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The Big Fail

Poroshenko's judicial overhaul ends acrimoniously

BY OLEG SUKHOV and OKSANA GRYTSENKO
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In recent weeks, President Petro Poroshenko has been trying to sell what he says is as a comprehensive package of judicial reforms. But the much-touted changes are already seen as damaged goods. The consequence, critics say, is failure to make any of Ukraine's three main legal institutions — the discredited Soviet-era courts, prosecutors and police — any more trusted, independent or effective than they are today. And this means that Ukrainians quest for justice is

going to be put on hold indefinitely, likely making Ukraine's incumbent politicians even more unpopular. First, the High Council of Justice, which is controlled by presidential allies, on Sept. 29 appointed 111 new Supreme Court judges, including 25 discredited judges vetoed by the Public Integrity Council, a civic society watchdog. The vetoed candidates include those under investigation for corruption and other alleged crimes, judges who presided over politically motivated trials, those whose assets do not match their income, and ones with clear conflicts of interest, according to the advisory watchdog. The council said on Oct. 3 that it had "grounds to assume that the competition was rigged to appoint candidates handpicked beforehand, and the Public Integrity Council was used to

more Fail on page 14

Opinion

Anti-corruption court is only salvation for judicial reform



ANASTASIA KRASNOSILSKA

After more than a year of denigrating an anti-corruption court and resisting pressure to create it, President Petro Poroshenko abruptly switched tactics on Oct. 4. He suddenly called for the creation of an independent court to preside in trials involving defendants accused of major corruption. But nobody should be fooled. This is no change of heart. Instead, Poroshenko is stalling again. His approach is to create a working group in parliament to reach consensus on what the anti-corruption court should look like. This delay tactic condemns the creation of an anti-corruption court to the distant future, if ever. At the same time, parliament passed detrimental amendments to the criminal procedure code which significantly undermine the possibility to investigate all serious crimes in Ukraine, including top corruption cases. The role of the unreformed, distrusted trial courts increases tremendously in top criminal investigations. A pretrial investigative judge, to some extent, replaces a prosecutor, acquiring powers to decide whether the case should be further investigated and brought to court or closed. The urgency for creating a truly independent anti-corruption court increases by the day.

more Court on page 10

The photos show Lady Justice outside Kyiv's appeals court and the gates to Ukraine's Supreme Court. Many of the 11 newly appointed justices are criticized for their marred biographies. The Public Integrity Council, a civic society watchdog, vetoed 25 of them on suspicion of corruption. (Kostyantyn Chernichkin, Volodymyr Petrov)

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Reform Watch

Editor's Note: The Kyiv Post tracks the progress made by Ukraine's post-EuroMaidan Revolution leaders in making structural changes in the public interest in a broad range of areas, from the defense and energy sectors, to taxation and pensions. Below are the main issues in focus from Sept. 29 to Oct. 6.

Summary

Ukraine's lawmakers got their voting cards out starting Oct. 3 to approve some long-awaited legislation to overhaul the nation's distrusted courts and deficit-ridden pension system. The changes, however, are hard to pronounce as improvements. In parliament, for instance, the effects of last-minute, little-debated amendments are still being analyzed.

Judicial

Ukraine unveiled its new Supreme Court on Sept. 29. Few outside government were impressed. Of the 111 appointed to the court by the High Council of Justice, 25 had earlier been vetoed by the Public Integrity Council, a civic watchdog overseeing the overhaul of Ukraine's discredited judicial system. Moreover, another 60 judges appointed, while not having been vetoed by the council, were given negative assessments.

One of the Public Integrity Council's members, Vitaly Tytych, said the High Council of Justice and the High Qualification Commission, which tested the newly appointed judges, ignored the views of the Public Integrity Council.

Critics complain that the authorities sabotaged judicial reform to ensure a loyal bench. According to Leonid Maslov, a former member of the Public Integrity Council, judges such as Viktoriya Matsendonska, who spoke out against the ban on EuroMaidan public demonstrations while Ukraine was under the corrupt regime of former President Viktor Yanukovich, was not appointed to the Supreme Court because she had demonstrated that she was not loyal to the executive.

Meanwhile, Ukraine's parliament on Oct. 3 passed a presidential bill introducing a raft of amendments



Left to right: Deputy Prime Minister, Minister of Economic Development and Trade of Ukraine Stepan Kubiv, Ukrainian Prime Minister Volodymyr Groysman and Social Policy Minister Andriy Reva react after parliament adopted pension reform on Oct. 3. (Wladyslaw Musiienko)

to Ukraine's Economic Procedure Code, the Civil Procedure Code, the Code of Administrative Proceedings and other legislation.

Amendments will introduce an electronic court document system, in which participants in a trial, including the judge, prosecutor, defense team and the defendant will be able to exchange case materials electronically, using electronic signatures for security. Legislation on a new court telecommunications system will also regulate court appearances via videoconferencing.

Parliament started considering the presidential version of court reform on Sept. 7, and 4,383 amendments to the bill were submitted. However,

the changes will make it more difficult to prosecute major crimes and corruption cases because of a six-month deadline between the start of a criminal case and the filing of charges.

Pensions

Ukrainian Prime Minister Volodymyr Groysman was in parliament on Oct. 3 to oversee the vote on overhauling Ukraine's debt-ridden pensions, which take up 12 percent of the nation's gross domestic product yet provide recipients with paltry benefits of \$70 monthly.

Parliament responded with a clearly majority — 288 votes in favor.

Lawmakers balked at raising the retirement age to 63, as the International Monetary Fund wanted, keeping it at 60 for men and 58 for women. However, it raised the minimum amount of working years in which to qualify for a pension from the present 15 years to 25 years. That will rise again, to 35 years, by 2028. According to experts, raising the number of working years needed to qualify for a pension effectively increases the pension age, as those who start work later in life may have to work beyond the official retirement ages in order to receive a pension.

Some critics complained that the changes are cosmetic. "This is just a mechanical modernization," opposition lawmaker Olena Sotnyk said. "Because of the demand of 35 years of work experience, some people might not make it to pension age." Average life expectancy in Ukraine

is 66 for men and 76 for women. The probability that a Ukrainian will die before 60 is 21 percent, with Ukraine ranking 137th in the world.

Land

Ukraine pension problems partly stem from a small economy and low growth. Cutting the pension deficit and introducing an agricultural land market could double growth and raise living standards for all Ukrainians, the World Bank says.

Ukraine suffered a massive fall in its GDP in the wake of the EuroMaidan Revolution, Russia's annexation of the Ukrainian territory of Crimea and the start of the Kremlin's war in the Donbas. The economy halved — from \$180 billion in GDP in 2013 to just \$90 billion in 2014 — accelerated by a 2/3 devaluation in the value of the hryvnia combined with recession.

Growth, of 2.3 percent annually, only returned in 2016.

The moratorium on agricultural land sales depresses the entire sector, one of Ukraine's main economic engines. Land cannot be used by farmers as collateral to raise capital to develop their businesses. According to the Agriculture Ministry, the ban costs the sector \$3 billion a year in lost production gains, and some economists estimate that lifting the moratorium could stimulate \$50 billion in lending and investment. With the agriculture sector accounting for nearly 14 percent of Ukraine's GDP, that investment would boost growth of the economy.

Ukraine could see its growth rise to 4 percent in 2018, according to World Bank estimates. While that is still far off the double-digit increases that economists say Ukraine needs to recoup its past losses, single-digit growth could at least stabilize the living standards for many Ukrainians.

But while the IMF has made land reform another of its conditions for disbursing further loans, an increasingly populist parliament facing re-election in 2019, looks to be in no mood to end the moratorium when it comes up for renewal at the beginning of next year. ■



A farmer checks land at his field on May 31 in Kyiv Oblast. (Volodymyr Petrov)

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Sergeants to call more shots in Ukraine's improving army

BY ILLIA PONOMARENKO
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With Russia's war in the Donbas already in its fourth year, Ukraine has already carried out major improvements to its military, hollowed out by defense cuts and neglect under fugitive ex-Ukrainian President Viktor Yanukovich.

But a lot more remains to be done if Ukraine is to meet NATO standards by 2020, which is the primary goal of the country's defense reforms.

Ukraine will take a leaf out of U.S. military manuals, and build its new army and navy around a professional sergeant corps surrounded by a range of other mid-ranking officers. A corresponding draft bill to make the changes is now awaiting approval in parliament.

The idea of creating a professional sergeant corps in the Ukrainian army was born on the battlefields of Russia's war in the Donbas.

"Our actual combat experience points the way," General Staff Chief Petty Officer Oleksandr Kosynskiy told the Kyiv Post in a recent interview. "In battle, if a squad of soldiers is not united by a leader, it's doomed. This unit either won't fulfill its mission or won't get back at all."

To prevent this from happening, all fire teams, squads or platoons are to be commanded by skillful and experienced servicemen with the rank of sergeant. While higher-ranking officers take the tactical decisions, sergeants will follow their orders on the ground and lead the soldiers in battle. New recruits will be brought up to scratch by professional drill sergeants serving as instructors at training camps.

That, in general, has been the practice of most of Western militaries for decades.

However, since independence, Ukraine's forces continued to use the less effective Soviet approach, where a sergeant is merely a link between soldiers and officers, with the rank sometimes even being given to a conscript.

Although Ukraine formally approved the adoption of the Western model as far back as 2008, many army units did not introduce it. But once in combat, the reformed units under sergeants showed their mettle. Some 3,500 sergeants had been awarded medals as of July 2017, and over 100 of them have received two or even three medals for successfully carrying out combat missions.

Two Ukrainian sergeants, Oleg Mikhniuk and Igor Zynych, have won the title of Hero of Ukraine – both posthumously.

Ukraine's supreme command eventually decided that a reformed Ukrainian army should be built around a robust core of contracted career sergeants.

Meanwhile, the old, discredited Soviet-style military hierarchy will be



A U.S. Army private first class (R) gives tips to an Afghan soldier during a training session at Shinwar Forward Base in Nangarhar, Afghanistan, on April 11, 2013. (AFP)

abandoned, Kosynskiy says.

For instance, the old rank of "Praporshchik" (roughly equivalent to warrant officer in the U.S. Army), a rank between sergeants and commissioned officers, became associated with corruption in Soviet times and after, as soldiers of this rank were often put in charge of army depots. Their plundering of supplies even became the butt of jokes.



Ukraine's Defense Reforms

US style

Kosynskiy, who has served in Sierra Leone, Iraq and in the Donbas, turned to foreign experience for inspiration.

"We have traveled to many countries," he

says. "We've been to Canada, Britain, Poland and so on. But in my opinion, it was in the United States that we saw the most effective and advanced model of sergeant service in the world."

The U.S. Army, as well as the U.S. Marine Corps and other forces, rely heavily on non-commissioned officers – for a good reason.

"After the Vietnam War, the U.S. Armed Forces faced a painful crisis. Lots of their sergeants had been killed in combat, and even more had left service. Because of this, discipline within the army ranks declined drastically. There were drugs and alcohol issues."

"That's why the Pentagon took the decision to start developing a backbone of sergeants to effectively train, lead and support soldiers, and also to perform many other functions, such as managing technical maintenance."

For example, in the modern U.S. Army a fire team of three pri-

vates is led by a sergeant – the fifth rank (E-5) in the 13 ranks of enlisted men in the army. Two such fire teams make up a squad, commanded by a staff sergeant (E-6), and three squads make up a platoon, led by a sergeant first class.

All sergeants are directly responsible for their subordinates, and live and work with the lower-ranking soldiers.

"This approach works, as we can see," Kosynskiy continues. "However, it's a never-ending process. In July, the California National Guard officers were running a training session at the Desna drill camp (in Chernihiv Oblast), and they told us they were still developing a professional sergeant corps in America."

"We in Ukraine are still at the very beginning of this path."

New grades

All of Ukraine's combat units have been switched to the new system, and all of the non-commissioned officers leading fire teams, squads and platoons now have to be contracted career servicemen.

Moreover, in June, the Ministry of Defense said it had drafted a

more **Army** on page 18

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Editorial

Needing bold leaders

The European Union and the West, including the United States and Canada, have lost the initiative in Ukraine.

Ukraine's leaders, buoyed by six quarters of low economic growth and tax collections exceeding estimates by \$1.5 billion so far this year, are ignoring their friends and their commitments to lenders and donors such as the International Monetary Fund and the European Union.

They will live to regret such a decision, either at the next election in 2019 or at the next revolution, which the elite are hastening with each missed opportunity.

When desperate for money, Ukraine's leaders are all too eager to accomplish some reform — at least starting with painful utility hikes, which did not disturb the oligarchy's grip on power and privilege.

They further were dragged into creating more transparency and new anti-corruption institutions, knowing full well that the changes were mainly cosmetic. Politicians still control what matters: the courts, prosecutors and police agencies, especially the Security Service of Ukraine and Interior Ministry. So the National Anti-Corruption Bureau of Ukraine, lacking complete independence, understaffed and with dysfunctional courts, is incapable of delivering justice — by design.

Relative economic prosperity returned about the same time that pressure peaked for President Petro Poroshenko to deliver on the anti-corruption agenda, including a new Supreme Court and creation of an independent anti-corruption court.

Instead, he will keep control over a largely unconstructed Supreme Court, joining another list of reform failures that includes feigned attempts to overhaul Soviet-style prosecutors and police (except patrol officers). Poroshenko will obstruct the creation of an anti-corruption court because no president or top oligarch can tolerate the risk of an independent judicial system. Relenting to pressure, Poroshenko's claimed on Oct. 4 that he all of a sudden supports an anti-corruption court. His claim is not credible, especially his caveat that everyone should agree on what kind of court and that parliament should study the question -- yet another of his stalling tactic.

Additionally, parliament passed a law under the guise of judicial "reform" that requires criminal charges to be filed within six months of opening cases involving serious crimes and three months for less serious crimes. It's a ridiculous provision that will only bring more injustice.

Parliament also passed a law designed to cut the pension deficit, but it still needs to be analyzed for its effect on pensioners and the budget.

So far, parliament has not created an agricultural land market, made progress in selling off state-owned enterprises or rid the health sector of wasteful and corrupt practices, although a key vote was scheduled for Oct. 5. All changes are long overdue but not assured this session.

The West can regain the initiative by showing bold leadership. Collectively, Ukraine's friends have more leverage than they think — if they simply would use it in support of Ukrainians. One big start would be to offer Ukraine a definitive perspective for EU membership. The EU could then set the tough conditions and timeline to ensure that Ukraine's leaders don't make just more empty promises. The carrot could be a version of a bold investment plan, championed by a member of parliament Hanna Hopko and others, to pump at least \$5 billion a year in loans and grants to Ukrainian businesses and infrastructure. Right now, no government in its right mind is going to invest such significant amounts in Ukraine until its leaders demonstrate progress in rule of law -- and that means results and an end to impunity. Even under the best of circumstances, many governments are too financially stressed and Ukraine, sadly, remains a low priority.

A concrete EU membership offer will galvanize Ukrainian society towards a goal that most citizens aspire to achieve. Pressure from outside, the West, and inside, from society, has worked wonders. Absent a membership perspective, the EU has little leverage over Ukraine's recalcitrant leaders — 600 million euros here and there in technical assistance means nothing to Ukraine's oligarchs.

The 28-member bloc has already granted visa-free travel and opened up trade, so those levers of influence are gone. Still, those changes are smart and have already positively transformed Ukraine, so a clear EU membership path is needed to motivate Ukrainians and their friends to find new ways to prevail against Russia's war. The more success that Ukraine achieves, the more demoralized the Kremlin will become. Courage and vision are required now to break the stalemate.



NEWS ITEM: With budget revenue exceeding the estimates by \$1.5 billion so far, and Ukraine's government ability to borrow \$3 billion recently in the private market, Ukraine's leaders are become bolder and less responsive to the West — and less eager to push for structural reforms to improve Ukraine's long-term fortunes.



NEWS ITEM: Two raccoons escaped a traveling circus in Storozhynets in western Ukraine's Chernivtsi Oblast on Sept. 30 and sneaked into a closed grocery store, where they treated themselves to salami and cognac. They missed their show at the circus due to alcohol poisoning.



NEWS ITEM: Pavlo Grechivsky, a member of the High Council of Justice, the body that appoints judges, has been prosecuted for fraud and corruption. His case was sent to trial shortly after Grechivsky and other council members appointed new Supreme Court judges, including Bohdan Lvov, who is also under investigation in the Grechivsky case.



NEWS ITEM: The Ukrainian parliament on Oct. 3 passed a pension reform bill that effectively cuts back on early retirement pensions by drastically increasing the mandatory number of years one has to contribute to the pension system to get a state pension after retirement.

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Reformer of the week

Viktoria Matsedonska

Viktoria Matsedonska, a judge from Kyiv Administrative Court of Appeals, was nominated by the High Qualification Commission to be a judge of the new Supreme Court.

However, the High Council of Justice did not appoint her a judge on Sept. 29, and has delayed consideration of the issue. Critics attribute this to the council's unhappiness with her independence and principled stance.

Matsedonska spoke out against a ban on EuroMaidan demonstrations by the Kyiv Administrative Court of Appeal in December 2013 to January 2014.

Roman Kuybida, an expert at the Reanimation Package of Reforms, argued that no independent judges had been appointed to the Supreme Court.

"All of the principled judges have dropped out of the competition," Kuybida said, mentioning Mykhailo Slobodin, Roman Brehei and Serhiy Bondarenko as examples.

Kuybida also said that psychological tests used by the High Qualification Commission were apparently "loyalty tests," favoring the least independent judges. "For a judge, it's important to be disloyal," Kuybida said. "They must be independent."

— Oleg Sukhov



(Courtesy)

Anti-reformer of the week

Ihor Benedysyuk

Ihor Benedysyuk, the chairman of the High Council of Justice, along with his de facto boss President Petro Poroshenko and High Qualification Commission Chairman Serhiy Kozhiakov, is one of the three officials responsible for the failure of judicial reform.

The High Council of Justice on Sept. 29 appointed 111 new Supreme Court judges, including 25 discredited judges that had been vetoed by the Public Integrity Council, a civil society watchdog, because they are deemed to be corrupt or dishonest. The council said it had grounds to believe that the Supreme Court competition had been rigged in favor of government loyalists.

Benedysyuk was appointed by Poroshenko and has even been awarded a gun by the president. He used to work for the military court system, subservient to the military leadership. Benedysyuk and the High Council of Justice deny accusations of wrongdoing.

According to his official biography, in 1994 Benedysyuk was simultaneously a judge of a Russian court martial and a Ukrainian one. Public Integrity Council members say that Russian citizenship was a necessary precondition of being a Russian judge, and that his appointment as a judge of Ukraine was illegal if he had Russian citizenship or was not a Ukrainian citizen.

If Benedysyuk is a Russian citizen now, he does not have a right to hold his job. The High Council of Justice denies that he is currently a Russian citizen but has refused to say when he terminated his Russian citizenship and got a Ukrainian one, or provide any documentary evidence.

— Oleg Sukhov



(Volodymyr Petrov)

VOX populi

WITH DARYNA KUZMENKO



Are you counting on a state pension when you retire?

Editor's note: Ukraine's parliament on Oct. 3 passed a law that changes the way that retirement pensions are calculated to reduce the budget deficit.



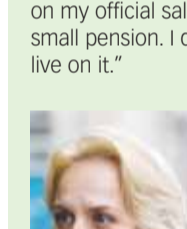
Roman Maltsev, entrepreneur
"I'll take care of my retirement myself because I don't count on a pension."



Marietta Tychoplav, student
"There'll be no pensions when I reach the retirement age, I guess."



Andriy Vynarchuk, serviceman
"I don't count on a pension because we have a mostly shadow economy. Based on my official salary, I'll get a very small pension. I don't believe I can live on it."



Viktoriya Sarafin, housewife
"I'm going to live on the money I've saved. Can't rely on a pension."



Valeriy Rybalkin, retiree
"I've been retired for five years. The size of my first pension was \$800, now I get nearly \$200. Everything depends on the dollar. How can I rely on a pension?"



Oksana Chynariova, manager
"I count on a pension because I work officially. The question is whether I can rely on its size. It's too small."



Andriy Kyrov, civil servant
"I stick to the modern proverb: Help your state — die before retirement."



Olga Rondzysta, doctor, retiree
"I'm already a retiree but continue working because the pension isn't enough for living."

Ukraine's Friend & Foe Of The Week

Editor's Note: This feature separates Ukraine's friends from its enemies. The Order of Yaroslav the Wise has been given since 1995 for distinguished service to the nation. It is named after the Kyivan Rus leader from 1019-1054, when the medieval empire reached its zenith. The Order of Lenin was the highest decoration bestowed by the Soviet Union, whose demise Russian President Vladimir Putin mourns. It is named after Vladimir Lenin, whose corpse still rots on the Kremlin's Red Square, 100 years after the October Revolution he led.



(Vygaudas Ušackas/facebook)

Vygaudas Ušackas

Winston Churchill's famous quote: "Russia is a riddle wrapped in a mystery inside an enigma," has done much to sustain the myth that the institution that controls the country, the Kremlin, is unknowable, and unpredictable.

In fact, the Kremlin often signals its intentions clearly enough, if one listens. For instance, as far back as late September 2013, Vladimir Putin adviser Sergei Glazyev said at the Yalta European Strategy conference that if Ukraine signed a political and trade association agreement with the European Union, "separatist movements" might spring up in the south and east of the country. Russia then might "no longer guarantee Ukraine's status as a state" and could intervene in the country, he said.

That is almost exactly what happened, apart from the fact that the "separatist movements" were created by the Kremlin itself.

So it is wise also to listen to those who have themselves listened carefully to the Kremlin, such as Vygaudas Ušackas, who has for the last four years been the European Union's ambassador to Russia. Writing in the United Kingdom newspaper the Guardian on Oct. 1, Ušackas gives a sober assessment.

Russia, he says, will continue to reject the post-Cold War security model, and insist on a return to "spheres of influence." It will do all it can to undermine the EU, which it can only see as a competing system. It will use its energy wealth to attempt to drive wedges between EU states.

But Ušackas also points out that Ukraine is key to the future of EU-Russian relations. A successful Ukraine, built on the EU model, outside of the Kremlin's grip, will show the Russian people that there is another option to strongman leadership and Kremlin intrigue.

However, Ušackas also points out that to ensure Ukraine is a success, it must be given realistic prospects of EU membership, which would be a powerful stimulus to reform. The question is particularly urgent now that Ukraine has returned to the international debt markets — its leaders may think they can buy support from the market and get away with easing back on reforms.

That's wise advice, and so Ušackas earns an Order of Yaroslav the Wise and the title of Ukraine's Friend of the Week. Let's hope EU policymakers listen to him.

— Euan MacDonald



Order of Yaroslav The Wise



(AFP)

Alexander Gauland

The founder of Germany's far-right, xenophobic, anti-European Union Alternative for Germany party, the AfD, stood before a rally of supporters on Sept. 2 and said they should be proud of the achievements of Germany's soldiers in two world wars.

It was 78 years and a day since those soldiers, fighting under the flag of Nazi Germany, marched into Poland to begin carving up that state, with the connivance of another totalitarian regime, the Soviet Union under the bloody, psychopathic dictator Joseph Stalin. That campaign laid the grounds for the Holocaust. Is that what they should be proud of?

Or maybe Gauland was referring to Fall Gelb, or Plan Yellow, the Wehrmacht's brilliantly executed Blitzkrieg campaign that led to the fall of France in June 1940 — and the subsequent deportation of 75,000 French Jews to Nazi death camps.

But he surely wasn't talking of Operation Barbarossa, Nazi

Germany's invasion of the Soviet Union, which resulted in the deaths of 10 million Soviet civilians, (1.3 million of them Jews) and a similar number of Soviet soldiers.

That's because Russia is now a strong ally of the AfD, and despite the seeming contradictions thrown up by Germany and Russia's history of conflict, the two are natural allies.

The Kremlin has supported many extreme parties in Europe, with the aim of disrupting and weakening European political unity, but in Germany the AfD is uniquely suited to its aims. The party takes some of its strongest support from eastern Germany, in areas formerly occupied by Soviet forces. Within that support base is a core of Russian-Germans, who make up 5 percent of Germany's population.

Gauland dutifully went to Moscow in 2015 to cement the alliance. "The idea was to listen to Russian interests, Russian complaints about Western policy, to follow their thinking," he told news agency Bloomberg about the visit.

In return, Russia provided uncritical media coverage for the party, aiding its dramatic rise and entry to the Bundestag, the German parliament, after the Sept. 24 elections.

Gauland has kept his side of the bargain, supporting the Kremlin at every turn. In recent comments to German newspaper Die Welt published on Aug. 19, Gauland said, "Crimea will never return to Ukraine," adding that, "the sanctions bring nothing," and "Russia is a power in Europe. We must incorporate it into a European order. The opposition of NATO must stop."

That makes Gauland Ukraine's Foe of the Week and a deserving winner of the odious Order of Lenin.

— Euan MacDonald



Order of Lenin

Ukraine's Energy Challenges

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State gas producer is key to energy independence

BY JOSH KOVENSKY
KOVENSKY@KYIVPOST.COM

State-owned natural gas explorer UkrGazvydobuvannya, known simply as UGV, thinks it can make Ukraine independent in this vital source of energy that powers industry, business and homes.

"Ukraine is clearly missing the opportunities," said CEO Oleg Prokhorenko. "But we have a plan to make Ukraine gas independent."

The company expects to turn itself around this year, achieving increased growth of gas production in 2017, for the first time since Ukraine achieved independence in 1991.

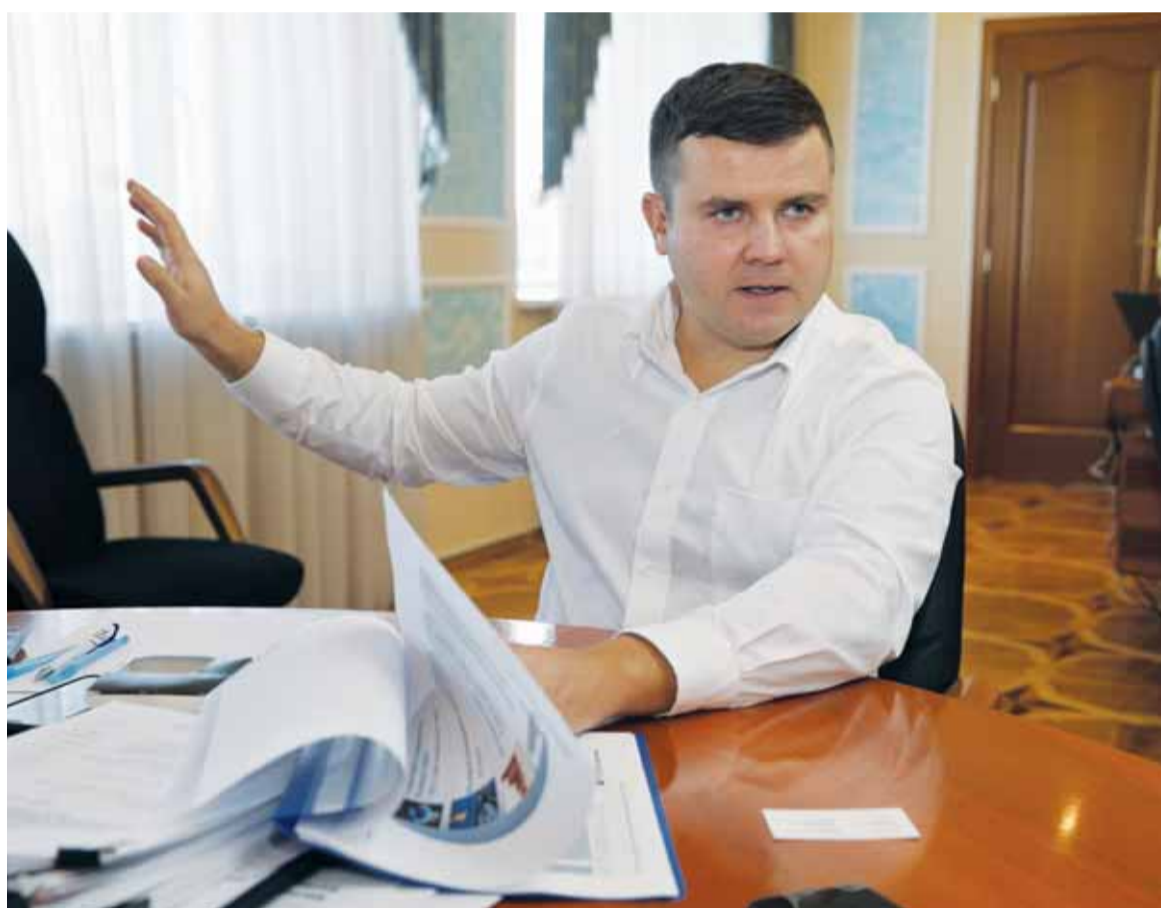
The plan is for domestic production and consumption to meet eventually, one of these years. However, there's still a big gap: Ukraine produces 20 billion cubic meters of gas and, only by 2020, consumption is hoped to decline to 26 billion cubic meters from 33 billion cubic meters.

The additional 6 billion cubic meters is expected to come from private producers and UkrNafta, the oil-producing Naftogaz subsidiary.

The ambitious plan relies on Ukrainians conserving more because of higher, market-based heating prices, but also on Prokhorenko successfully refurbishing the company's drilling fleet and reorienting it to hydrofracking — an innovative technology that is beginning to unlock previously untapped gas reserves across Ukraine, as it has around the world, boosting supplies of natural gas worldwide.

The company has been a beneficiary of the government's International Monetary Fund-backed policy of increasing gas prices on household customers, giving the company more money to invest.

"I spoke to my mother, and she



UkrGazvydobuvannya CEO Oleg Prokhorenko gestures in his company's Kyiv office on Sept. 28. Prokhorenko is focusing on hydrofracking as a way to increase gas production. (Oleg Petrasjuk)

said that when it's about 22 degrees Celsius, I start to feel hot. That's what Europe lives through. People have responded to higher prices" by conserving energy, Prokhorenko said. At subsidized prices to consumers, "it was very difficult to invest in new assets," he said.

Ukrainian gas heritage

Ukraine was the Soviet Union's original gas hub. In the 1950s, as the Soviet economy sought to expand after its post-war rebuilding, Moscow

seized upon vast gas reserves in the eastern regions of modern Ukraine. Soviet engineers, trained in Kharkiv, developed fields in Poltava and Kharkiv oblasts, with the Shebelinka field in Kharkiv Oblast, founded in 1956.

According to one report, more than 1 trillion cubic meters of gas were extracted from the field between 1956 and 2006, averaging 20 billion cubic meters each year. Ukraine consumed 33 billion cubic meters in 2016.

The Ukrainian boom stopped in the 1970s, when massive gas reserves were discovered in Siberia. As the Soviets pulled out of Ukraine, gas production fell to around 20 billion cubic meters each year, about where it remains today.

Investing for future

When Prokhorenko arrived at UkrGazvydobuvannya, the company was reeling from corruption scandals.

One involved former People's Deputy Oleksandr Onyshchenko, who fled the country last year amid accusations that he stole \$110 million from the company. The same scandal later brought down former Fiscal Service Chief Roman Nasirov, who allegedly allowed participants in

as hydrofracking, is a way of extracting natural gas by using fluids to break apart rock formations in which the gas is trapped.

"This company had its own hydrofracking fleet, but it was outdated," he said, and in disuse. "For us, this was a strategic priority. We basically said, look. If we want to increase production quickly, we should start hydrofracking."

UGV statistics suggest that the company is on target to improve production in 2017, in part because of 100 hydrofracking operations in use now.

Prokhorenko said that he has negotiated fixed-price contracts with foreign companies to help with hydrofracking and coil tubing operations.

Not all rosy

The global popularity of fracking technology — and its ability to tap new gas reserves at attractive prices — is viewed as a threat by the Kremlin to Russian state-controlled Gazprom's dominant position in natural gas production. Prokhorenko said Russian interests are behind local opposition to fracking.

Moreover, suspicions and speculation are rampant about UGV's ties to billionaire oligarch Victor Pinchuk.

UGV chief operating officer Alexander Romanyuk worked at Pinchuk's EastOne until he joined UGV, while Alexander Klimov worked as head of investments for UGV after spending five years at EastOne and another five at GeoAlliance, a Pinchuk oil venture.

Between August 2016 and June 2017, at least Hr 2.15 billion (\$80 million) in steel pipe purchase tenders for UGV went to Interpipe.

Volodymyr Gaidash, UGV's communications chief, argued that there was nothing untoward in the relationship and affirmed that nobody in UGV would stand to gain from Interpipe's purchases.

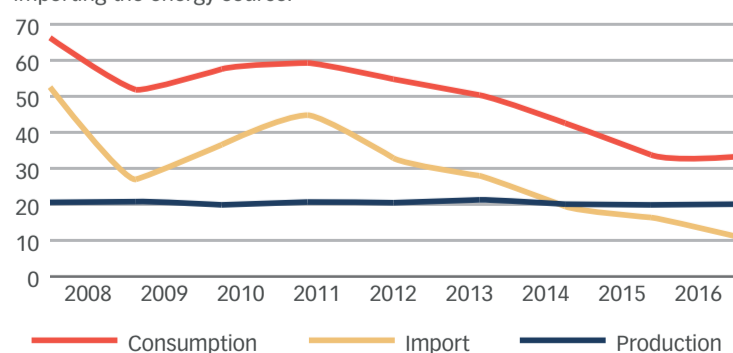
"These are frequent allegations, spread by our competitors," he said. "We are trying to widen our scope of suppliers."

"Oleg is graduate of the Harvard Kennedy School of Government," he said, defending Prokhorenko's qualifications. "Romanyuk is easy target," Gaidash said, because he is responsible for making production decisions, creating spurned competitors.

The firm has been profitable for the Ukrainian government under Prokhorenko's management. Last year, it supplied half of the Hr 12 billion (now \$446 million) dividend that Naftogaz delivered to the state budget. ■

Ukraine's natural gas story

Ukraine cut its consumption of natural gas to 33.3 billion cubic meters in 2016, yet gas production has been flat since the 2000s, with production in 2016 at 20.1 billion cubic meters, requiring the nation to continue importing the energy source.



Source: State Statistics Service, Naftogaz

Naftogaz profit

State oil and gas company Naftogaz made a profit for the first time in five years, earning \$800 million (Hr 22.5 billion) in 2016.



Source: Naftogaz

the scheme to delay tax payments in exchange for a kickback.

But Prokhorenko ignores the past, and has focused his efforts on refurbishing the company's rusting Soviet equipment. He said that the cost to repair a single drilling rig was "relatively low," ranging from \$200,000 to \$1.5 million, depending on the "complexity of the repair."

The plan is to invest in hydraulic fracturing on a large scale.

Hydraulic fracturing, also known

Renewable energy investors return to Ukraine with cautious optimism

BY DENYS KRASNIKOV
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Ukraine, with its vast and windy steppes, meandering Dnipro River, year-round sunny weather and experience with nuclear power disaster, should be fertile ground for renewable energy projects.

But while 98 percent of the power produced in Norway already comes from renewable sources (mainly hydroelectric), Ukraine still lags far behind other countries in the region. Only 7.5 percent of the electricity generated in Ukraine comes from “green” sources and, like in Norway, it’s mainly from hydropower.

The corollary from that is, of course, that there’s still plenty of room for growth in the renewables sector in Ukraine. Why is it not happening? Industry players say it’s not for want of opportunities, but the effect of political instability combined with poor government.

Crisis

The renewable power sector started to take off in Ukraine in 2009, when the country introduced differentiated green tariffs on various types of power generation. The legislation on green tariffs pegs them to the euro, setting the price per kilowatt-hour in euro cents.

But the modest development of the sector came to a halt with the 100-day EuroMaidan Revolution that drove President Viktor Yanukovich from power on Feb. 22, 2014.

Before a two-year economic recession in 2014 and 2015, the renewable energy industry was increasing generating capacity by about 800 megawatts per year. However, in 2014, the increase was only 26 megawatts.

Turbulence following the revolution, including Russia’s annexation of Crimea and the launch of its war in the Donbas, rattled most investors, according to Oleksiy Orzhel, the head of the Ukrainian Association of Renewable Energy.

“This was the period of maximum instability,” Orzhel said. “The EuroMaidan Revolution, the change in the authorities, and the prosecution of corrupt capital. At that time ‘white’ capital also understood it could be caught up in a general sweep, so a lot of developments came to halt.”

Attractive incentives

By 2016, however, the economic situation had stabilized, and the euro-pegged tariffs started to attract new capital, Orzhel said.

Pricing in euros “reduces devaluation risks for investors considering coming to Ukraine and developing green power generation here,” Orzhel told the Kyiv Post. “Moreover, this allows investors to raise credit resources in foreign currency at comparatively favorable rates. That’s a nice incentive.”

Solar power

Since 2015, the sector returned to stable growth. In 2016, another 100 megawatts of generating capacity



Multimillionaire Vasyl Khmelnytsky (L) walks towards his private helicopter, passing solar panels of the UDP Renewables power plant in Kyiv Oblast on Sept. 26. Khmelnytsky plans to invest up to \$200 million in the Ukrainian renewable industry. (Kostyantyn Chernichkin)

was added. And in 2017, Orzhel expects another 350–400 megawatts to come online from solar power stations alone.

“People tend to invest in solar panels because they are simpler, in terms of infrastructure, than other ways of generating green power. As a result, a lot of companies now have experience in starting such projects in Ukraine, and they’re intensifying their activities here.”

One of them is UDP Renewables, which has built the biggest solar power plant in Kyiv Oblast. It plans to operate the plant at 50 megawatts annual capacity by 2018; and at 300 megawatts by 2020.

The power plant’s main investor, Vasyl Khmelnytsky, told the Kyiv Post that now is the perfect time to develop renewables in Ukraine.

“Power plants that run on coal, gas, heavy oil, nuclear – they’re things of the past,” the investor said. “Of course, they aren’t going to disappear today or tomorrow, but Ukraine, the country that survived the (1986) Chernobyl (nuclear power plant) disaster, should be especially interested in renewables.”

Khmelnytsky’s UDP Renewables is also going to build another two plants, in Odesa and Kherson with 10 megawatts and 17 megawatts of generating capacity respectively.

The oligarch says he expects to invest up to \$200 million in the industry, and he’s not as concerned as other investors are about instability in Ukraine.

“I’m confident in Ukraine’s economic growth,” he said. “This country is much more stable than it seems from the outside.”

Khmelnytsky is not the only one with big plans for the future in Ukraine: Canadian renewable energy company TIU-Canada recently invested 10 million euros in building a 10-megawatt solar power plant in Dnipropetrovsk Oblast.

The company is the first Canadian investor to set up shop in Ukraine

since the Canada-Ukraine Free Trade Agreement came in effect on Aug. 1. According to Valentyna Beliakova, TIU-Canada’s country director in Ukraine, the company plans to invest another 100 million euros in 2018.

TIU-Canada decided to invest in Ukraine because of its green tariffs, which are “the most attractive in Europe,” Beliakova told the Kyiv Post.

“Ukraine has potential, while the appealing green electricity tariffs promise quick returns,” she said. “Why solar power? TIU-Canada has an expertise in this field and, moreover, solar power stations are easy to build.”

Andrii Hetman, the CEO of Unasolar, a tech company that engineers and installs solar panels in the country, has seen an uptick in sector

development in the last two years.

“The market’s growing, yes, but the problems of doing business in Ukraine remain very real – buying power is still low,” Hetman told the Kyiv Post. “All the same, more people now understand that renewables might be profitable.”

Hetman’s counterpart Elena Skrypnyk also feels that the industry’s changing for the better.

Skrypnyk is a managing partner at Helios Strategia, a company that provides services for setting up solar plants in several countries, including Poland, Senegal, Belgium and Ukraine. According to her the Ukrainian market has better conditions than many others.

“Here in Ukraine, the pay-back time for projects is a lot shorter, so a lot of new investors are appearing,

foreign ones included,” she told the Kyiv Post. “It’s easy to work here, so it’s getting competitive.”

Restrained growth

Orzhel from the Ukrainian Association of Renewable Energy says solar power’s expansion could have been much substantial if the government had managed it better.

“Our system remains unpredictable,” Orzhel said. “This holds back a lot of foreign investors from bringing their money into Ukraine.”

For a start, Orzhel says Ukraine’s renewable market needs more timely decisions from the government. In particular he’d like to see a cut in bureaucracy, more rapid revision of laws, and more powers for the industry’s regulator.

The activist and businessman is particularly concerned about the regulator, which he says is unable to make decisions on future tariffs as not enough members of its board have been appointed for it to form a quorum.

“This meant the industry remains unregulated, and hence unpredictable,” Orzhel said. As a result, a lot of projects currently under construction are at risk of cancellation.

“The general political instability and other problems have a very negative effect on the industry,” Orzhel said. “I wish we could foresee at least something.”

Helios’s Skrypnyk, however, sees the situation differently. She believes the Ukrainian regulatory system performs better than many others.

One way or another, after weighing the pros and cons of operating on Ukraine’s renewable market, its players still express optimism.

“It is cautious optimism,” summed up Orzhel.

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Government sells stakes in oligarch-dominated sector

BY BERMET TALANT
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In a bid to unlock Ukraine's \$17.5 billion loan program from the International Monetary Fund, the government has started selling its stakes in electricity distribution companies.

The stakes, however, are likely to be bought by the country's oligarchs, leaving the energy utility sector entirely under their control.

In mid-August, the State Property Fund sold 25 percent stakes in five regional companies — Donetskoblenenergo, Dniproenergo, Dniprooblenergo, Zahidenergo, and Kyivenergo — which supply electric power and heating to citizens of Kyiv, Lviv and eastern Ukraine. Stakes in three more companies failed to sell.

All five lots were bought out for Hr 3.5 billion (\$1.3 million) by the Cyprus-registered Ornex Limited, which belongs to Rinat Akhmetov's System Capital Management holding. The oligarch's DTEK Holding had already held the majority stakes in those companies.

Yuriy Nikitin, deputy head of the State Property Fund, called the minority stakes "donut holes" that neither brought any dividends to the state nor gave it decision-making power in corporate affairs. By selling off the stakes, the government was happy to get rid of illiquid assets, earn some cash and please the IMF.

The World Bank, however, expressed concern with the lack of transparency in the sales.

"The August sales (...) didn't provide confidence to the market players and international investors that the privatization is going to proceed the way they expected," Satu Kahkonen, the World Bank's country director for Ukraine, Belarus and Moldova, told the Kyiv Post on Oct. 3.

Public organizations, such as the Federation of Trade Unions of Ukraine, protested against the com-

Most of Ukraine's electricity distribution companies are owned by oligarchs

Kostyantyn Grygoryshyn	Ihor Kolomoisky	Rinat Akhmetov	Alexander Babakov	Yuriy Boyko, Dmytro Firtash	Ihor Surkis	Ihor Gumenyuk
Vinnitsyaoblenergo	Ternopiloblenergo	Kyivenergo	Kyivoblenergo	Volinoblenergo	Lvivoblenergo	Donbasenergo
Cherkasyoblenergo	Chernihivoblenergo	Donetskoblenenergo	Odesaoblenergo		Prykarpattiaoblenergo	
Ternopiloblenergo	Poltavaoblenergo	Dniprooblenergo	Zhytomiroblenergo		Zaporizhzhyaoblenergo	
Chernihivoblenergo	Sumyoblenergo	Zahidenergo	Rivneoblenergo			
Poltavaoblenergo	Zaporizhzhyaoblenergo	Dniproenergo	Zakarpattiaoblenergo			
Zaporizhzhyaoblenergo			Khersonoblenergo			
Volinoblenergo			Chernivtsioblenergo			

Source: YouControl.com.ua, UK Companies House, Kyiv Post

The privatization drive in Ukraine has kicked off in an unusual way -- the sale of state shares in electricity-generating companies predominately owned by Ukraine's oligarchs.

plete acquisition of regional energy distribution companies, or oblenergos, by private companies, fearing increases in electricity tariffs.

At the moment, the market of 26 electricity distribution companies is divided between the government and companies affiliated with the oligarchs Ihor Kolomoisky, Yuriy Boyko, Rinat Akhmetov, Ihor Surkis, Kostyantyn Grygoryshyn and Alexander Babakov.

Nikitin doesn't see there being a problem. "The government finally began to sell illiquid — from the corporate governance point of view — assets. The goal wasn't to attract new investors, and we understood that the minority stakes would be mainly interesting to the majority stakeholders," he said on Oct. 4.

Nikitin admitted that the privatizations happened quickly because of budget and IMF considerations.

Privatization of state-owned enterprises is one of the key requirements of the international lender.

"Except for those five minority packages, we didn't have any other items that could have been put up for sale immediately," Nikitin said.

In mid-November, the fund will try again to sell 25 percent stakes in the three oblenergos that didn't attract any bidders at the August auction. It's not clear who the potential buyers might be.

The government has banned Russian firms and citizens from taking part in privatizations. The majority stakeholder of Odesaoblenergo is VS Energy, which belongs to Russian oligarch Evgeniy Giner and member of the Russian parliament Alexander Babakov. The majority stakeholders of Sumyoblenergo are two Cyprus companies owned by oligarchs Grygoryshyn, a citizen of Russia, and Kolomoisky.

The value of Donbasenergo, majority owned by Netherlands-registered Energoinvest Holding B.V., has dropped since it lost control over its main asset, Starobeshivska thermal power plant, situated in the Russian-occupied Donetsk Oblast. Energoinvest is owned by Whitebridge Resources Limited,

which is owned by Igor Gumenyuk, a business ally of oligarch Rinat Akhmetov.

There are hopes that the introduction of RAB (regulatory asset based) tariffs from April 2018 will encourage investment in the electrical power sector. According to the initiator, the National Commission for State Regulation of Energy and Public Utilities, the consumer tariffs for oblenergos will include operational costs for modernization. Effectively, the more a company invests into its assets, the more profits it will make. The Cabinet of Ministers called the scheme "unfair" and "non-transparent."

For 2018, the State Property Fund designated for priority privatization a 78 percent stake at Centerenergo and state-owned majority stakes in six regional electricity distribution companies.

The fund hired an independent adviser, the consortium of EY, Baker McKenzie and SARS consulting firms, to help with the sale of the stake in Centerenergo. The auction is expected to take place in May. The same procedure will be used for the six oblenergos. ■



An employee at the 5th Kyivenergo thermal power plant checks equipment on Oct. 8, 2014. (Volodymyr Petrov)

Ukraine's Reform Drive Is Powering Ahead, EM Investors Should Take Note

Ukraine has made tremendous progress with its reform agenda but must accelerate the implementation process to compete with other emerging economies.

Speakers at the 3rd annual Ukrainian Financial Forum praised the scale of reform that has been accomplished over the past three years in Ukraine. However all agreed it is crucial to accelerate the implementation of reforms to spur economic growth and pave the way for official membership of the EU.

ICU, an independent asset management firm specialising in Central and Eastern Europe, gathered leaders from Ukraine's political, financial and business worlds alongside international decision makers at its annual forum to discuss the progress of reform in Ukraine. Speakers included Yanis Varoufakis, economist and former finance minister of Greece, Markus Brunnermeier, Professor of Eco-

nomics at Princeton University, Ukraine's Finance Minister Oleksandr Danylyuk, Satu Kahkonen, the World Bank Country Director for Belarus, Moldova, and Ukraine, Francis Malige, Managing Director, Eastern Europe and the Caucasus at EBRD and Jonathan David Ostry, Deputy Director of Research at the IMF.

Makar Paseniuk, Managing Partner at ICU, said:

"Ukraine needs foreign direct investment, it is crucial for the country's future prosperity. We need to create a healthier backdrop and a more positive agenda if we are going to generate interest and build confidence from foreign investors that Ukraine is an emerging market that they should not ignore."

"Ukraine has made remarkable progress in a short period of time however it still has a long way to go. It is important that the government forges ahead and accelerates the reform process. This will be a powerful signal to the investors waiting on the sidelines nervous about corruption, transparency and legal protection."

A series of panel discussions and presentations from experienced industry experts provided unique insights into the most pertinent themes surrounding reform in Ukraine.

On the pace of the reform agenda:

Panelists acknowledged the significant progress of Ukraine's reform but agreed the pace of implementation needs to accelerate - the country is not even halfway through planned reforms and is considerably behind countries which it seeks to view as its peers

Returning to the Eurobond market is undoubtedly a very positive sign, but the market will immediately close in the event of a rollback of reforms.



Gösta Ljungman, Resident Representative, IMF in Ukraine
Makar Paseniuk, Managing Partner, ICU
Neil Lancaster, Economist, De Montfort University

On anti-corruption measures

Panelists agreed some progress has been made tackling corruption, especially in state procurement and the gas sector

However, legal and court system reform remains one of Ukraine's biggest challenges. If this problem is not solved attracting outside investment will be impossible as investors need to feel confident that their rights will be protected

Unrelenting talk about corruption in the domestic and international media is killing outside investor interest in Ukraine

On land reform

Panelists identified land reform as a primary concern for Ukraine - it is one of only two countries on the European continent that do not have a functioning land market

Land reform is extremely important as it would boost productivity in Ukraine's agricultural sector which is central to exports

On the privatization of state owned assets

Panelists agreed privatization of key industries will be a powerful signal for investors who are still waiting on the sidelines, hesitant to invest in Ukraine

A number of important transformations have already taken place in the energy sector but more needs to be done - the potential volume of capital to be raised from the sale of state owned land is estimated at \$15-20 billion

About ICU

ICU (www.icu.ua) is an independent asset management, private equity and investment advisory firm specialising in the emerging markets of Central and Eastern Europe.

Founded in 2006 by senior investment professionals from ING, ICU is Ukraine's leading asset manager. ICU currently manages over \$400 m in assets. Since 2010 ICU's flagship CIS Opportunities Fund has delivered returns exceeding 16 percent per year, net of fees, versus less than 1% annual returns for the HFRI Emerging Markets Russia/Eastern Europe Index over the same period.

ICU's veteran investment team has experience in private equity, high yield corporate debt, distressed debt, restructurings and other special situations across a number of emerging markets. Investment decisions are supported by robust macroeconomic and sectoral analyses from the in-house team of research economists.

ICU aims to provide its clients with superior risk-adjusted returns across a number of asset classes. The firm is expanding its reach into key European markets via a combination of organic growth and acquisition and continues to expand the range its investment offerings.

Advertisement



Yanis Varoufakis, former Finance Minister of Greece, DiEM25 co-founder





Participants of Retro Cruise ride bicycles in Kyiv on April 29. (Kostyantyn Chernichkin)

Cyclists face an uphill, dangerous ride in Kyiv

BY JACK EVANS
EVANSJWM@GMAIL.COM

Although renewable energy is fashionable now in Ukraine, Kyiv residents will still rely on the internal combustion engine to get round for the foreseeable future.

Bicyclists who have navigated the dangers of Kyiv's streets can testify to the hazardous realities of encountering motorists who don't want bicyclists on the roads and pedestrians who don't want them on the sidewalks.

Governments are simply not doing enough to encourage cycling — a clean alternative to the thousands of cars polluting Kyiv's air and clogging its roads. After Vitali Klitschko was elected Kyiv mayor in 2014, he made improving cycling infrastructure one of his priorities. But, so far in 2017, seven cyclists have been killed in road incidents, compared to 14 deaths from 2014–2016.

Klitschko's unfulfilled promise, consequently, elicits scorn amongst cyclists.

Keeping distance

Nikita Skorenko, a professional road cyclist with Ukraine-based Kolss Cycling Team, says the problems that cyclists face stem from "road rage" and the lack of a "cycling culture in Ukraine."

"Drivers don't understand cyclists; they don't keep their distance. They should leave a meter and a half, but barely leave any at all. As a professional cyclist, I can handle my bike, which means it's safer for me. Less so for amateurs and normal cyclists. So many of them decide not to ride," he told the Kyiv Post.

The attitude of drivers aside, another problem is the density of traffic.

A transport model made for Kyiv in 2015 was based on 213 cars per 1,000 citizens; far less than London (345) and Moscow (297), but slightly more than New York (209). There are 1.2 million cars officially registered, but A+S, the company which produced the model, think there are in fact 639,000, of which 566,000 are regularly used.

Dmitry Bepalov, the director of A+S, believes there could now be 220 cars per 1,000 residents.

Air pollution is a consequence. The Central Geophysical Observatory recorded poor quality air over the

summer in Kyiv and says that pollution has increased over the last year.

A lot of the car usage is, arguably, not necessary.

According to data from the Kyiv Cyclists Association, 42 percent of car journeys are less 5 kilometers, a distance easily covered by bike. Moreover, drivers could put their cars to better use. A+S worked out that each car in Kyiv carries on average 1.51 people.

Slow improvement

And yet, things are getting better.

Nikita Vognick, an administrator at the newly reopened Kyiv velodrome and an influential figure in its regeneration, told the Kyiv Post that four out of 12 of his colleagues cycle to work. It's not that surprising for cycling aficionados, but he thinks enthusiasm is spreading.

He says that "since 2012 roads there are fewer potholes ... drivers, not the majority, but some are noticing cyclists. A small minority still think cyclists should be on the sidewalk. But because of campaigns, fewer people are driving like arseholes. More people are cycling, or know people who cycle, so (as drivers) they're more understanding."

The Kyiv Cyclists Association agrees. Their surveys of cyclists in 2016 found that participation had increased 10 percent. The same was true in 2015 and they expect a similar increase this year.

Nonetheless, Vognick was critical of central and local government's lack of investment into protecting cyclists.

"There's zero state sponsorship for road cycling safety," he said. Efforts to raise awareness of the risks facing cyclists are made by grassroots organizations, such as the "Roads for All" campaign, or the "Stop Killing Us" protest last week in front of Kyiv City Hall. Cyclists placed a white bike in front of the building in memory of the seven riders killed in the capital this year. Protesters called for more cycle paths and lanes and lower speed limits for cars.

Professional rider Nikita Skorenko thinks that the country needs to embrace cycling as a sport and spectacle before the bicycle becomes a popular means of transport. This is the case in Belgium, with a popular

professional cycling team. Bikes now dominate the streets and there is a thriving amateur racing scene. A blend of private and public sector money is turning the United Kingdom into a cycling country.

Unfortunately Ukrainian sports bodies and private companies are apathetic.

Skorenko's team is unlikely to race at the professional level next year after their main sponsor pulled out. The Ukrainian government has not stepped in with funding. Asked about the future of the sport in Ukraine, Skorenko replied: "It's the end. There's no support."

"The cycling federation doesn't help us develop," he said. Help comes from team bike manufacturer Colnago. "But all the sponsors are foreign. Domestic companies aren't interested."

Spending wasted

Some of the government spending to promote cycling among children and bike paths appears to be frittered away by corruption or misuse.

The situation on the Dnipro River's Trukhaniv Island is farcical. Cars encroach onto the supposedly pedestrian zone with tragic consequences. In 2016, a pedestrian was killed when struck by a car and a girl sustained serious injuries after a car knocked her off her bike.

Residents and some businesses are allowed to use cars on the island. But it appears that drivers without access permits bribe guards manning the barriers.

Nikita Vognick from the Kyiv Velodrome thinks that much of the land ownership on the island is illegal in the first place. "Corrupt guys grabbed the land," he reckons. He regrets that "we've lost this place where even children could ride."

Frustration is bubbling over.

Some activists have barricaded the entrance to block cars. In June, cyclists, runners and walkers participated in a protest to "make Trukhaniv safe." One of their demands was for speed cameras to be put in place to enforce the 20 kilometer per hour limit for cars. Thus far, their pleas have fallen on deaf ears.

The Kyiv City Administration did not respond to requests for comment. ■

BUSINESS ADVISER

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Strategy and Reality: What Ukraine Must Do to Maximize its Gas Production Potential



Victor Gladun

General Director JV PPC & Acting CEO JXX Oil & Gas plc.

Energy independence remains a priority for Ukraine. The recently published Energy Strategy of Ukraine to 2035 reiterates our government's aim of eliminating gas imports by, amongst other things, increasing domestic production to meet the needs of Ukrainian consumers. Gas exports to Europe will be the next logical step. Acting CEO of JXX Oil&Gas and General Director of Poltava Petroleum Company (PPC) – our Ukrainian subsidiary – I fully support these important goals, and believe that a lot can be achieved. But I am also well aware of the day-to-day realities in our sector.

Much still needs to be done to finally create an investment environment that will bring the capital and technology we need to achieve our common aim.

The reality is that after three years of gas sector reform, some minor improvements aside, Ukraine's gas production sector remains mired in antiquated bureaucratic procedures, access to data is highly restricted, and fiscal conditions are not competitive internationally.

A number of important proposals have been made to improve the regulatory environment in Ukraine's upstream (oil and gas production) by supporters of energy reform in our parliament, the Association of Gas Producers of Ukraine (AGPU), the American Chamber of Commerce, and other NGOs. But the government now needs to begin implementing those proposals, and the Rada needs to start passing important legislation that has been languishing in committees for too long.

I would like to share my own view on what Ukraine needs to develop a dynamic, competitive and transparent gas production industry, so as to transform lofty goals on paper into reality, for the benefit of Ukraine and those who invest in its future.

Like the rest of Ukraine's economy, our sector is in desperate need of investment, deregulation, stability and transparency. As a law school graduate, I, more than most, appreciate the importance of a strong legal system and its impact on the economy.

Deregulation:

Today it takes around four years to receive the 44 permits from 16 different government agencies that are needed to begin oil and gas production. This is far too difficult, particularly for new potential investors. Several important draft laws to streamline permitting and simplify land use rules are ready and awaiting approval by parliament. There has been some progress in adjusting rules on license auctions, and modern guidelines for oil and gas field development have been introduced. However, we need a new Subsoil Code, which will stabilize regulation and put an end to the management of the sector by government decree. Finally, investors need transparency of information. Ukraine has a wealth of geological data after over a hundred years of hydrocarbon production, but it needs to be systematized, and open access to all legacy data (wells, seismic, etc.) must be guaranteed. We, together with private oil and gas producers and the Association of Gas Producers of Ukraine (AGPU), support free access to data for all investors.

Fiscal regime:

Taxation in the oil and gas sector remains a major deterrent to investors. Other countries in Europe and the rest of the world that are actively competing for international capital more often than not offer more favorable tax terms than Ukraine. I am encouraged by the recent announcement of the Ministry of Finance that it will introduce a proposal for a reduced royalty on new wells into the draft budget for 2018, and I hope that the Rada will finally pass this proposal after failing to do so last year. But this is only the beginning. The current fiscal system is far too complex, with eight different royalty rates on hydrocarbon production. This needs to be simplified, while Ukraine needs to move towards a system of profit-based taxation – the common practice in the West. Such a system would be far more suitable to our mature geology, with many projects vastly differing in their risk profile and thus in need of more flexible taxation. However, this would also mean Ukraine would need to modernize its accounting and tax collection systems, and this is something that has not yet been started.

But in the near future, a simple 10-12 percent royalty rate, applicable over a broad tax base for all fields and wells, and guaranteed in law for five years would be an answer to a market desperate for investment.

Private sector development:

Throughout my career I have been fortunate to hold senior management positions in both highly successful private and state-owned energy companies and have thought about the relationship between the state and the private sector in the oil and gas business a great deal. While the role of the state in our strategic industry will always be important, I believe Ukraine needs to expand the role of legitimate private business in the sector. Although the role of private companies has grown significantly over the past ten years, state companies continue to dominate with around 80 percent of production and 90 percent of proved reserves. Much progress has been made in reforming our state gas producer, UGV, and we are already seeing positive results in terms of investment and production growth. But the private sector will be the main driver for innovation and investment in the future. The experience of the United States and the role of over fifteen thousand small private companies in the hydrocarbon production revolution it has gone through over the past ten years is an example Ukraine must keep in mind.

How can Ukraine expand the role of the private sector? By offering more opportunities to investors. The government needs to focus on offering new licensing rounds. Those licenses where investor commitments are not being met – both state and private – need to be put up for auction. Ukraine needs to overcome the negative legacy of Joint Activity Agreements (JAAs) and offer new, transparent mechanisms for cooperation between the private sector and the state including services contracts and production sharing agreements.

A place to start could be work on giving investors systematic access to hundreds of state-owned wells outside licenses owned by state companies. As General Director of PPC, over the past year, finding ways to work on state-owned wells located within our license boundaries has been a top priority. While we have achieved some success in signing services contracts, the peculiarities of our legislation on the one hand, and public scrutiny of senior management at state-owned companies on the other, make this a difficult and lengthy process. Amending the famous Article 7 of the Law on Pipeline Transport to allow leasing of such wells by UGV would be a good start. Longer-term we need a transparent mechanism for the purchase of such wells by private license operators. After all, the practice of separating ownership of wells from production licenses is almost completely unique to Ukraine and is suboptimal for oil and gas field management.

More broadly, privatization of state assets in the oil and gas sector through a transparent process via auction to qualified investors is something that will be key to Ukraine's long-term success. If Ukraine is to compete for foreign capital with countries like Mexico and India, which have made tangible progress in offering foreign investors a stake in their oil and gas sector over the past few years, privatization needs to stop being a dirty word. This is one aspect of reform still completely missing from Ukraine's Energy Strategy to 2035.



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IMF, Energy Ministry hit impasse over gas prices

BY JOSH KOVENSKY
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Discussions between International Monetary Fund representatives and the Ukrainian government led to an impasse last week, as Energy Minister Ihor Nasalyk announced that the country would not increase the price of natural gas to consumers.

Nasalyk offered a technical reason for the decision, saying that the country's pricing formula determined that the price should stay the same as last year, at Hr 6,957 (\$259) per 1,000 cubic meters.

But insiders say that the government does not want to irritate consumers squeezed between the spike in gas prices, as part of a transition to European market rates, and wage stagnation.

"This was a political, not an economic decision," said Dmitry Churin, a research analyst at Eavex Capital. "The government does not want to increase social instability."

Under the IMF's formula, the price of gas would have to rise 17.6 percent to reach market level.

Gasbags

Ukraine began raising its natural gas prices for households in 2015, following the demands of the IMF and other international lenders.

The price increases are aimed at accomplishing a number of goals, chief among them, to reduce the multibillion-dollar corruption schemes involved in the resale of the subsidized gas for households.



Protestors from Ukraine's Federation of Unions rally against the hike in gas prices. Though possibly reflective of fears in the government, such protests are often paid for by people who made millions off of the heavy gas subsidies that have been reduced since 2015. (Volodymyr Petrov)

Firms controlled by oligarch Dmytro Firtash would resell subsidized gas to industrial companies, using state cash to make a clean profit.

The increased prices also were also meant to spur conservation and stimulate domestic production to advance energy independence in a nation long dependent on Russian gas imports.

The initial rise was sharp. Ukrainians went from paying Hr 725 (\$88 as per the 2013 exchange rate) for the first 2,500 cubic meters of gas in 2013, as the 2014 EuroMaidan Revolution happened, to Hr 7,188 (\$268) in 2016 in the wake of economic crisis.

Prime Minister Volodymyr Groysman made the last price

increase in April 2016, equalizing the amount Ukrainians were paying with import prices at the time.

Naftogaz estimates that every Ukrainian uses around 1,200 cubic meters of gas each winter. Poorer members of the population continue to receive subsidies on their gas usage.

The move, though politically unpopular, earned the government accolades from international lenders that propped up the nation after the start of crises in 2014.

"They corrected the price of gas and made it correspond with the market," said newly installed IMF country chief Goesta Ljungman in a Sept. 27 interview with news website Liga. "In this sense, we approve of their achievements in the framework of the program."

But the recent decision not to raise prices further led to consternation from the Washington D.C.-based lender, with IMF Deputy Chief David Lipton saying in a Sept. 15 interview that "gas prices in Ukraine are very low compared to its neighbors."

The decision to switch to European market prices has put considerable pressure on households in Ukraine, which had grown accustomed to heavily subsidized rates.

"Groysman understands that there is a certain limit to the mood of the population," said political analyst Volodymyr Fesenko, director of the Penta center for political studies. "They would not blame the IMF or Naftogaz, but him. Groysman made a bunch of unpopular decisions at the start of his term, now he needs to maintain his political position."

Churin added that a weakening hryvnia will bring increased pressure on the central budget, he said. "So the government will have some additional problems with this decision not to raise the gas tariff." ■

Anastasia Krasnosilska: No way to do judicial reform

Court from page 1

Without such a court, critical investigations under way by the National Anti-Corruption Bureau of Ukraine will be terminated.

The president promises quick establishment of an anti-corruption chamber in the Supreme Court for top corruption cases that have reached the final appeal, while outlining a long and winding path for the development of anti-corruption courts of first and appellate instances.

Imitation game

Poroshenko proposes the creation of a multi-party group of lawmakers to study the issue in parliament. It is tasked with agreeing on a compromise draft law. Only after that the President will submit the draft as his priority legal initiative.

Yet again, the president adopts the tactics of delays and shifting responsibility. While decisions on judicial reform are obviously taken in the Presidential Administration and passed through a special Council on Judicial Reform under the presi-

dent, a working group in parliament will bring interminably long hearings and meetings without the involvement of key decisionmakers.

To avoid indefinite postponement, the immediate task is to create a working group in the Presidential Administration with a tight deadline for creation of a draft law. The president will then have direct influence on the progress of the group and the shape of its work. It is also another way to test his sincerity.

Since the Council of Europe's Venice Commission will present its opinion and recommendation on anti-corruption court for Ukraine early next week, a deadline of two weeks is enough to draft a new law in accordance with these recommendations.

Moreover, international experts have already presented to the administration their concept of anti-corruption courts and publicly confirmed their readiness to help with drafting the text.

Selection of judges

Poroshenko implies that foreigners are not needed to help select an

anti-corruption court. Unfortunately, however, the results of the competition for the new Supreme Court show that existing bodies are not capable of selecting reputable candidates for judgeships.

The selection of anti-corruption judges should, however, be performed by a special panel that shall include experts recommended by international community. This approach was recommended by international donors, working in Ukraine and, if approved by the Venice Commission, should be adopted as basis for future draft law on anticorruption court.

High price of delay

The newly adopted presidential law on judicial reform drastically reduces the statute of limitations for investigations and invests discredited judges with greater powers in deciding whether to close criminal cases.

With each delay, however, allegedly corrupt officials escape their day in court.

The changes will restrict the length of a criminal investigation of severe crimes to six months unless a judge agrees to extend the deadline.

Now the term of pre-trial investigation, prior to issuance of notification of suspicion is not limited. After the suspicion is announced, the investigation may be extended for up to a year by decision of a prosecutor, not a judge.

Moreover, under the changes, judges' rulings cannot be appealed. New deadlines for investigation are absolutely unrealistic for severe and complex crimes.

For example, NABU cases uncovering the real beneficiaries of corruption schemes require investigating multiple false-front companies and their banking transaction. Gaining access to the records can require up to 10 months because of bank secrecy legislation.

Therefore, requests for extension of investigations are inevitable and the same judges who now block NABU cases will have unchecked powers to terminate cases altogether. This will likely mean an end to important criminal NABU investigations under way involving the head of the Central Election Commission head Mykhaylo Okhondovskiy as well as members of parliament

Oleksandr Onyshchenko, Maksym Poliakov and Boris Rosenblat. Cases against ex-President Viktor Yanukovich could be terminated the same way.

The severe reduction in statute of limitations for pre-trial investigations was introduced by the MP Lozovoy of the Radical Party, who the target of a criminal investigation on tax evasion. The case against Lozovoy is also likely to be closed under new regulations passed into law that he introduced.

In the meantime, criminal Cases filed by NABU are blocked by trial courts all over Ukraine. Pro-presidential speakers frequently claim that the reason is the low quality of NABU's work.

This is not true. In 40 percent of NABU's cases, judges have not even held the first hearing on the case. In cases where hearings have been held, they are normally scheduled as infrequently as once every three or fourth months, creating unacceptable delays in delivering swift justice.

Anastasia Krasnosilska is project manager for the Anti-Corruption Action Center in Ukraine. ■



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In addition to the full range of solar power plants construction works, **Helios Strategia** is also engaged in **wholesale supply** of the necessary equipment for industrial and residential solar power plants.

Our experts will help you in making **the best choice of solar modules, inverters, cables**, as well as other necessary equipment under **the most favorable conditions**.

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Oct. 7, 8



(Courtesy)

'Blade Runner'

One of the most anticipated releases of the year "Blade Runner 2049" will hit world's cinemas on Oct. 5. The movie is the sequel to the sci-fi thriller "Blade Runner," which premiered back in 1982. Kinopanorama cinema will screen the old movie for all those who want to recall the details of the legendary film starring Harrison Ford, before diving into the new story, starring Ryan Gosling.

"Blade Runner." Kinopanorama (19 Shota Rustaveli St.) Oct. 7,8. 3 p.m. Hr 50

Friday, Oct. 6

Classical Music

20th Century Music. Actor's House. 7 p.m. Hr 250-350

Symphony Concert. Music by Boccherini, Haydn. National Philharmonic. 7 p.m. Hr 70-300

Live Music

Rock Hits of the 20th Century. Bel étage. 8 p.m. Hr 250-350

Rigobert Mustelier and Latin band Septimo Sentido. Playing songs about love and passion. Caribbean Club. 8 p.m. Hr 120-390

Clubs

Khalimonova Birthday Concert. Mezzanine. 7 - 10 p.m. Hr 50

Pledov 30th Anniversary. Mezzanine. 11 p.m. Hr 100

Kiko (DJ set). SkyBar. 11 p.m. Hr 350

illumiDance. LED theatre show. Forsage Club. 11 p.m. Hr 30-80

Low Party: Powder (britpop, alternative). Closer. 11:55 p.m. Hr 200-250

Miscellaneous

Fragile State (art exhibition). Pinchuk Art Center. 12 - 9 p.m. Free

Gray Cube (art exhibition). Center of Visual Culture. 2 - 8 p.m. Free

Sergey Grinevich: The Dialogue (art exhibition). Nebo. 11 a.m. - 7 p.m. Free

Trading Illusions: German Artists in Kyiv (art exhibition). Taras Shevchenko National Museum. 10 a.m. - 6 p.m. Hr 25-200

Big Results of Small Businesses (photo exhibition). America House.

12 - 9 p.m. Free. Bring ID

Anna Mironova. Between Strokes (graphics). Ya Gallery. 10 a.m. - 7 p.m. Free

Festival of Young Ukrainian Artists. Mystetsky Arsenal. 11 a.m. - 8 p.m. Hr 60

Playing the Past (interactive photo exhibition). Izone. 12 - 8 p.m. Free

Service: USA, 2010 - Ukraine, 2017 (photo exhibition). America House. 12 - 9 p.m. Free

Nikolay Karabinovych. Gypsy-Techno (art exhibition). Closer. Gallery will be open only during parties in Closer, and visitors have to show an entrance ticket for the current event

Movies

Untitled (documentary, in German). Planeta Kino. 6 p.m. Hr 55-115

Oct. 7



(Courtesy)

'Norma'

Metropolitan Opera's performance "Norma" is to be screened in Ukraine. Sondra Radvanovsky, an American-Canadian soprano, takes the leading role. Staged by Scottish opera and theatre director David McVicar, "Norma" is a story of a high priestess who is torn between duty and desire as she falls in love with a soldier who serves in the enemy's army.

"Norma." Multiplex (Lavina Mall, 6D Berkoverstka St.) Oct. 7. 7:55 p.m. Hr 175

Planeta Singli (comedy, romance, in Polish). Kyiv Cinema. 7 p.m. Hr 80

Shows

Sting (rock, new age, worldbeat). Palace of Sports. 9 p.m. Hr 3,150 - 17,990

Theater

Mini Festival of British Drama. Dovzhenko Center. 5 p.m. Free

Saturday, Oct. 7

Live Music

Ihor Borko (tenor) and National Academic Orchestra of Folk Instruments of Ukraine. Ukrainian folk songs, Neapolitan songs and romances. National Philharmonic. 7 p.m. Hr 70-300

Resonance. Rock hits by Led Zeppelin, System of a Down, Queen and others. KPI Center of Culture and Arts. 7 p.m. Hr 190-750

Clubs

Patrick Bodmer. Get Physical

Music, Berlin. Forsage Club. 11 p.m. Hr 60-100

Rick Wade (deep house, electronic). Closer. 11:55 p.m. Hr 200-300

School Disco. Port creative hub. 8 p.m. Hr 170

Miscellaneous

Fragile State (art exhibition). Pinchuk Art Center. 12 - 9 p.m. Free

Gray Cube (art exhibition). Center of Visual Culture. 2 - 8 p.m. Free

FetishX0 (art exhibition). Akt. 11 a.m. - 9 p.m. Free (during the weekends, the price of the exhibition is included in the entrance fee to currently running festivals)

Trading Illusions: German Artists in Kyiv (art exhibition). Taras Shevchenko National Museum. 10 a.m. - 6 p.m. Hr 25-200

Big Results of Small Businesses (photo exhibition). America House. 10 a.m. - 6 p.m. Free. Bring ID

Festival of Young Ukrainian Artists. Mystetsky Arsenal. 11 a.m. - 8 p.m. Hr 60

Anna Mironova. Between Strokes (graphics). Ya Gallery. 10 a.m. - 7 p.m. Free

Playing the Past (interactive photo exhibition). Izone. 12 - 8 p.m. Free

Service: USA, 2010 - Ukraine, 2017 (photo exhibition). America House. 10-6 p.m. Free

Kyiv Beer Festival. Platforma Art Factory. 11 a.m. - 11 p.m. Hr 100-150

Outlook World Culture Festival. 12 - 4 p.m. Maidan Nezalezhnosti. Free

Nikolay Karabinovych. Gypsy-Techno (art exhibition). Closer.

Svidanie (indie pop). Mezzanine. 8 p.m. Hr 250-350

Theater

Mini Festival of British Drama. Dovzhenko Center. 5 p.m. Free

Norma. The Metropolitan Opera. Multiplex (Lavina Mall). 7:55 p.m. Hr 175

Cinderella (ballet). National Opera of Ukraine. 7 p.m. Hr 20 - 500

Sunday, Oct. 8

Live Music

Black and White Jazz. Playing popular jazz hits and author's compositions. National Philharmonic. 7 p.m. Hr 70-300

Clubs

RnB Boom. Twerk it Low. Forsage Club. 11 p.m. Up to Hr 40

Miscellaneous

Fragile State (art exhibition). Pinchuk Art Center. 12 - 9 p.m. Free

Gray Cube (art exhibition). Center of Visual Culture. 2 - 8 p.m. Free

FetishX0 (art exhibition). Akt. 11 a.m. - 9 p.m. Free (during the weekends, the price of the exhibition is included in the entrance fee to the currently running festivals)

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Playing the Past (interactive photo exhibition). Izone. 12 - 8 p.m. Free

Kyiv Beer Festival. Platforma Art

(Rick Wade/facebook)



Oct. 7

Rick Wade (deep house, electronic)

Big Daddy Rick, as his fans call him, is coming to Ukraine. The Deep House artist from the United States will play a DJ set at the Kyiv's nightclub Closer. Famous for his chill groovy rhythms, Wade started his career back in the 80's in his college years. Today he is an artist with eight released albums and over 80 singles that are considered classics of the deep house music genre.

Rick Wade. Closer (31 Nyzhnoiurkivska St.) Oct. 7. 11:55 p.m. Hr 200-300

Poroshenko fiddles with process, as thieves and murderers escape justice

Fail from page 1

legitimize this process.”

Poroshenko and the High Council of Justice denied the accusations.

“The Supreme Court will start operating this year, and this will be its best composition since Ukraine became independent, because academics, legal scholars, lawyers, human rights activists and lower-level judges will become (Supreme Court) judges for the first time,” Poroshenko said on Oct. 4.

Second, the Verkhovna Rada on Oct. 3 passed a judicial reform bill that would effectively halt many high-profile criminal cases, including major corruption cases and those into crimes committed during the EuroMaidan Revolution that drove President Viktor Yanukovich from power on Feb. 22, 2014.

It also made many other investigations impossible, critics of the legislation say.

And third, Poroshenko has blocked the creation of an independent anti-corruption court for more than a year. He tried to finesse Western and public pressure on Oct. 4, admitting that such a court was necessary, but adding caveats that make it appear he is again stalling for time. Some people think that Poroshenko's focus

is to make as few changes as possible until the March 2019 presidential and parliament elections.

Tainted court

The Public Integrity Council on Oct. 3 urged Poroshenko not to sign any Supreme Court judges' credentials until courts rule on alleged violations that occurred during the Supreme Court competition, and until the High Council of Justice and the High Qualification Commission explain why they rejected the Public Integrity Council's vetoes on candidates deemed corrupt or dishonest.

The violations of the High Council of Justice and the High Qualification Commission include setting a third minimum score for candidates during the first stage of the competition, failing to set a minimum score for psychological and social testing, and refusing to publish candidates' practical work and scores given under each criterion of integrity and professional ethics, the civic watchdog said.

The High Council of Justice and the High Qualification Commission have denied that they committed any violations.

The Public Integrity Council also

more Fail on page 15

Little progress in high-profile criminal cases

BY OKSANA GRYTSENKO
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Although there has been limited progress in major criminal investigations, no major breakthroughs have happened since the EuroMaidan Revolution that drove President Viktor Yanukovich from power in 2014.

EuroMaidan cases

Only one person — a paid pro-government thug, or “titushka” — is behind bars for crimes against protesters. The other 35 people convicted for EuroMaidan crimes so far were given fines or suspended sentences.

Five Berkut riot police officers are currently on trial on charges of murdering demonstrators, and Prosecutor General Yuriy Lutsenko promised in September to send to court the case against the organizers of EuroMaidan murders by the end of the month.

However, the case has not yet gone to trial. Sergii Gorbatuk, who oversees in absentia trials at the Prosecutor General's Office, has argued that the cases cannot be sent to trial because the Ukrainian authorities have so far failed to bring legislation on such trials into line with international standards.

In April, four Berkut officers charged in EuroMaidan cases fled to Russia after being released by courts.

Yanukovich cases

Only one top official who served ex-President Viktor Yanukovich, ex-Justice Minister Oleksandr Lavrynovych, is on trial on graft charges.

In March, a Kramatorsk court confiscated \$1.5 billion in funds linked to Yanukovich associates. But critics have dismissed the confiscation hearings as a political show. Both the investigation and the trial were conducted in secrecy and over just two weeks, and the ruling has not been published.

Prosecutors also sent a high trea-

son case against Yanukovich to trial in March, accusing him of urging Russia to send its troops to invade Ukraine in 2014.

Incumbent corruption

State Fiscal Service Chief Roman Nasirov, an ally of President Petro Poroshenko, and ex-People's Front lawmaker Mykola Martynenko were charged by the National Anti-Corruption Bureau in graft cases in March and April, respectively. However, the cases have not been sent to trial yet.

Poroshenko's top allies Ihor Kononenko and Oleksandr Hranovsky, who are under investigation in several graft cases, have not been officially charged yet.

Separatism cases

Yanukovich ally Oleksandr Yefremov is now in custody and on trial on charges of separatism.

An Odesa court on Sept. 18 acquitted 20 pro-Russian activists charged with taking part in clashes with pro-Ukrainian protesters on May 2, 2014, which resulted in dozens of deaths. Five of them were released from custody, while two were re-arrested.

Court hearings on Kharkiv Mayor Gennady Kernes, charged with kidnapping, torturing and threatening to murder EuroMaidan activists, started in March 2015. However, Kernes is not even under arrest, and the trial has seen no progress.

Ex-Sloviansk Mayor Nelia Shtepa, who was arrested in 2014 on separatist charges, was released from custody and put under house arrest in September.

Ilovaik massacre

In August the Prosecutor General's Office published a report blaming Russia for the massacre of hundreds of Ukrainian troops during the Battle of Ilovaik in 2014.

However, prosecutors have been criticized for ignoring the alleged negligence and incompetence of Chief of Staff Viktor Muzhenko and then Defense Minister Valery Heletei during the battle. They have not faced any charges.

Terror attacks, ammo depots

Earlier this year Georgian-born Timur Makhauri and intelligence officers Maksym Shapoval, Yuiy Vozny and Oleksandr Kharaberiush were killed in car explosions. Russia was blamed for the murders but no charges have been filed yet. Denis Voronenkov, a former pro-Kremlin Russian lawmaker, was gunned down in central Kyiv in March. His assassin, who was fatally wounded on the spot by Voronenkov's bodyguard, turned out to be Ukrainian, but the investigation found he had links with Russia. In September, prosecutors claimed the murder case had been solved but have not named any suspected organizers of the murder so far.

Three big ammunition depots have been destroyed by fires or explosions over the last six months. The most recent one occurred on Sept. 28 in Kalynivka in Vinnytsia Oblast. The authorities didn't name any attackers.

Journalist murders

No suspects have been named in the high-profile murder of Ukrainian-Belarusian journalist Pavel Sheremet in July 2016.

Investigators have so far failed to name the organizers of the 2000 murder of Georgy Gongadze, editor-in-chief of the Ukrainska Pravda website. Ex-police general Oleksiy Pukach was sentenced to life for this murder in 2013, but others implicated in the crime, including former President Leonid Kuchma, have never been charged.

Bank fraud

In December the government nationalized Privatbank, putting the burden of the bank's losses — worth \$5.6 billion — on the country's taxpayers. Central bank officials and anti-corruption watchdogs accused the bank's former owners Ihor Kolomoisky and Gennadiy Bogolyubov of embezzlement and bank fraud. In July, the Prosecutor General's office opened a criminal probe against the former executives of Privatbank for making the bank insolvent. But no charges have been filed so far. ■

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Ukraine's corrupt still free as Poroshenko resists push for judicial independence

Fail from page 14

asked Poroshenko to initiate an international audit of the Supreme Court competition and a restructuring of the High Council of Justice and the High Qualification Commission, which the watchdog said have failed to restore trust in the judiciary.

Cases stalled

Another controversial measure was the adoption by parliament on Oct. 3 of amendments to procedural codes that make the functioning of the new Supreme Court possible.

One of the amendments will make it impossible to investigate many criminal cases, critics of the legislation say. Due to the legal chaos surrounding its adoption, its exact wording was unclear as of Oct. 5.

Under the amendment, prosecutors would have to file notices of suspicion for suspects in criminal cases within six months for grave crimes, and within three months for crimes of medium severity. Otherwise, such cases would have to be closed.

Moreover, all cases must be sent to trial within two months after a notice of suspicion is filed, according to the amendment.

This clause was initiated by Radical Party lawmaker Andriy Lozovy.

Sergii Gorbatuk, head of the department on in absentia cases at the Prosecutor General's Office, said that Lozovy had a conflict of interest in this case, because the bill will let him escape prosecution himself. Lozovy is suspected by the Prosecutor General's Office of evading taxes worth Hr 1.83 million.

Gorbatuk also said that all ongoing EuroMaidan investigations would have to be closed because of the bill.

"It's impossible to investigate complicated crimes, especially corruption and economic crimes, within such terms," Vitaly Shabunin, head of the Anti-Corruption Action Center's executive board, said on Facebook. "This kills anti-corruption reform and any legal responsibility for any serious crimes."

Shabunin said the clause would enable the authorities to close corruption cases against State Fiscal Service Chief Roman Nasirov, ex-People's Front lawmaker Mykola Martynenko, and Central Election Commission Chairman Mykhailo Okhondovsky.

The Reanimation Package of Reforms urged Poroshenko to veto the amendments, and they were even criticized by Interior Minister Arsen Avakov and Anatoly Matios, the chief military prosecutor.

Lozovy dismissed the accusations, saying that his clause will prevent delays in legal proceedings and protect people from groundless charges.

End to transparency

Another amendment to procedural codes allows judges to ban the filming of court hearings even in open trials, and to prevent visitors from attending them if there are not enough seats. Critics say this will deal a major blow to the judiciary's transparency.

Reformist lawmaker Sergii Leshchenko said the amendments would increase court fees and make courts "a privilege for the rich."

The amendments also give state experts a monopoly on forensic examinations, and only a court would be able to authorize a forensic assessment. Shabunin argued that this clause would allow the authorities to control and block forensic assessments.

Moreover, the amendments ban the National Anti-Corruption Bureau of Ukraine from filing motions with any other court than Kyiv's Solomyansky Court, where the NABU is registered. Critics argue that this is an effort by the authorities to restrict the NABU, since they suspect the government has influence over the



Anti-corruption activists protest by the building of High Qualification Commission of Judges on March 1 demanding to publish the profiles of the candidates for the Supreme Court. They wear the black robes of judges and black masks and the posters saying "It's not your business" as a symbol of secrecy of the process of choosing the judges. The 25 out of 111 judges appointed for Supreme Court on Aug. 29 had been vetoed by the Public Integrity Council, a civic society watchdog. (Volodymyr Petrov)

Solomyansky Court judges.

Anti-corruption court

Another crucial aspect of judicial reform is the creation of an independent anti-corruption court, which would be capable of jailing corrupt officials – something the discredited conventional courts have failed to do.

Poroshenko on Oct. 4 finally caved in to pressure, and said that he would support legislation to create anti-corruption courts. Previously, he had resisted the idea, proposing so-called "anti-corruption panels" at existing courts instead.

He suggested creating an anti-corruption court, an anti-corruption chamber at the Supreme Court, and representative offices of the anti-cor-

ruption court in the regions, while at the same time holding competitions to choose anti-corruption judges at lower-level courts in Kyiv.

"An anti-corruption court should be created as the result of a competition, with civil society's oversight," Poroshenko said. "But it cannot be turned into a kind of political inquisition, which some people are dreaming about."

Poroshenko proposed creating a working group and reaching a consensus between the opposition and the government.

The crucial issue is whether the competition for an anti-corruption court will be carried out transparently and independently, or wheth-

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Tainted judges to dominate new Supreme Court

BY OLEG SUKHOV AND
OKSANA GRYTSENKO

More than 20 percent – 25 of the 111 judges appointed by the High Council of Justice to the new Supreme Court – do not meet ethical standards and are deemed corrupt or dishonest, according to the Public Integrity Council, a civil society watchdog.

Apart from these, the Public Integrity Council has concerns about the integrity of about 60 more Supreme Court judges.

Court corruption

One of the most controversial new judges of the Supreme Court is Bohdan Lvov, chairman of the High Commercial Court and reportedly the frontrunner to become the Supreme Court's chairman.

The Public Integrity Council, citing its sources, called Lvov a "placeholder of Viktor Tatkov," the ex-chairman of the High Commercial Court, who has been accused of spearheading a large-scale corruption scheme – a claim denied by Lvov.

Tatkov and his ex-deputy Artur Yemelyanov have been charged with influencing court rulings by illegally interfering in the automatic distribution of cases during the rule of ex-President Viktor Yanukovich.

The High Commercial Court's judges, including Lvov, voted to effectively get rid of the automatic distribution of court cases by assigning just one judge to each judicial specialization, which would allow Tatkov and Yemelyanov to handpick judges for cases that they wanted to profit from, according to the Public Integrity Council.

Vitaly Tytych, a member of the Public Integrity Council, believes that this makes Lvov and other High Commercial Court judges accomplices in the Tatkov-Yemelyanov case.

Lvov, who at the time of the alleged crime was one of the judges working under Tatkov, has been investigated in the case but has not been charged. However, he didn't cooperate with investigators, the council said. Lvov denied commit-



Prosecutor General Yuriy Lutsenko sits for trial in Pechersk District Court in Kyiv on Aug. 17, 2012. Lutsenko was sentenced to four years in jail in a case which the Council of Europe later found being politically motivated. Lutsenko's sentence was endorsed by two judges selected on Sept. 29 for the new Ukrainian Supreme Court. (UNIAN)

ting any violations when he voted for judges' specialization and said he was cooperating with investigators.

Tatkov and Yemelyanov denied all accusations of wrongdoing. Yemelyanov's wife has been found to have 13 million Swiss francs on accounts in Liechtenstein.

When Tatkov left his post, Lvov, who replaced him as chairman of the High Commercial Court, helped to maintain Tatkov's influence on the court's judges, according to the Public Integrity Council.

Lvov kept Tatkov's placemen, gave Tatkov a luxury office, and did not initiate the suspension of judges who were involved in Tatkov's alleged corruption schemes, the council added.

According to the Public Integrity Council, Tatkov schemed to make Lvov his successor as the court chairman after the EuroMaidan Revolution overturned Yanukovich's regime in 2014.

Lvov took care of his predecessor: The Public Integrity Council believes that Lvov falsified the conclusion that Tatkov is not subject to lustration under the law on the dismissal of top officials who served ex-President Viktor Yanukovich. Tatkov was fired under the lustration law in 2016 and fled the coun-

try the same year.

Lvov said he did not have the right to analyze whether lustration applied to Tatkov, and dismissed accusations of wrongdoing.

The Public Integrity Council's Tytych says that the Security Service of Ukraine, or SBU, is covering up for Tatkov, Yemelyanov and Lvov, and is carrying out surveillance over investigators who are pursuing the case. The SBU did not respond to a request for comment.

"If (the investigators) touch these jackals, they'll be destroyed," Tytych says. "Pressure is so high on them and will be even worse if they touch Lvov or some of the appointed Supreme Court judges."

Lvov is also under investigation in a criminal case against High Council of Justice member Pavlo Grechivsky, who has been charged with fraud, but who voted for Supreme Court candidates nonetheless, according to a court ruling and testimony given by an intermediary charged in the case. According to the testimony, Grechivsky has promised to help in a legal dispute with Lvov's assistance for \$500,000.

Lvov said the testimony was a lie, although he has admitted being acquainted with Grechivsky.

Political cases

New Supreme Court judges Vyacheslav Nastavny and Serhiy Slynko participated in the political persecution of Yuriy Lutsenko, now prosecutor general, and the Pavlychenko family under ex-President Viktor Yanukovich.

The European Court of Human Rights and the Parliamentary Assembly of the Council of Europe have ruled that there were legal violations in the Lutsenko case. The European Union's parliament and five EU ambassadors have recognized the Lutsenko case as political, while in 2014 the Verkhovna Rada passed a law to rehabilitate Lutsenko and others as political prisoners.

Maidan cases

New Supreme Court judge Larysa Moroz lied in her asset declaration in 2016, not mentioning that she inherited in 2013 a 56-square-meter house, which she later sold, according to the Public Integrity Council.

Moroz has also canceled the High Council of Justice's decision to fire two judges who ordered the unlawful arrest of EuroMaidan activists, the council said.

Another new judge of the Supreme Court, Iryna Saprykina, lied in her asset declaration by not including the property of her daughter, the Public Integrity Council said. She also banned peaceful assemblies in Kyiv in 2013.

Good judges

Very few new Supreme Court judges stand out as notable exceptions, having good reputations.

One of them is Dmytro Hudyma, who teaches law at the National Lviv University. The Public Integrity Council found no violations in his asset declarations and said he is well-known as a pro bono human rights lawyer.

Another is Oleksandr Mamaluy, who was a judge of the Commercial Court of Kharkiv Oblast when he was drafted into the army in March 2014 following Russia's annexation of Crimea. Mamaluy served as a sniper in the war zone and won a medal for courage. ■

Law to create anti-corruption court blocked by president

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er the process will be under the control of the discredited current establishment.

According to a bill sponsored by Leshchenko, Yegor Sobolev and other reformist lawmakers, anti-corruption judges will be appointed through an open and transparent competition, with the participation of civil society and representatives from Western countries. The judges would have higher wages and security guards to ensure their independence and safety.

Poroshenko, who dismissed the opposition bill as a "PR stunt" on Oct. 4, favors a competing bill submitted by Serhiy Alexeyev, a lawmaker from the Poroshenko Bloc, on the creation of anti-corruption chambers.

Alexeyev's bill stipulates appointing anti-corruption judges at lower courts through competitions that have been criticized by non-governmental organizations as being non-transparent.

Until such competitions are held, incumbent judges of Ukraine's discredited and corrupt judiciary will choose anti-corruption judges from among themselves, and this could continue for a long period of time, according to the bill. At appeal courts, there will be no competitions at all, with anti-corruption judges chosen by incumbent judges.

Poroshenko's critics are skeptical about his recent statement on anti-graft courts, seeing it as another ploy.

Shabunin said the working group was a delaying tactic, while Leshchenko said Poroshenko would likely push for the competition for the anti-corruption court to be held under the guidance of the High Council of Justice and without foreign experts.

That would put the competition under government control, rendering it meaningless, Poroshenko's critics argue. ■


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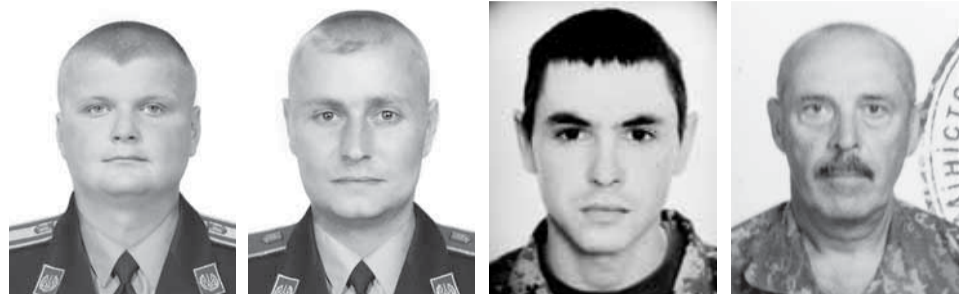
Russia's war against Ukraine has killed at least 2,752 soldiers

BY **OLENA GONCHAROVA**
GONCHAROVA@KYIVPOST.COM

Russian-led fighters have fired Grad rockets at Ukrainian positions for the first time in several months, the Ukrainian military reported on Oct. 4. Some 58 Grad rockets and 10 mortar shells hit areas close to the coastal city of Mariupol in Donetsk Oblast, the military said. Sporadic shelling in several hotspots in

Ukraine's Donbas over the last month – from Stanytsya Luhanska in Luhansk Oblast to the cities of Avdiivka and Maryinka in Donetsk Oblast – have cost the Ukrainian army at least 12 soldiers killed and 36 wounded, according to a Kyiv Post count based on information from the military, volunteers and local media reports.

Read the full story at www.kyivpost.com



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Sergeants take on greater role in army

Army from page 3

bill to completely reorganize the rank system to NATO standards. According to ministry spokesperson Oksana Gavrilyuk, the bill will introduce the ranks of Corporal, Sergeant, Senior Sergeant, Sergeant Major, Staff Sergeant, Major Staff Sergeant, Master Sergeant and Chief Master Sergeant.

The military says they hope the bill will pass during the current autumn session of parliament and enter into force next year.

Non-commissioned officers now constitute roughly 40 percent of total number of U.S. army personnel, while privates make up another 40 percent, and commissioned officers and gen-

erals account for the remaining 20 percent. According to the roadmap of reforms by 2020, Ukraine's forces will also have the same rank structure – and the same emphasis on sergeants as in the U.S. military.

According to Kosynskiy, the change will not only synchronize Ukraine's rank structure with those of the NATO militaries, it will also improve the army's system of promotion and career advancement, making it more transparent and merit-based.

Non-commissioned officer councils, similar to those of the U.S. army, are ready to start functioning in Ukraine's armed forces. Starting from 2018, sergeants will decide whom of their subordinates should

be recommended to senior officers for promotion.

"In general, any contracted soldier can now become a sergeant – it would be a natural step forward in his career. If he tries hard enough, he will become a sergeant heading a fire team, then the head of a platoon, and then become a master sergeant of his company, battalion, regiment, and so on."

"The best of the best would become the Chief Master Sergeant of Ukraine's Armed Forces (analogous to the U.S. rank of Sergeant Major of the Army)." The most senior enlisted rank, this non-commissioned officer acts as a representative of the enlisted men among the senior army command.

No stereotypes

Thanks to war movies like Stanley Kubrick's classic "Full Metal Jacket," popular culture has a stereotype of a typical drill sergeant, yelling at young recruits and punishing them severely for minor offenses.

However, Kosynskiy said, reality is a lot different from the movies.

"Those harsh drill sergeants were a phenomenon of the late 1970s and early 1980s, when there were a lot of people serving who had come through the cruelties of the Vietnam War. Now, things are totally different. I myself received marine sergeant training at Camp Lejeune in North Carolina, and the approach is much more sophisticated."

Still, as Ukraine introduces its U.S.-based army ranks, there will be more drill sergeants in training camps – although they will all be highly professional contract servicemen, Kosynskiy said.

"We're adopting modern U.S. Army and U.S. Marine Corps practices. An army instructor must do everything possible to teach a recruit to survive in combat and get the mission done. Today, it's much more effective to teach with appropriate respect."

"In the reformed Ukrainian army, a recruit will be trained really hard to become a good soldier, but he will no longer be mistreated. That is what shedding the Soviet past is all about." ■

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After 'Dancing With the Stars,' Kamaliya readies charity ball

City Life

WITH TOMA ISTOMINA
ISTOMINA@KYIVPOST.COM

Where to see Kyiv's best views

No one can walk the length and breadth of Kyiv, a city with an area of more than 800 square kilometers, in a single day. But you can see the whole city in just a minute. To do that, go to one of the numerous places that offer panoramic vistas of the right and left banks of the Dnipro River, the historical districts and the many hills and forests.

Here are the best viewpoints to check out:

People's -Friendship Arch

This monument, which used to symbolize friendship between the various republics and peoples of the Soviet Union, was built in 1982. Today, it is the place to come in Kyiv to escape the bustle of Khreshchatyk Street and take in a spectacular view of the Dnipro River, Podilsky district and Havanskyi Bridge. The view is stunning both in daytime, when the sunlight glints on the Dnipro River, and at night, when reflections of the city lights shimmer on the river water.

24/7. Free

How to get there: Walk around 650 meters from Maidan Nezalezhnosti Square along Khreshchatyk Street, cross Yevropeiska Square, passing the Dnipro hotel on the right, and then take the walkway to the arch, passing the National Philharmonic of Ukraine to the left.

Zamkova Hora (Castle Hill)

This historic site was named after a castle that was built there in the 14th century and served as a residence for many Ukrainian and foreign rulers. Located in the historic center of Kyiv, Podil, today the hill has a long staircase leading to its top. The charming view that opens up from the top of the hill combines the colorful buildings on Vozdvyzhenska Street, and other hills nearby, such as Shchekovytsa Hora and Starokyivska Hora.

24/7. Free

How to get there: Walk around 800 meters along Vozdvyzhenska Street from Nyzhnii Val Street, or walk down Andriivskyi Uzviz Street from Pokrovska Street for around 300 meters.



Kamaliya Zahoor, wife of Kyiv Post publisher Mohammad Zahoor, talks about her "Dancing with the Stars" experience, charity work, career and family on Oct. 3. (Daniel Dolgopolov)

BY MARIYA KAPINOS
KAPINOS@KYIVPOST.COM

She still remembers the time when her family had no money to buy food and she had to work hard to support her family.

That's why now, singer, actress and 2008 Mrs. World winner Kamaliya, wife of Kyiv Post publisher Mohammad Zahoor, pays a lot of attention to charity.

"I have been poor, and now I take pleasure in helping other people," says Kamaliya, born 40 years ago in

Russia's southeastern Chita Oblast as Natalya Shmarenkova. She was born in a military family and recalls the times when her father wasn't paid his salary for up to eight months.

To deliver her support, in 2014 she established St. Nicholas Charity Night, run by her Kamaliya Foundation. The event is held in the first part of December for different purposes each time: to raise money for children of killed Ukrainian soldiers, children with Down Syndrome, medical equipment and winter clothing for orphans. The shows have

different themed music — one year, for instance, it was diva music.

Last year, she raised more than \$18,000 that went to the Kyiv Lions Club, an international service organization, that has raised and spent more than \$3 million in Ukraine — mainly to help needy children and purchase medical equipment for hospitals.

This year, the event is scheduled for Dec. 6 at the Hilton Kyiv, the night after the Kyiv Post Tiger Conference in the same place. The theme of the charity ball will be Oscar-winning

songs. Organizers plan to raise up to 50,000 euros, and the money will go to purchase mobile dental clinics in Lviv Oblast for 6,000 children 15 years of age and under. The recipient is Germany-based Regine Sixt Children's Aid Foundation and the project is run by Malteser International.

"Dental surgeries are often located in distant cities and dental treatments are not affordable for the impoverished population. A doctor

more Kamaliya on page 22



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more Views on page 20



People enjoy the view on Podil from Mariinsky Park in Kyiv on May 4. (Volodymyr Petrov)

City Life: Check out best views in Kyiv

Views from page 19

Mariinsky Park

This observation deck is set in one of the biggest parks in Kyiv, Mariinsky Park. Lush with trees and bushes, the park is a great place to take a breath of fresh air and enjoy the outdoors, right in the heart of the city. The observation deck is situated at the end of a pleasant square with benches, right next to the Baroque-style Mariinsky Palace. From here, there is a fascinating view of the Dnipro River, the patchwork of forested islands in the river valley, and the looming high-rises of Kyiv left-bank districts in the distant east.

24/7. Free

How to get there: Walk around 900 meters from Arsenalna metro station along Mykhaila Hrushevskoho Street, then turn right at the Verkhovna Rada, onto the square at Mariinsky Palace.

The Motherland Monument

This huge 102-meter-high monument, which looms over the National Museum of the History of Ukraine in World War Two is not only an impressive sight in itself, but also a place from where to check out a spectacular view. For Hr 200, visitors can get to the view-

point, which is 91 meters above the ground, to see the whole of Kyiv, stretching over both the left and right banks of the Dnipro River. Those who are afraid of heights, or who are unlucky enough to visit when the weather is bad, have another option – for Hr 50 visitors can access a viewpoint on the monument's 36-meter-high pedestal, which also offers amazing views.

Mon-Fri. 10 a.m. – 5 p.m. Sat-Sun. 10 a.m. – 6 p.m. Hr 50, 200.

Address: 24 Lavrska St.

Andriivska Church

This Baroque church, built in the 18th century, is a symbol of Kyiv and a must-see for many tourists visiting the city. But not everyone knows that Andriivska Church has a viewpoint too, where visitors can enjoy a lovely view of the winding street next to it, Andriivskiy Uzviz, as well as other parts of Podilskiy district. Combining a visit to Andriivska Church with a meal at one of the restaurants on the uzviz adds up to a great day in the historic part of Kyiv.

10 a.m. – 6 p.m. Adult – Hr 10, children – Hr 5.

Address: 23 Andriivskiy Uzviz.

Park of Eternal Glory

This park was built after World War Two and is dedicated to the

memory of the soldiers who died in the struggle against the Axis Powers. The park, heavily wooded and thick with bushes, is a favorite spot for walks for those who live in Pecherskyi district. Located close to Arsenalna metro station, The Park of Eternal Glory gives beautiful views to the picturesque hills along the right bank of the Dnipro River, and the buildings of Kyiv Pechersk Lavra. The park also contains the Eternal Flame monument and the Holodomor Monument.

24/7. Free

How to get there: Walk around 800 meters along Ivana Mazepa Street from Arsenalna metro station.

Pishohidnyi (Pedestrian) Bridge

Pishohidnyi Bridge connects Trukhaniv Island and the park area of Pecherskyi district. The bridge is a great spot for an evening walk or a morning run, as well as a beautiful viewpoint, with panoramic views of the wide blue Dnipro River and Podilskiy district. The view is especially impressive during sunrises and sunsets.

24/7. Free

How to get there: walk around 700 meters downriver along the Naberezhne Highway from Poshtova Ploshcha metro station. ■

Then & Now

In partnership with Premier Hotels and Resorts

Bessarabsky market remains durable landmark in Kyiv for more than century

BY ANNA YAKUTENKO
YAKUTENKO@KYIVPOST.COM

Bessarabska Square, in the heart of Kyiv, at the crossroads between Khreshchatyk Street and Taras Shevchenko Boulevard, is well known for its covered market, which is housed in an imposing brick building.

But 200 years ago, the scene was much less impressive. And according to Kyiv researcher Mykhaylo Kalnytsky, even at the beginning of the 20th century Bessarabsky market "had an extremely unpretentious appearance," serving as an outdoor display of goods sold by street vendors.

"By the beginning of the 20th century, Kyiv had been following European architecture trends, and new elegant houses adorned Khreshchatyk Street. However, the market made an unpleasant contrast with them," Kalnytsky says, writing in his blog.

Ukrainian historian Pavlo Lebedyntsev, who lived in the 19th century, had a theory that Bessarabska Square, or Bessarabka, got its name for numerous homeless people who lived there. At that time, they were called *bessarabs*.

Other historians, however, said the square got its name from traders from a southwestern region of Ukraine – Bessarabia.

Kalnytsky said that the place was popular among traders because it was located near densely populated streets and was easy to reach by carriage from Velyka Vasylkivska Street. But by the end of the 19th century, the local authorities wanted to modernize the market, and put it under a roof.

The only problem, Kalnytsky said, was the cost: the market building would cost around 500,000 rubles but the city, with annual revenues of only around 2–3 million rubles per year, couldn't afford it.

Generous inheritance

Luckily for Kyivans, a generous benefactor ensured the market was finally built.

In 1904, the multimillionaire sugar magnate and philanthropist Lazar

Brodsky died, and left 500,000 rubles to the city to build a market.

But the gift came with strings attached, and at first the city didn't want to take up the offer.

According to Brodsky's will, in return for the money, the city had to allocate annually 4.5 percent of the inherited sum, or 22,500 rubles, to institutions funded by Brodsky, such as a Jewish hospital.

"They probably thought that today there would be a market, but tomorrow it might burn down, while the city would have to pay the donations forever," Kalnytsky wrote in his blog.

However, the local authorities and executors of Brodsky's will came up with a scheme to get hold of the money.

The city issued bonds worth 500,000 rubles with a 4.5 percent annual interest rate. The executors of Brodsky's will bought the bonds with the money Brodsky had left. The city then took out a 64-year mortgage using the money. The city planned to repay its debts in full and be free of any liabilities, and the executors of Brodsky's will would have been able to invest the money in other companies and use the returns to keep maintaining Brodsky's institutions.

Kalnytsky said the scheme was perfect, as it allowed the city to avoid perpetual obligations, while at the same time all of the conditions of Brodsky's will were met.

However, history intervened.

"None of the participants of this elegant financial operation could have imagined that in just 10 years the city's bonds would become worthless pieces of paper," Kalnytsky wrote.

But that is what happened after the 1917 October Revolution, which brought the Bolsheviks to power.

Soviet times

Bessarabsky market was built in 1912, and has remained relatively unchanged in appearance since then. The building, which was designed by Polish architect Henryk Gay, reflects the fashion of those times – the modernistic style that was becoming popular across Europe.

According to Kalnytsky, the architect's plans included 31 sales spaces, a large hall where more than 200 vendors could sell their products, and a restaurant. However, even after it was built, people were still selling goods in the street near the Bessarabsky covered market.

The market also had a modern refrigerated room in its basement where food could be stored. During the Holodomor, a man-made famine in 1932–1933 orchestrated by dictator Joseph Stalin, which killed more than seven million people, the refrigerated room was used as

more Then & Now on page 21

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Editor's Note: The Kyiv Post feature "Then & Now" takes a look at how places in the city have changed over time. To be an advertising partner of this special coverage, contact an advertising representative at advertising@kyivpost.com or call 591-7788.

Bessarabsky outlasts Lenin, revolution, war and famine

Then & Now from page 20

a secret morgue for people who had starved to death.

After World War II, from which Bessarabsky market emerged largely unscathed, the Soviet authorities in 1946 erected a monument to Soviet leader Vladimir Lenin across from the market. Some historians believe that the Soviet authorities then considered demolishing the market, as they thought it was inappropriate for the statue of Lenin — a fierce opponent of capitalism and market economics — to be placed so close to the famous market.

According to Kalnytsky, city plans from those times indicate the Soviet authorities instead decided to turn the market into an administrative building.

That never happened and the market is still at Bessarabska Square, while the Lenin statue was toppled in 2013 by EuroMaidan Revolution participants.

Today's Bessarabka

Kalnytsky said that nowadays Bessarabsky market is much smaller than it used to be, as most trade



The distinctive Bessarabsky market, located in the heart of Kyiv at the crossroads between Khreshchatyk Street and Taras Shevchenko Boulevard, doesn't look much different between 1910, at top left, and in 2017. The market, housed in an imposing brick building, opened in 1912 and remains a well-preserved landmark today. (Courtesy/Kostyantyn Chernichkin)

went on not in the building itself, but in the surrounding streets.

In the 1950s, the city authorities built a boulevard with trees and benches on Basseina Street next to the market, but in 2001 it was redeveloped, the trees torn down, and a broad roadway put in its place.

Also in 2001, the Metrograd underground shopping mall was built under the square in front of the market building.

In the last few years, Bessarabsky market itself has been greatly transformed. New cafes with Mexican, Vietnamese and Middle Eastern cui-



sine have opened there, attracting hundreds of office workers from the area nearby during lunch hours.

The opening party of this year's Yalta European Strategy annual conference, organized by oligarch Viktor Pinchuk, was held inside the Bessarabsky market to demonstrate

Ukraine's agricultural and urban potential to foreign guests.

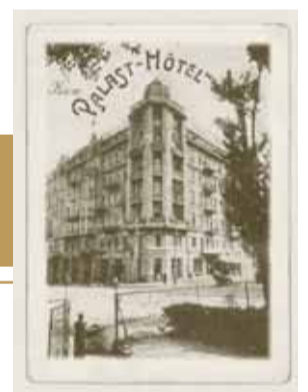
"The changes that are happening with Bessarabsky market follow the global trend to restore old urban markets and turn them into dynamic centers of urban life," the conference organizers said in a statement. ■

Advertisement



A 100-Year Story

"Ladies and gentlemen, our hotel, should always be a second home for our guests", - with these words, its founding manager Jacob Zellermeier instructed his staff of the Palast-Hotel at the beginning of the twentieth century. To this day, employees of the Premier Palace Hotel still hear the same words from their managers. The hotel has been following the rules of perfect professional hospitality for more than a century.



On March 12, 1912, Zellermeier placed an advertisement in the "Kievlyanin" newspaper, informing the high society audience that the new Palast-Hotel was offering 4 exquisite halls, first-rate restaurants and cafes. There was no need to mention that the hotel had comfortable rooms, central heating, water supply, electricity, telephone, and a lift, because it was erected by the renowned Lev Ginzburg, who had other buildings in Kyiv in which he combined true artistic taste and advanced engineering.

In 1895, Ginzburg bought the estate of the knyaz Zhevakhov on the corner of Bibikovsky Boulevard (currently Shevchenko Boulevard) and Novoelizavetinska Street (currently Pushkinska Street). Initially, his company main office was located at this address, but in 1908, on the side of Bibikovsky Boulevard, he decided to clear the area which is now part of the hotel. It was built by architect Eduard Bradtman, a graduate of the Saint Petersburg Academy of Arts who worked in Kyiv from 1898. In 1910, the construction of the hotel Novoelizavetinsky began. Architects Adolf Minkus and Favel Troupyansky from Odessa worked on the project. On January 1911, the Kyivans finally saw a façade whose style combined the elements of Art Nouveau and Art Deco, and a year later, the owner Mendel Getsovich-Mirkin announced its grand opening. It happened at the same time when Jacob Zellermeier placed an advertisement in the newspaper that attracted the attention of the Kyiv residents. This began the long and rich history of what would be known as Kyiv's best hotel.

Palast-Hotel was a seven-storey building with 150 elegant and comfortable rooms that offered first-class services. In its first year of operation,

the hotel hosted many guests, especially when an All-Russia exhibition was held in Kyiv. The hotel also offered transport services: at the request of the guests, a horse carriage or a car with a driver would be waiting for them at the front door. The restaurant and the cafe was able to host more than 1,000 guests at a time and proved to be a popu-



Premier Palace Hotel, Kyiv, Ukraine

lar venue for luxurious receptions and respectable public meetings, with fresh newspapers available in what were known then as reading rooms. The hotel's fame quickly grew across the empire and far beyond its borders. In many respects, the hotel was far ahead of its time, but it also had to endure continued misfortunes that Kyiv and the whole country would face over and over again.

When a struggle for power appeared in Kyiv, the hotel was caught in the centre of the battlefield. For some time, it was used as a German Consulate building, and later, it would become the residence of the Turkish Ambassador. It was in his apartment in 1918, that the last Ukrainian hetman Pavlo Skoropadsky decided to lay down his mace.

For many years, a free Ukrainian state would cease to exist, but for the hotel, it would continue in the context of a new country with new historical circumstances and under a new name: Palast-Hotel would be renamed as the "Palace" and later the hotel would become "Ukraine".

During the Second World War, the hotel would suffer great damage that would result in connecting the two Ginzburg buildings during reconstruction into one modern hotel as we see today.

Throughout the times, the most famous guests from all over the world would choose this hotel. They include Vera Komissarzhevskaya, Lyubov Orlova, Vladimir Mayakovsky, Vladimir Vysotsky, and Alexander Vertinsky. In order to take refuge from fans, who would consistently disturb him even in

the hotel, Leonid Utyosov would put a note on the door: "Do not disturb, or bad singing will be heard at the concert!". Other guests of "Premier Palace" have included Sophia Loren, Ornella Muti, Jean Reno, Jerzy Hoffman, Condoleezza Rice, Brian Adams, Enrique Iglesias, Patricia Kaas, and many others.

In 1999, the hotel was reconstructed and regained its high status and historical name. As the new millennium began, a new era was ushered in. In 2001, the Premier Palace Hotel became the first five star hotel in Ukraine. In honour of its famous guests, there are thematic rooms that possess elements of different historical epochs: they include the "Hetman" room, which is decorated in Ukrainian Baroque style and has a panoramic semi-luxury, as well as the "Roksolana" room. There are also rooms named after well-known guests who have lived in the hotel, such as "Lyubov Orlova", "Vladimir Vysotsky", "Serge Lifar", and many others. In 2003 the hotel became the flagship of the Ukrainian Premier Hotels and Resorts hotel chain.

Today, modern conference rooms, internet facilities mixed with a wide range of impeccable services continue to surpass the level of even the most discerning guests. But, it is important to note that the Premier Palace Hotel has a unique advantage that no other hotel can boast across Europe: It has a rich history and tradition of hospitality which are consistently being improved every day.

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St. Nicholas Charity Night set for Dec. 6 to benefit children

Kamaliya from page 19

appointment usually only takes place in case of emergency," according to Malteser International's explanation of the project. "Due to the fact that many young people return into poverty after leaving the children's home, their dental care does not improve and many do lose teeth in young years."

Kamaliya hopes her involvement will promote a "culture of charity for others to follow." Unfortunately, she said, philanthropy is not always appreciated in Ukraine.

"The majority of people believe that if you have money you either stole it or earned it in a very dishonest way," says the singer-actress. "Somehow, they prefer to forget that my husband provides workspaces to thousands of people in Ukraine, invests in this country his own money and we both give a lot for charity."

With such strong support from her husband, a multimillionaire, she is portrayed in some media as a spoiled wife who would not have a career without Zahoor. The reality is that Kamaliya broke into show business long before meeting Zahoor 14 years ago.

On her way to success

Before getting married in 2003, Kamaliya was a young, aspiring singer with potential. She had a band and used to sing at weddings, corporate parties, hosted TV shows and recorded music videos. By the age of 25, she had already received numerous music awards.

Tall, blonde and gifted with an enchanting voice of great range, Kamaliya always had more than her share of attention from men. Some bookings to sing at corporate parties were motivated by men looking to



Kamaliya performs at her third annual St. Nicholas Charity Night in Kyiv on Dec. 12, 2016. (Kostyantyn Chernichkin)

meet her. Kamaliya came up with a way to deflect unwanted interest. "I would simply send all these fellows to my mother," Kamaliya says.

Her mother even became her manager and helped Kamaliya to organize concerts. "It was a time when I did not rely on men and called myself a feminist," says Kamaliya.

When her future husband stepped in, she paid no special attention at first and referred him to her mother.

Happily ever after

July 11, 2003: This is the day that changed the lives of Zahoor and Kamaliya. They met for the first time at a business party. She came with a friend of the family and Zahoor was there to talk business with his partners.

Back then, he adored Sarah Brightman, a British singer with a strong soprano. But after meeting Kamaliya, Brightman faded to No. 2 on his list of favorite singers. Kamaliya has been his No. 1 ever since.

In 2003, Zahoor knew nothing about Ukrainian music. He found out about Kamaliya's popularity only after being introduced to her.

"Could you sing something?" he asked.

She could — and did.

"It was a one-two punch," recalls Zahoor. "She was both beautiful and had an amazing voice."

Kamaliya says that Zahoor made a great impression, although she had no idea who he was or his success in business.

"It came to my mind that he was not a simple man, but that was all I knew," she says.

In a week, she received a call.

"Good afternoon. My name is Zahoor," she remembers a confident voice saying. "Do you remember me? I would like to invite you to sing at our corporate party."

Although Kamaliya did remember him well, she worried that his intentions were not serious.

"Please, talk to my manager," she said, sending him to her mother as usual.

But the voice over the phone did not give in.

"My manager will talk to your manager," he said. "And I will talk to you."

And that's how their relationship started.

In a week, Zahoor invited Kamaliya to sing at a corporate party. She did not know yet about Zahoor's penchant for doing things on a grand scale. (He sold his steel business in Donetsk in 2008 for close to \$1 billion, a year before he bought the Kyiv Post for \$1 million from its American founder Jed Sunden.)

The party turned out to be a performance at the Metallurg Arena, with a capacity of 15,000 spectators. Their relationship developed quickly. In less than two months, they got married.

Ukrainian music scene

While her marriage bloomed, Kamaliya found it harder to develop her singing career in Ukraine.

"My songs are listed in the top charts all over the world, people know me there, but in Ukraine at radio stations, I was told my music is not the type they are looking for. In Ukraine, I am portrayed as the spoiled wife of a rich husband who

does nothing but spends her husband's money."

As an example, she brings up "The Rich Also Cry" TV show aired on 1+1 TV channel in 2012 which, according to her, portrayed her as a lavish spender but did not "show hours I spend in the recording studio working hard on my new songs and how serious I am about my singing career."

Kamaliya rose to the peak of her popularity worldwide by participating in the UK reality show "Meet the Russians" where she was the leading character. Kamaliya was also among the first Ukrainian artists to openly support equal rights for the lesbian-gay-bisexual-transgender communities.

Another pivotal event took place when Kamaliya took part in "Dancing With the Stars" in Ukraine. Invited to participate, she took note of Zahoor's skepticism.

"If she won, people would say I paid for that," says Zahoor. "So I did not see the point for her to participate."

But Kamaliya convinced Zahoor that participating in the show was important to her, regardless of whether she won or lost the competition.

"Dancing With the Stars" kicked off on Aug. 27 on 1+1 TV channel. With her dancing partner, ballroom dancing champion Dmytro Zhuk, Kamaliya performed samba, pasodoble, rumba, contemporary and jazz live on stage and caught the attention of the Ukrainian audience.

"I have received so many e-mails, had such a huge support," Kamaliya says. "I think people got to know me

better as a person."

Zhuk helped Kamaliya to feel confident on the stage. Yet the judges criticized the couple. "Dmytro and I were the ones to be criticized," she complained.

She also seriously injured a muscle, complicating her performance and forcing her to dance on painkillers.

"I would split my time between workouts and visits to the doctor to sedate my pain," she says. "It was a very tense time."

After the show, she would watch the recordings of her dancing. Kamaliya notices that the illness influenced the way she performed on stage.

"If it wasn't for the pain, I would do much better," she said. "I knew the moves."

Kamaliya left the show on Oct. 1 because she and her dancing partner didn't win enough votes from judges and the audience.

Yet these five weeks of hard training paid off in greater fitness and strength, which she's keeping up by sticking to a healthy diet.

Now, besides raising their 4-year-old twin daughters, Arabella and Mirabella, she has recently recorded her new album called "Timeless."

Kamaliya's music has changed over the years. She started her career singing techno and now sticks to dance, lyric, pop and classical crossover.

The happy mother and wife is doing what she loves — developing her talent, music and voice — while remembering to raise money for Ukraine's neediest children, just as she cannot forget her own humble origins. ■

Kamaliya highlights

Acting

- "My Widow's Husband" — movie (2010)
- "Mantera" - movie (2012)
- "Officer Down" — movie (2013)
- "What About Love" — movie (planned release in 2018)
- "Fathers and Sons" — TV soap
- "Bagarne Effect" — TV soap
- "Million Up to the Sky" — TV movie
- "The Rich Also Cry" — Ukrainian reality TV show (2013)
- "Meet the Russians" — British reality TV show (2013)
- "Lifestyles of the Rich and Famous" — TV shows in Poland, Japan, Holland, Germany, U.S.

Music singles

- "Crazy in My Heart" (2011)
- "No Ordinary Love" (2012)
- "Rising Up" (2012)
- "Arrhythmia" (2012)
- "Butterflies" (2012)
- "I'm Alive" (2013)
- "Love Me Like" (2013)
- "Never Wanna Hurt You" (2014)
- "Timeless" (2016)
- "Aphrodite" (2016)
- "Sign Your Name" (2017)
- "Make Me Feel" (2017)
- "Legend" (2017)



Professionals for Reform Support Mechanism (PRSM) provides human resource support – from managers to technical experts – to critical reform initiatives undertaken by national governmental agencies. PRSM is currently seeking candidates to fill the following expert positions for the Government of Ukraine:

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- Technical Writer.

For the National Deinstitutionalization Reform Office (NDIRO):

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For the Regional office in western Ukraine of the Ukraine Investment Promotion Office (IPO):

- Business Relationship Manager; • Investment Analyst.

For the Administrative Services Reform Office (ASO):

- PR & Communication Specialist.

For the Export Promotion Office (EPO):

- Export Education Sector Lead; • Export Education Team Member;
- Export Consulting Team Member; • Marketing & Communications Sector Lead; • She Exports Platform Program Manager.

For more detailed information about preferred qualifications and skills, indicative duties and responsibilities, as well as applying procedure, please visit web-site: <http://edge.in.ua/vacancies/>

TENDER FILE
FILE Ref: KOS/PR/17053/17/038
and KOS/PR/17053/17/041



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logco@premiere-urgence.com.ua;

[For all additional questions and queries please contact the listed above](#)

DEADLINE FOR RECEPTION

Attn.: PREMIERE URGENGE INTERNATIONALE-PUI
Ref: KOS/PR/17053/17/038 and KOS/PR/17053/17/041
October 13th of 2017, until 17:00 PM

OFFICE MANAGER WANTED



koval@kyivpost.com



Global Communities – DOBRE project is seeking qualified Consultant to design and deliver practical trainings

“Moving From Strategy to Action” to Achieve Local Economic Development

Global Communities/DOBRE wishes to engage individual Trainers/ Consultant (s) to create and deliver practical trainings that increase the capacity of Ukrainian Municipal “Local Economic Development” teams and support organizations (educational institutions, NGOs, consulting organizations), in:

“Moving from Strategy to Action” to Achieve Local Economic Development.

Selected trainers/consultant(s) will design and deliver 2-day practical workshops that enable municipal economic development teams to create “action plans” needed to guide community efforts to implement specific programs and projects that focus on priority Local Economic Development needs. The practical workshops will instill critical knowledge and skills needed to operationalize the communities’ Strategic Development Plans and assist participants in drafting and implementing specific “action plans” focused on priority areas.

The training will enable participants to lead the creation and implementation of the projects and answer questions such as:

- Describe the project goals and how it fits into the community’s Strategic Development Plan?
- What specific economic benefits will the project bring to the community?
- What are the human, financial, time and other needs of the project?
- What are the anticipated challenges or “roadblocks” to implementing the plan?
- When and how will the plan be initiated?

The selected Consultants(s) will design and deliver up to nine 2-day practical workshops where DOBRE is working, including Kharkiv, Dnipropetrovsk, Kherson, Kirovohrad, Mykolayiv, Ivano-Frankivsk and Ternopil Oblasts. The training will be delivered in the Ukrainian language.

APPLICATION PROCEDURE

A full description of the Training Opportunity can be found www.kyivpost.com/classifieds/jobs/trainerconsultant
Proposal packages should be submitted to UkraineHR@globalcommunities.org indicating

“Moving From Strategy to Action”
in the subject line by COB October 22, 2017.

URC seeks technical advisors for USAID funded health reform support activity in Ukraine to support health sector governance; health care financing models among public and private providers; health workforce strengthening; eHealth and information and communications campaign delivery; and service delivery systems strengthening.

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3. Health Service Delivery/Human Resources for Health.

Qualifications: A master’s degree in public health, health policy, social science or related field is required. At least 5 years’ of managing and providing technical assistance in specific technical areas, English required; fluency in Ukrainian/ Russian desirable.

Apply at <http://www.urc-chs.com/careers> and select Kiev, Ukraine under All Location tab.



The National Democratic Institute for International Affairs (NDI) is a non-profit organization working to strengthen democracy worldwide.

NDI-Ukraine is currently seeking a Program Officer for Women’s Political Participation Program. The position will be based in Kyiv and require some local travel.

Interested applicants should submit CVs and motivation letters in English by email to the following email address:

ukraine@ndi.org

Deadline:

The deadline for the submission of the required documents is by close of business **on October 18, 2017**. Only selected candidates will be invited for a **written test and an interview**.

Full text of the advertisement can be viewed [here](#).

www.kyivpost.com/classifieds/jobs/womens-political-participation-program-officer



ICPS seeks qualified candidates to fill following positions:

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