine, Facebook and have been mailed to interested audience. The survey was performed by 291 respondents aged from 18 to 65 and older. 79,3% of respondents live in

Ukraine. 65,3% of respondents have been abroad in last two years (work or vacation).

Development of survey tools and information processing have been provided by the Institute of Sociological Research at Kyiv National Economic University named after Vadym Hetman.

The sociological data obtained is descriptive in nature and reflect common tendencies on Ukrainians' return home in times of pandemic and the authorities' steps to return Ukrainians home from different countries.

#### Distribution of respondents to the question: "What country are you living in now?" in %

Other country	20,62
Ukraine	79,38

#### Distribution of respondents to the question: "What type of city/town are you living in?" in %

City with population 1 000 000+	24,74
City with population 100 000 - 500 000	24,74
City with population up to 10 000	17,53
City with population up to 50 000	13,75
City with population 500 000 - 1 000 000	10,65
City with population 50 000 - 100 000	8,59

#### Distribution of respondents to the question: "How old are you?" in %

18-28	4,48
29-40	17,24
41-55	42,06
56-65	29,65
65+	6,57

**Distribution of respondents to the question: “What is your marital status?” in %**

With children, live together	42,62
Married, childfree	22,34
Single, live alone	20,62
Other	6,87
With parents, live together	6,53
Employed in a family	0,34
With the spouse	0,34
Civil marriage	0,34

**Distribution of respondents to the question: “What is your sex?” in %**

Female	82,07
Male	17,93

**Distribution of respondents to the question: “What level of education have you attained?” in %**

Higher education (specialist/master’s degree)	58,76
Professional	16,84
Higher education (bachelor)	11,34
Secondary	6,87
PhD	4,47
Doctor of Science	1,72

**Distribution of respondents to the question:  
“How often did you travel abroad before the COVID-19 lockdown?” in %**

I was not abroad during last 2 years and more	34,72
Once in 6 months	17,87
Once a year	13,40
Less than once a year	13,40
Once in 3 months	11,68
Once a month or more often	8,93

**Distribution of respondents to the question: “Which category do you belong to?” in %**

“Guest workers”	17,87
People who use to spend holidays abroad	10,65
People who travel abroad for business once in 6 months and more frequently	3,44
Students who study abroad for a semester or longer	1,72
None of the mentioned above	66,32

**Distribution of respondents to the question:  
“Which category do your relatives or friends belong to?” in %**

“Guest workers”	21,96
Students who study abroad for a semester or longer	15,38
People who use to spend holidays abroad	31,77
People who travel abroad for business once in 6 months and more frequently	9,05
None of the mentioned above	21,84

**Distribution of respondents to the question:  
“Gauge the level of your awareness of the following:” in %**

	Comprehensive awareness about this topic/I follow the news constantly	Little awareness about this topic/I read or watch the news occasionally	No awareness about this topic/I don't follow the news
The spread of COVID-19 in the world	75,60	21,99	2,41
The spread of COVID-19 in your country of residence	82,82	16,49	0,69
The spread of COVID-19 in your region	82,47	14,43	3,09
The spread of COVID-19 in your city/town	84,54	13,05	2,41





**Distribution of respondents to the question:  
“What are the main sources of news you rely on to be informed about COVID-19  
(risks, recommended preventive measures, etc.)” in %**

Official government web page	60,14
Domestic and foreign radio/television/newspapers	61,90
Public service announcements	72,16
Social media (Facebook, Twitter, Instagram, VK, etc.)	90,11
Messaging apps (Telegram, Viber, WhatsApp, etc.)	55,31
Local municipal authorities	53,11
Friends and acquaintances	50,18
Family doctor	11,72
Non-governmental/non-governmental organizations	20,51
National hotline for COVID-19	25,27
Political parties, deputies	8,79
I do not know about COVID-19	6,23

**Distribution of respondents to the question:  
“What do you think about the quality of information available about the COVID-19  
situation in Ukraine?” in %**

Vague/contradictory	52,24
Explicit, comprehensive, and helpful	23,37
I get no information about it	2,06
Explicit but late; I did not have time enough to prepare for the pandemic	0,34
I'm not sure	21,99

**Distribution of respondents to the question:  
More than 80,000 Ukrainians have returned home from countries where the COVID-19  
pandemic has been reported. Do you consider this to be the main reason  
of the outbreak of the pandemic in Ukraine? in %**

Yes, that is one of the reasons	43,64
Yes, that is the main reason	20,62
No, these phenomena are unrelated	17,53
No, these phenomena are unrelated	12,37
I'm not sure	4,47
Other	1,37

**Distribution of respondents to the question:  
“What do you think about the Ukrainian authorities’ decision to repatriate Ukrainians from countries where the COVID-19 pandemic outbreak took place?” in %**

It was a public relations (PR) stunt	27,84
It was the proper and humane decision	22,34
It was a deliberate unpopular measure to support the country’s international image	17,87
It was a mistake	16,83
I’m not sure	15,12

**Distribution of respondents to the question:  
“Would it better for “guest workers” to remain in their host country and apply for visa extensions and other permits for the duration of the pandemic?” in %**

Yes, it would be logical and safe for their relatives in Ukraine	41,58
Yes, because medicine in Ukraine is less prepared for the current situation	27,15
No, they should be with relatives in Ukraine during these difficult times	12,37
No, they must return home to Ukraine because it is safer and there are fewer cases of COVID-19 in Ukraine	2,41
I’m not sure	16,49

**Distribution of respondents to the question:  
“Do you think the return of “guest workers” home will affect Ukraine’s economic development?” in %**

Yes, it will worsen the economy of Ukraine and create problems in the countries from which the workers returned	33,33
No, because it is not related to official indicators of economic development of Ukraine.	18,56
Yes, it will negatively affect the development of the Ukrainian economy	17,87
No, it is a problem of the workers and their families	15,12
I’m not sure	15,12

**Distribution of respondents to the question:  
“Do you think that Ukrainian guest workers, who have experienced Europe and have had the skills of working and living in the European environment, to become the basis for the “Europeanisation” and economic recovery of Ukraine?” in %**

No, they will return to Europe for work as soon as the borders will be opened again	74,57
No, they have been working just to meet their own family needs	17,18
Yes, for years they lived and worked in more favourable conditions, and now they can reproduce them in Ukraine	2,75
Yes, they will inspire their Ukrainian neighbours to work as in Europe, and that will help the country to develop its European vector	1,37
I'm not sure	4,13

**Distribution of respondents to the question:  
“Do you feel sorry for those people who returned home infected with COVID-19 after a vacation?” in %**

Strongly agree	34,02
Agree	29,55
Neither agree nor disagree	13,75
Disagree	8,93
I do not care, so long as they do not infect me and my family and friends	13,75

**Distribution of respondents to the question:  
“Do you support the premature leave of observation points?” in %**

No, they put hundreds of people at risk over the next 14 days	61,85
No, it is against the law and carries criminal liability	13,40
Yes, a person has the right to return home	10,31
Yes, observation does not prevent the spread of COVID-19	8,25
I'm not sure	6,19

Distribution of respondents to the question: “Do you consider COVID-19 to be...” in %	
Something diverting attention from real problems of the planet	40,20
A pandemic	30,93
A scenario of geopolitical redistribution	17,87
A catalyst for change in the socio-political and economic system of the G20	11,00

Distribution of respondents to the question: “Will the COVID-19 pandemic affect Ukraine’s European integration course?” in %	
No, because COVID-19 will eventually pass, though other problems of an economic, political, and cultural nature will remain, and they are waiting to be solved.	41,58
Yes, the world will no longer be the same as before the pandemic.	25,77
No, because only together and through coordinated and synchronized action, peoples and nations can overcome manmade and pandemic challenges, and COVID-19 confirms this.	12,37
Yes, the pandemic has revealed the weaknesses of the EU and that is not what Ukraine needs	11,00
I’m not sure	9,28

Distribution of respondents to the question: “Will the drain of guest workers from European countries cause the reorientation of Europeans to self-sufficiency (meeting their needs with their own labour market in the niches where Ukrainians worked?” in %	
No, Europeans are not used to work in the spheres guest workers agree to work, nor are they willing to accept such low salaries.	74,57
Yes, because fear of the next wave COVID-19 infection means that borders will not be as open as they had been before the pandemic	15,46
No, because there will be no need for such services due to the digitisation and development of other sciences	1,37
Yes, because the Ukrainians will not return to Europe to work again	0,69
I’m not sure	7,91



**Distribution of respondents to the question:  
“Do you consider restrictions on attending church on Easter in a pandemic to be...” in %**

Logical, as it is not safe	78,35
Violation of the rights and interests of religious people	8,93
Political flirt of the authorities with the citizens	5,85
I'm not sure	6,87

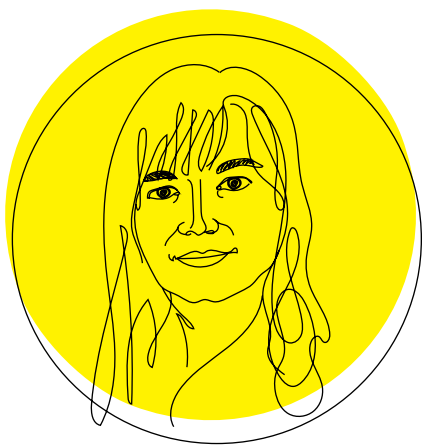
**Distribution of respondents to the question:  
“How often would you like to take part in PU’s surveys?” in %**

Once a month	41,92
Never again	29,21
Once a week	22,34
Once a fortnight	6,53

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## VYSHYVANKAS AS ONE OF THE BEAUTIFUL SYMBOLS OF UKRAINE

VYSHYVANKAS  
AS ONE OF THE  
BEAUTIFUL  
SYMBOLS OF  
UKRAINE



**NATALIA RICHARDSON IS  
A UKRAINIAN JOURNALIST  
SPECIALIZING IN EUROPEAN  
AFFAIRS.**



**I**n May, Ukraine celebrated World Vyshyvanka (Embroidery) Day, a celebration of Ukrainian identity and a return to folk traditions, for the fifteenth time.

During the Soviet era, a period of stagnation when overt expressions of Ukrainian identity were suspect, Ukrainians who dared to wear embroidered shirts were considered dissidents or nationalists, and were exposed to all the possible consequences."

However, Ukrainian diaspora in the West faced no such problem: they could wear their national clothes on any day, without any trouble.

Diaspora Ukrainians therefore had the opportunity to preserve, and pass on, the wonderful tradition of creating and wearing embroidered Ukrainian shirts. We see a striking example of such creativity in the **Halaburda** diaspora family. All four Halaburda sisters make vyshyvankas, using – and preserving – the skills they once learned from their mother. Currently, their collection includes about 15 full suits and 60 hand-embroidered shirts.

Marichka lives in Australia, Nadia and Olga live in Germany, and Odarka lives in Belgium. The parents of these women – Ivan Halaburda and Paraskevia Hrytsiv from Western Ukraine – were forced to work in Germany as teenagers during the Second World War. After the war they moved to the Belgian town of Genk, where their four daughters were born. Ivan worked all his life in a mine while Paraskevia took care of the children.

At home, they spoke only Ukrainian and preserved the traditions of their people. "Our mother loved to embroider, she met

*with her friends, and they taught each other," says Nadia Halaburda, an employee of the clergy department of the Archdiocese of Munich and Freising. "And we looked closely, and also began to embroider small napkins. I was then 9 years old, Mariyka was a little older. And somewhere in 13-15 years we all embroidered our first shirt or blouse."*



*In the photo: master Nadia Halaburda*

From where did the Halaburda sisters learn vyshyvanka patterns?

A chance subscription to a diaspora magazine published in America inspired the designs. *“Our mother subscribed to the magazine Our Life from America, which was founded more than 70 years ago and which, incidentally, is still published,”* Nadia explains. *“There was always a pattern on the back cover of this magazine. And we took ornaments for our works from there. My mother embroidered blouses, pillows, and towels. And we followed in her footsteps. Our father was a member of the Society of Ukrainians of Belgium,*

*our mother was a member of the Association of Ukrainian Women of Belgium, and they were both members of the Union of Ukrainian Youth. I remember our mother sitting in the kitchen embroidering an emblem on a blue and yellow flag.”*

Each embroidery is a work of art, which, without doubt, takes time. Nadia says that sometimes one vyshyvanka requires 10 years’ work – though, of course, with sometimes long breaks between work. Therefore, Nadia, a master of her craft considers six months spent embroidering a single Poltava shirt to be record timing, because she



*In the photo: Mariyka Halaburda, Australian opera singer*



//

*The Halaburda sisters started creating a collection of embroideries in 1983, when those in Ukraine likely never dreamed of such an overt celebration of their identity was possible.*



only embroiders in her free time, after work or whenever she finds time. Her favourite embroidery technique is the kachalochka style, from Podolsk, and in general Nadia knows 20-30 stitches. She also conducts master classes.

In preparation for the celebration of the 70th anniversary of the Union of Ukrainian Women in Germany, Nadia launched an embroidery project based on models collected by Olena Pchilka (Olga Kosach), a Ukrainian writer and the mother of renowned poet Lesya Ukrainka. Olena Pchilka once travelled around Ukraine and released a collection of patterns of Ukrainian embroideries. This volume was presented to a Frenchwoman by a relative of the writer with a gift inscription, and, many decades later, Nadia Halaburda bought it in France. The master class of embroideries in Munich was dedicated to the patterns from this historical book.

The Halaburda sisters started creating a collection of embroideries in 1983, when those in Ukraine likely never dreamed of such an overt celebration of their identity was possible. One of the Halaburdas' friends – a staunchly pro-Ukrainian man who played the pandura, a Ukrainian string instrument – got married. The man invited people to come to the wedding in embroidered shirts. Nadia asked her parents, who were visiting Ukraine at the time, to buy an ancient shirt. After that, the sisters began to collect vyshyvankas and create costumes. They now have embroidered shirts, both everyday and festive, for every occasion: concerts in the church choir, Christmas, Easter, and for

other holidays. The Australian opera singer Marichka Halaburda also wears vyshyvankas for her concerts and different festive events.

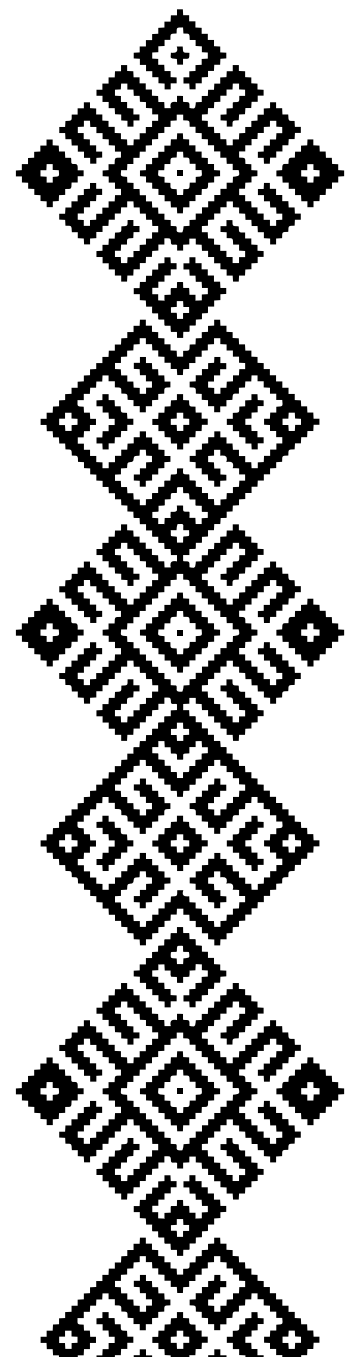
Embroidered shirts are considered a genetic code, a historical memory of Ukraine. The documentary Heritage of the Nation expresses the opinion that people subconsciously like vyshyvankas from the region of their historical origin. Unfortunately, not everyone in the West knows about such a marker of Ukrainian identity. Nadia and Olga Halaburda, residents of Germany, wear embroidered shirts, but other people always ask them if these clothes are Romanian. Nadia therefore says that Ukrainian embroidered shirts should be promoted. But with all her love for both vyshyvankas and Easter eggs (that sisters also paint), Nadia considers language and nationhood to be the main symbols of Ukraine.



*Ukrainian embroidered shirts should be promoted.*

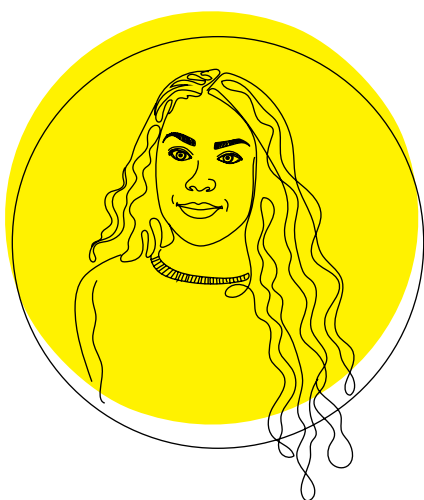


*Volume of patterns collected by  
Olena Pchilka*





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# OUT OF THE BOX OPTIONS - HOW THE EUROMAIDAN BROUGHT UP A NEW CULTURAL STREAM FOR THE YOUNGER GENERATIONS

**W**hen thinking about Ukrainian culture many things come to mind: stunning churches, beautiful traditional costumes, folklore music, and much more. Rich, traditional culture is a big part of Ukrainian national identity and something Ukrainians are very proud of.

What is often overlooked, however, is the fact that culture is not static; it is continuously developing.

The younger generation is the future of the country and has its own, unique characteristics and mentality which cannot be compared to any other youth in Europe. Young Ukrainians spend a big part of their youth, if not even their entire youth, in the middle of political instability and war, torn between breaking free from Soviet and Russian influence and moving towards a European future – all the while trying to live the normal life of an adolescent.

Today, the mark that the political situation is leaving on the culture of younger generations shows in many different ways. However, there is one remarkable movement that managed to rise from within the Ukrainian youth, through the devastation and uncertainty the young people were facing, to an internationally renounced phenomenon, which many consider the country's "business card" towards young Europeans: Ukraine's alternative club culture.

At first, it sounds almost banal that something like techno parties or raves have such cultural significance. Every young person enjoys parties and likes to celebrate, right?

This new stream, however, implies so much more than just that; it is more political than one might think. Through its authenticity and rawness, it has the ability to bring young people from all over Europe together and spark interest and curiosity towards the Ukrainian youth from the world outside of Ukraine.

In order to fully understand this phenomenon, one has to look at its origins. Throughout the Maidan protests and Revolution of Dignity especially the young generation in Kyiv was facing more and more challenges. Young people who have their entire life in front of them and who saw their future in being part of the European Union suddenly found themselves in a new reality. With the annexation of Crimea and the beginning of war in the Donbas region, more and more young people in Ukraine started developing a strong sense of national identity and pride through which the Ukrainian youth grew closer together. While being practically forced to deal with these challenges, the young generation only wanted one thing: to enjoy a normal life and escape the challenges of political realities.

However, the Revolution of Dignity brought a significant change to Kyiv's everyday life. Cultural life almost came to a standstill and the need for parties and entertainment continuously grew. Changes took place within the structures of the local nightlife economy. With economic growth slowing by 6.8 percent in 2014 and the hryvna losing two-thirds of its value as a currency, sustaining nightlife was no longer affordable. Difficulties also arose for local DJs: there were not enough clubs and the technical equipment was mostly poor. In addition, the DJs' expenditure on music would not be in proportion to the fees. This status quo caused a new wave in the local scene. The political situation and the unrest in the country had a unifying effect on organisers, promoters, musicians and cultural workers. The Cxema series of events, for example, is symbolic of Kyiv's new techno scene. It receives great international media attention and

worked from the beginning with architects, designers, and art critics, representing a communication platform for them. It was founded shortly after the Maidan revolution by Slava Lepsheev as cultural life was diminished. This filled a vacuum and satisfied the need of young people for celebrating life. Due to the economic crisis and inflation, local promoters could not afford to invite foreign artists – with the result that the talent of the Ukrainian producers and DJs was discovered. To date, Cxema mainly works with local artists. On the one hand, this supports the local scene and saves financial resources which, on the other hand, can flow into other areas such as, for example, visualisation. Discovering and promoting Ukrainian artists shows that one can find great potential within its own borders without having to look to other countries for talent. This is crucial for the young generation's development of pride for its own national background and building a strong sense of belonging. Quality standards are redefined: "Made in Ukraine" becomes cooler than ever.



*The political situation and the unrest in the country had a unifying effect on organisers, promoters, musicians and cultural workers.*

Post-industrial and remote urban spaces such as disused factories, skate parks, garages, bridges, or old cinema pavilions are used as event venues. While there were no financial means, the organisers became creative and used these unusual locations doing everything themselves. While the first event had only around 100 visitors and subsequent events were constantly threatened with closure by local authorities, the organisers now count up to 2000 visitors. The Cxema events are no longer just focused on the Ukrainian capital, they have already been held throughout European cities and even in the supposedly best club in the world: The Berghain in Berlin.

The Cxema case shows vividly how the young Ukrainian generation is taking matters into its own hands in times of economic crisis and cultural stagnation and is doing extraordinary things without owning much. Cxema is no longer just a rave, it is an influential leader and a quality brand in the global electronic music scene.

Another highlight of Kyiv's techno scene is the club and cultural area called the Closer. It is located on the outskirts of the Podil district in the city's industrial area, surrounded by forest and near the Dnepr River. The Closer was previously an unused factory building in a very bad, absolutely unusable condition. But that's why the rent was very cheap, so that the Closer was founded around the same time as the Maidan Revolution in November 2013 by a network of friends. The somewhat secluded and natural environment is a plus: outside, the Closer has a dance terrace for after-hours and a complete "playground" with many corners and niches, reminiscent of a "fairytale forest". This is a perfect escape from everyday life and safe space for exchange and inspiration.

In addition to weekend parties, the Closer hosts jazz concerts, educational lectures on music, exhibitions, and discussions. It additionally houses a record store and a shop selling clothing by Ukrainian designers, a gallery, a tea garden, a radio station, a tattoo studio, and a vegetarian restaurant. There are also two major festivals on the site of the closer in summer – Strichka and Brave! Factory, which are the largest Ukrainian festivals of their kind. The Closer is more than a club – it is an entire ecosystem where people can network, learn, celebrate, and relax. In seven years, the collaboration of creative, progressive Ukrainians has turned it into the best club in Eastern Europe, as The Guardian called it in early 2020.

These two examples were just the beginning of an entire cultural wave which spread throughout the entire country and evolved into the equivalent of the Zeitgeist of the young generations.

It is a mirror of the young Ukrainian generation: dynamic, open-minded, progressive – with a view to Europe and at the same time proud of its own national background.

By the end of 2017, the Kyiv Biennale addressed the current challenges and signs of destabilization in Ukraine and the EU with the motto “The Kyiv International”. The focus was laid on modernist concepts to think and invent social alternatives and thus bring about social change. Part of this biennial was an exhibition called “Dance, Dance, Dance”, which has critically examined the new rave culture in Kyiv since the Euromaidan. The curator of the exhibition, Sergiy Klimko, described this cultural phenomenon as the business



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card of the city for young people, because it has become well known throughout Europe and is referred to as the “New Berlin” based on the flourishing techno scene of the nineties with its own unique twist.

Through extensive media coverage by many international outlets, this cultural phenomenon and its events gained international popularity. Today, thousands

of young people from all over Europe travel to Ukraine to experience it first-hand. By interacting with young Ukrainians, they get an image of what Ukraine really is like – better than international news, stories on the internet, or politicians could ever portray. They see a generation which is holding closely together and supports one another, values their freedom above everything, and is highly educated and welcoming.

When trying to understand the Ukrainian youth, one has to understand first what is important to them. This cultural stream emerged from the wish to escape reality and to simply have a good time, which later evolved into a political statement of being a new, strong generation that does things completely differently.

The future of Ukraine is like its youth: progressive, educated, and displaying huge potential to bring value to the European Union.

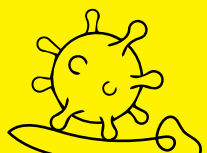




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БОРотьбі з COVID-19?**

**ЛИПЕНЬ 2020**

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