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Foreign Policy Insight

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Foreign Policy Strategies and Decisions

From “Minsk” format to “Geneva” one — through hardships to the settlement



On the night of November 5, 2014, the site of the President of Ukraine published another report on his telephone conversations with a representative of one of the countries that consistently demonstrated support for the territorial integrity and independence of Ukraine not in words but through its actions. This is a conversation with US Secretary of State John Kerry. Taking into consideration almost daily Petro Poroshenko's consultations with leaders of many democratic countries of the world, this information could be ignored if not for one “but”. First time in many months, Ukraine encouraged the US side to resume the Geneva multilateral format of dialogue at the level of Foreign Ministers for a peaceful settlement of the situation in Donbas.

Ukraine encouraged the US to resume the Geneva format of negotiations

As it is known, the first and, so far, the only meeting in this format took place on April 17, 2014, in Geneva. Then Acting Foreign Minister of Ukraine, Andriy Deshchytsia, went to Switzerland with approved by the government directives. Adopted by the results of Ukraine-Russia-theEU-US negotiations, the Geneva declaration aimed at quelling the violence in Donbas and transforming the situation in Ukraine into the legal framework. It emphasized the need to disarm all illegal armed formations and release trapped buildings. If these conditions were fulfilled, the protesters would be granted with amnesty.

At that time, the reached agreements were perceived ambiguously in the Ukrainian society since they did not mention the return of Crimea annexed by Russia just a few weeks before the Geneva meeting. However, the results of that meeting gave a reason for cautious optimism, as they contained

a general but clear sequence of actions focused on stabilization of the situation in Eastern Ukraine.

As time has shown, the optimism was not justified and the document provisions remained unimplemented. There are several reasons for that. Among them are the weakness and indecisiveness of Ukrainian central government, Russia's unwillingness to defuse running destabilization scenario in eastern regions of Ukraine, and the withdrawal of the armed forces from local and Russian leaders' control. However, the crucial factor that reneged on the agreements was violation of the format launched in Geneva talks. Already in June, there was so-called trilateral contact group, the membership of which constantly changed, and so-called Normandy negotiations format was enforced. Sporadic bilateral Poroshenko's consultations with leadership of the EU, OSCE, France, Germany and other partner countries were held. At the same time, for almost 7 months after the first meeting in Geneva, multilateral negotiations with US participation did not take place.

Geneva Statement from April 17 remained unimplemented

It is quite obvious that the agreements reached in Minsk, signed by the Protocol from September 5 and revised by the Memorandum on September 19, 2014, had both positive and negative aspects. However, the main mission, namely, peace settlement and Donbas revival within Ukraine, ended in failure. In view of this, the main task of Ukrainian diplomacy at the moment is to resume the talks in the Geneva format without rejecting so-called Minsk arrangements. In order to increase a comprehensive scale of the settlement, it is also very desirable to involve the representatives of the UN and OSCE, the powerful and influential

The Minsk agreements failed the mission of peace settlement

international organizations that have experience of post-conflict solution in different parts of the world. After all, the case is not only about ceasefire and withdrawal of Russian troops from Ukraine, but also restoration of ruined infrastructure, return of refugees and internally displaced people, and, most importantly, the reconciliation of different population groups which sympathized or even openly supported different parties of the conflict.

The Russian Foreign Ministry's immediate reaction to the President Poroshenko's initiative, which, in fact, was disavowed by the Deputy Minister of Foreign Affairs of Russia Grigoriy Karasin after the negotiations between Minister of Foreign Affairs of Russia Sergey Lavrov and US Secretary of State John Kerry on November 8 in Beijing, indicates that the Kremlin is prepared for this situation. However, the two key events will affect the decision to resume negotiations in Geneva format: the results of Russian President Vladimir Putin's participation in the G20 summit, which will take place on November 15-16 in Brisbane (Australia), and the Vice President Joe Biden's visit to Ukraine on November 21, 2014.

Although there is no information about the possibility of bilateral talks between the leaders of Russia and the US, there is still hope that Vladimir Putin and Barack Obama are aware of their responsibility for the future not only of Ukraine but Europe in whole, and that they will use Brisbane as the platform for constructive dialogue. In Ukraine, the US and Europe they realize that the Minsk agreements almost exhausted themselves. For the sake of peace in Donbas, these agreements should be replaced by a system of international agreements, such as famous Dayton Accords, whereby they managed to end the fratricidal wars in the Balkans in the mid-90s.

The Minsk agreements almost exhausted themselves

Catalan "referendum" — a test of Europe separatism

On November 9, 2014, an informal referendum in the format of a poll on independence of this region of Spain was held. Despite decision of the Constitutional Court of Spain on its illegality, the voting took place. According to the published data,

the referendum involved approximately 2.25 million people, 80.7 % of whom were in favour of full independence of Catalonia.

Independence supporters in Spain managed to circumvent the court suspension

Despite the court suspension, the referendum was rebranded as a “consultation with people” and the vote was staffed by volunteers, with the absence of formal electoral rolls, and demonstrated an open defiance to the central government of Spain. By the way, about 3.7 million people out of an eligible 5.4 million voted during Catalan parliamentary elections in 2012. Before the “referendum”, the supporters of independence tried to mobilize their own resources and even allowed 16-year-olds to vote. The Catalan government considers the vote a major step towards the long-awaited independence of the region, while the central government of Spain stresses the illegitimacy of the event.

With the beginning of economy recession and an increase in unemployment in Spain, separatist sentiment in Catalonia only intensified. The region with GDP of 300 billion USD transfers to

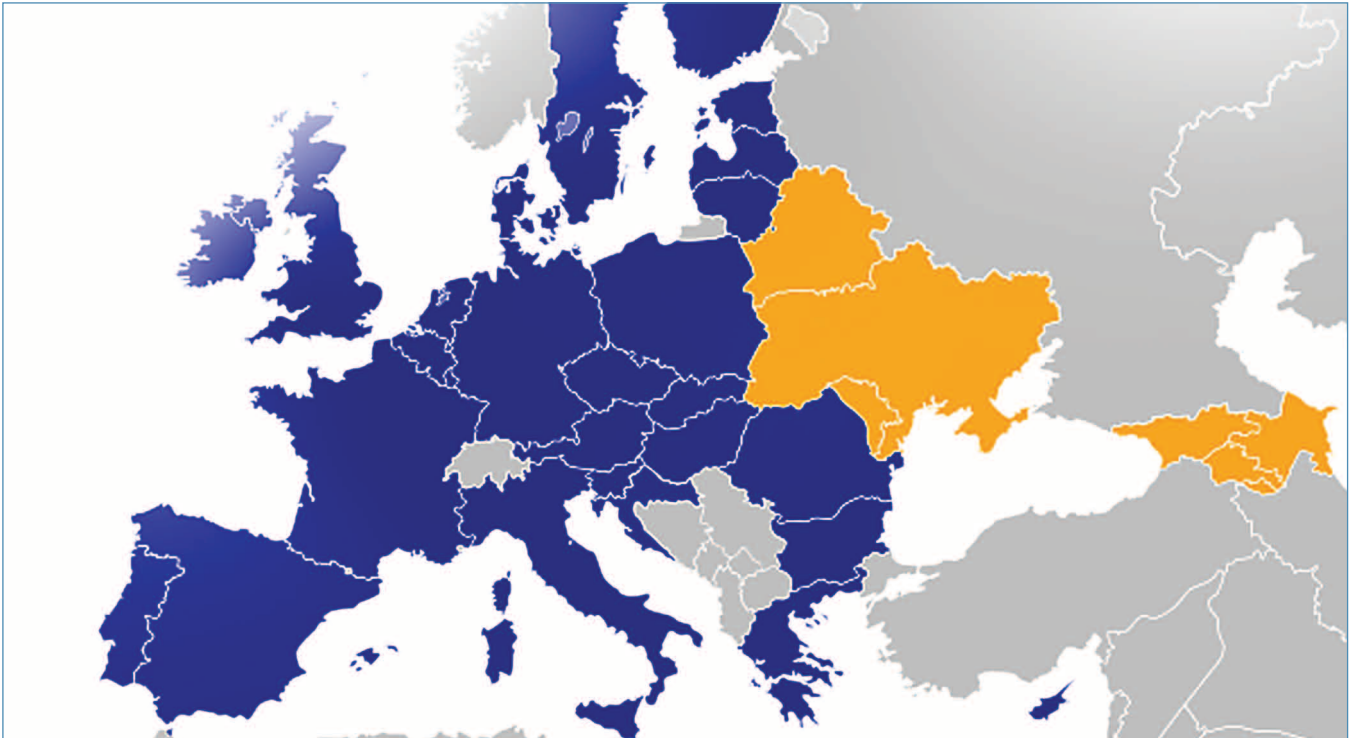
the state treasury of Spain 15 billion euros more than it receives for its needs. As a result, according to this year sociological research, the number of fighters for independence and secession from Spain has doubled since 2011. The Spanish government, headed by Mariano Rajoy, keeps losing support among the population due to the introduction of significant budgetary economy and a number of high-profile corruption scandals.

Even though the results of the referendum will not have any legal consequences, the government of Catalonia will use them as a lever of pressure on official Madrid in an effort to achieve greater autonomy and the right to hold a binding referendum on region separation.

The results of the referendum will be used as leverage to pressure official Madrid

European focus

Associative relations between the countries of the Eastern Partnership and the EU institutionalize



Three countries of the EU initiative “Eastern Partnership” — Georgia, Moldova and Ukraine — signed the Association Agreement with the EU this year.

On November 1, the European Union-Ukraine Association Agreement entered into force. Nevertheless, most of its provisions will be launched only in January 2016. It refers only to the provisions concerning the free trade areas, while the political part of the agreement will be enacted only after undergoing ratification by all 28 EU member states.

However, despite partial implementation of the Agreement, the formation of the joint EU-Ukraine unities has been announced. Currently it comes to the inaugural meeting of the Association Council, bilateral

The inaugural meeting of the Association Council will take place on December 15 in Brussels

institution of the highest level, scheduled for December 15, 2014. The meeting will take place at the session of the European Council in Brussels, so, obviously, will attract attention of the entire European community.

Similar meetings with other EaP countries, Georgia and Moldova, are scheduled before the end of this year and at the beginning of the next. These activities take place briefly after signing the Agreements, which reaffirms the EU political support of three states by providing a reliable indication to each of them. At first glance, all three countries, former Soviet republics, are similar in transition economies and frozen conflicts (occupied territories). However, the Association Agreement is objectively the only thing uniting them. During 6 years of the EU initiative “Eastern Partnership”, these states did not cultivate any special “horizontal” relations among them. Particularly, the government and executive levels lack such relations.

It should be mentioned that 6 countries went into the Eastern Partnership, but only three of them resulted in the Association Agreements, which are also “not an ultimate goal in relations with the EU”. Belarus entered into the initiative because of its location. President Lukashenko has already made his geopolitical choice and defined the direction of the state development, but even this does not prevent him from maintaining normal trade relations with the EU. Armenia found itself in the wrong place and at the wrong time: it rejected the Association Agreement but still, despite the declared intentions, did not issue its membership in the Customs Union. It is possible that one of the reasons why Armenia did not enter into this community is Russian aggression against Ukraine. Azerbaijan also refused to sign the agreement due to the inconsistency of cooperation, which existed between Azerbaijan and the European Union in November 2013.

Only three states of the Eastern Partnership resulted in the Association Agreements

Instead, cooperation between these three states in a civil sector is more active. The Eastern Partnership Civil Society Forum has existed over 5 years. Moreover, according to the Association Agreement, each state should create a corresponding platform for civic cooperation with the EU.

According to Art. 469 of the Association Agreement between Ukraine and EU, the Platform is made up of representatives of Ukrainian civil society and members of European Economic and Social Committee (EESC). The special feature of this European institution is its formation on an equal basis by representatives of employers, labour unions and other non-governmental organizations of different directions.

The Constituent Assembly of the EU-Ukraine Civil Society Platform was held at the beginning of November. At the Constituent Assembly coordinators of 15 working groups were selected, each to be responsible for cooperation in different aspects of the EU-Ukraine Association Agreement: from political dialogue to transboundary cooperation. EU will be represented by 15 members of EESC, while the first joint consultations will be held on Novem-

ber 14. It should be noted that the format of cooperation between Ukrainian civil society and the EU has been already extended. At first, as many as 7 representatives of each party were to work at the Platform. However, Ukraine managed to convince European representatives to increase the number of representatives to achieve the best possible result for the implementation of the EU-Ukraine Association Agreement. Similar processes are now happening in Moldova and Georgia. Though the agreements between three states and the EU are similar, yet they have many peculiarities and nuances. For example, Moldova-EU Civil Society Platform will comprise representatives of Moldovan and European civil sector, “including” EESC members. “Including” is a very important and absolutely positive thing here, as it gives parties a broader room for manoeuvre as regards the best format of cooperation.

Georgians went even further as it is stated in the Association Agreement between Georgia and the EU that the Platform should comprise representatives of Georgian civil society sector, “including” members of the Eastern Partnership Civil Society Forum. Thus, representatives of Georgian civil society protected and reinforced achievements they had managed to achieve during the Forum existence.

Unfortunately, the article on the creation of the Platform in the Association Agreement between Ukraine and the EU is not so flexible. However, it is possible that the EU together with its partners will elaborate a necessary model of cooperation, which will be applied while working with three Eastern Partnership states.

In general, future EU initiatives as regards the Eastern Partnership have not been defined yet. Brussels has not made any decision on further existence of the Eastern Partnership. For the time being, no conclusions have been made as to results and failures of the Eastern Partnership. It is clear that the countries which signed the Association Agreement fulfilled most of their obligations. For this reason, they deserve to deepen their cooperation with the EU according to the EU principle “more for more”. As for other countries, it is necessary to look for other new model of cooperation according to the way of development they chose.

Regional and global focus: implications for Ukraine

Deficiency of reforms in Ukrainian energy sector



Ukrainian President Petro Poroshenko and Prime Minister Arseniy Yatseniuk's teams declared a clear course toward European energy integration. Firstly, the Association Agreement between Ukraine and the EU has been signed, which allow for moving from partnership and co-operation to political association and economic integration. Secondly, the main result of cooperation between Ukraine and Energy Community has been achieved, which is the signing of "Memorandum of mutual understanding which provides for partnership between the Ministry of Energy and Coal Industry of Ukraine and the Secretariat of Energy Community". Thirdly, the implementation of the Third energy package has started which should

have a positive impact on the development of competitive domestic oil and gas market and ensure energy security for the entire Eastern European region. Political will and accountability of Ukrainian government will undoubtedly facilitate effective and meaningful energy dialogue between Ukraine and the EU.

Despite a strong media campaign for enhancing cooperation between Ukraine and the EU in energy sector as well as a number of public events and government announcements, actual reforming of domestic energy market has not started. In this regard the increase

True reforming of domestic energy market has not started yet

in energy prices and tariffs should be in no way viewed as an instrument of reforming. As of today, no conditions have been created for enhanced competition on oil, gas, electricity and renewable energy market. Energy sector is in dire need of new reforms to secure energy supplies, ensure economic growth and social stability.

As of today, Ukrainian government is facing a serious problem of energy dependence on Russia. Baltic states, for example, used to deal with Russia using natural gas as a leverage of political pressure on them to achieve Russian geopolitical goals. Today, Lithuania, Latvia and Estonia are completely dependent on Russian gas. However, a balanced policy of these states is directed at diversification of energy supplies and creation of competitive environment inside the country. In November 2013, European Commissioner for Regional Policy Johannes Hahn and the President of Lithuania Dalia Grybauskaitė agreed to build a first floating terminal for transporting of liquid natural gas (LNG-terminal). On October 27, 2014 such terminal was opened. Klaipėda terminal will play an important role in the region, as this is a guarantee of energy security. If necessary, it can cover 90% of gas needs of Baltic states. According to some forecasts, after 2015 Lithuanian terminal will speed up changes in energy sector of the region, as its general annual capacity will amount to 4 bln cubic meters, which is enough to meet demand for natural gas in Lithuania. In addition, it can partly satisfy Latvian and Estonian gas demand, with annual gas consumption reaching 1.08 bln cubic meters.

LNG-terminal
may satisfy 90%
of gas needs
of Baltic states

In order to lessen energy dependence on Russia, Ukraine should also build its own LNG-terminal. In fact, the idea of such a terminal appeared in 2010. Over the following years necessary papers were collected and in 2012 construction of the terminal started. However, the construction process is very slow.

The main task of Ukraine under energy dependence is undoubtedly the reduction of gas consumption and development of domestic infrastructure for gas production. National advantages in this regard are the fact that Ukraine is a gas producer, unlike Baltic states or Poland. The annual gas production in an amount of 20 bln cubic meters indicates that Ukraine produces much gas. However,

Ukraine consumes around 50 bln cubic meters annually, which significantly exceeds domestic gas production. For example, Poland produces 12-16 bln cubic meters of gas annually, though in terms of population, territory and economic structure Poland is similar to Ukraine.

In order to ensure domestic gas production to meet gas needs of Ukrainian households and achieve energy efficiency, a new government should tackle complicates energy issues, namely the creation of favourable tax environment for private energy producers, increase of domestic gas production by state companies and attracting of foreign investment. As of today, Ukraine imports more than 8 bln cubic meters of gas annually for household gas consumption. Ukraine also has gas deposits which have not been exploited due to their location: they are located very deep beneath the earth. Besides, it is costly to extract such gas. In order to stop importing gas for household consumption, Ukrainian company "Ukrigasvydobuvannya" should increase gas production by 5-6 bln cubic meters, which accounts for almost 40 %. However, such a result is not feasible as the company practically does not increase own production capacity due to the lack of investment. Today, "Ukrigasvydobuvannya" needs investment worth from USD 500 mln to 1 bln annually. In this situation only private companies and active attracting of foreign investment may increase gas production and solve the issue of energy independence.

Only private
companies and
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problem of energy
independence

In addition, there is a pressing issue of revision of the issuance of licences for gas extraction as well as introduction of a clear range of rent pay for old and new gas producers. However, there are some problems associated with this. In order to engage new investors, attractive rent rates should be introduced. As of today, tax pressure on gas producers in Ukraine is 85%, while rent pay amounts to 55%. If to compare these figures with world standards, we can see that world practice of fiscal pressure does not exceed 40%, with the rent being from 5 to 20%. In addition, investors express their concern over the frequent changes of tax rules for gas extraction, while state bodies do not consider peculiarities of gas business, as it can take approximately 10 years from the beginning of production to make first profits.

Sanctions against Russia are aggravated by internal economic problems

From mid-March, Russian economy has been subjected to a negative impact of a few rounds of Western sanctions, which were introduced by the US, the EU, Canada, Great Britain, Japan and others. Besides the so-called personal sanctions against certain individuals, Western sanctions targeted specific economic sectors as well as companies and banks. The hardest sanctions were the last two rounds of economic sanctions, which targeted oil sector, banking sector, aviation and defence complex. In particular, restrictions were imposed on the export of dual-use goods and technologies, which may be used in civil and defence industry, technologies and equipment necessary for shelf deposits as well as access to capital markets.

It should be noted that before the imposition of sanctions, the Russian economy was not in a good condition in terms of the quality parameters of its institutional structure. These internal peculiarities intensified the effect of external sanctions. Despite the favorable oil and gas prices, economy of the Russian Federation is in a state of stagnation. GDP growth rates has been dropping in recent years — from 4,3% in 2011 to 3,4% in 2012 and to 1,3% in 2013. For quite a long time, numerous sources (including Russian leaders) has been forecasting the beginning of the Russian economy's recession. In recent years, rate of the inflation in the country ranged between 4-6,6%, which was provided by tight monetary policy of the Russian Central Bank. Foreign capital inflow, which began in the pre-crisis period, is on the decline now, and there is a massive capital outflow from Russia. In 2010, capital outflows amounted to USD 33.6 bln, in 2011 — USD 80.5 bln, in 2012 — USD 56.8 bln, in 2013 — USD 59.7 bln.

Economic sanctions and the drop in world oil prices have led to the following consequences for the Russian economy in general and for Russian citizens, companies and banks: deterioration of

GDP dynamics, sharp devaluation of the ruble, inflation growth, massive capital outflows, reduction of gold and exchange reserves, drop in international rankings that resulted in a significant rise in foreign borrowings for individual companies and complications of their access to foreign funding in general, deficit in food products (primarily — agricultural ones), deterioration of foreign trade dynamics, gradual heightening of social tension and general discontent.

As regards assessment of the sanctions' impact on the economy, the general position of Russian officials is as follows: Russia has enough reserves in order to compensate for losses in the short term. However, representatives of the Ministry of Economic Development of the Russian Federation noted that in the long-term, tough sanctions might undermine the financial system and prevent technical modernization due to restrictions on the import of technologies or investment attraction.

Estimates and forecasts of independent and foreign experts are much more pessimistic. According to IMF forecasts, in 2014 GDP growth in Russia will amount to 0.2%. OECD expects growth rate at 0.5%. European Bank for Reconstruction and Development believes that the growth will be zero, and the Russian Ministry of Economic Development proposes several scenarios: the growth by 0.5% in the case of positive developments in Ukraine, and the decline by 0.2-0.3% under the most adverse scenario.

An important problem for Russian economy is **weakening of the ruble that is accompanied by a reduction in gold reserves**. The devaluation of the ruble is more than 40% after the sanctions has been imposed. The Central Bank has returned to the practice of foreign exchange intervention against the background of the rapid depreciation of the ruble. Since the beginning of the year, Russia's gold and exchange reserves fell by 12% (over

Before the imposition of sanctions, the Russian economy was not in a good condition

Since the beginning of the year, Russia's gold and exchange reserves fell by 12%

USD 60 bln). Maintenance of a stable FX rate has proved to be too expensive in terms of decline in foreign exchange earnings for the Russian economy because of the drop in oil prices and limited access of Russian companies to foreign debt markets.

A situation with a weakening ruble plays into the hands of exporters and the state budget (namely, it compensates for price slashing for export commodities). However, excessive weakening of the ruble increases costs due to higher prices for imported components and puts pressure on consumer prices. According to Rosstat, in 2014, imported goods amount to more than 40% of retail trade turnover. Accordingly, the weakening of the ruble in this situation increases inflation processes. Experts estimate that 10% of the ruble's weakening add 1.5–2.0% to an increase in consumer prices over the next few months after the devaluation.

Simultaneously with the imposition of sanctions, international rating agencies Moody's, Standard & Poor's and Fitch **revised Russia's ratings**. Moody's has included Russia into the list of potentially unreliable countries with the possibility to be shifted into lower category. Standard & Poor's reconsidered its outlook on Russia's debt rating changing it from stable to negative one. Fitch has also changed its outlook on Russia's long-term debt ratings in foreign and Russian currency lowering the ratings of large Russian banks. In late April, Standard & Poor's downgraded the investment rating of Russia from BBB to BBB- with a negative outlook (the lowest investment grade). Further, Standard & Poor's similarly revised investment ratings of Moscow, St. Petersburg and a number of large Russian companies and banks. Recently, the agency reaffirmed the negative outlook for Russia.

The noticeable **increase in costs associated with external borrowing** turned out to have serious negative consequences for Russia. So far, foreign loans were very popular among large Russian companies taking into account their low interest rates and lower cost of debt servicing. According to statistics of the Bank of Russia, almost 90% of total country's external debt account for the share of such loans (USD 653 of 732 bln). Also, there is a noticeable deterioration of the situation with the initial public offerings of securities and placement

of Eurobonds amid the overall IPO revival in Europe and Asia.

Against this background, as a result of the latest wave of sanctions, Russian state banks, energy monopolies and defense companies may suffer serious losses. Refinancing of USD 200 bln-debt for state companies is causing serious problems. According to the analytical center of former Vice Prime Minister Alexey Kudrin, capital outflow from Russia's economy may reach USD 200 bln. During the first 10 months of 2014, it already has reached USD 110 bln. Russian economists believe that in the future, due to international sanctions, Russia may lose up to one third of the annual budget (over RUB 5 tn).

An important problem that can be exacerbated in the future is a **deficit of certain food products and increase in prices**. Russia imports a significant amount of food products from abroad, including countries, on which an embargo has been imposed. In 2013, 40% of agricultural products imported to Russia was produced in the EU, 4% — in the United States. In 2013, 37% of the Russian imports of meat accounted for EU including 13% — fish and shellfish, 33% — products of animal origin (milk, eggs, honey), 30% — vegetables, 24% — fruits, 39% — finished products of meat and fish, 25% — drinks; US share includes 18% of imports of oilseeds and 12% of meat imports.

Local Russian suppliers and manufacturers from other countries began to raise prices for products because of the imposed embargo. By the end of 2014, the price for fish, seafood, apples, some vegetables, cheeses and dairy products can rise by 30–40%. According to the Head of the Society of Consumer's Protection Mikhail Anshakov, consumer basket in Russia will rise in price by 15–20% by the end of the year. It is also expected that the quality of products will be deteriorated due to a decrease in competition.

Another expenditure for the Russian economy is **financing of Crimea**. The Russian plan on the development of a new Crimean Federal District becomes more expensive every year. The Russian government is going to spend about USD 20 bln

Capital outflow from Russia's economy may reach USD 200 bln

International rating agencies Moody's, Standard & Poor's and Fitch revised Russia's ratings

In 2013, Russia imported 40% of agricultural products from EU

on it by 2020. However, the actual amount of expenses will increase. For instance, the project cost of the bridge across the Kerch Strait increased from USD 3–4,3 bln to USD 6 bln.

The Russian government is going to spend USD 20 bln for financing of Crimea

A potential source of losses is **Russian assets in Ukraine**, which are estimated at least at USD 30 bln. In case of escalation of the conflict, Ukraine can take some actions on withdrawal of these assets. It is likely that a massive sale of assets will not happen. However, it will be much harder to function for many companies. In addition to trade sanctions imposed by Ukraine, boycott of Russian products by Ukrainian citizens worsened the situation.

International sanctions regime forces Russia to actively look for new markets and lenders. The recent visit of the Russian President to China can be considered as an evidence of this. Enhancing cooperation with China will result in certain economic costs for Russia. In particular, the price for energy resources proposed by China is lower than it was expected by the Russian side. The political price for current Russian-Chinese agreements also raises question.

The most powerful economic weapon of Russia is slashing oil and gas supplies to Europe that can cause devastating consequences for Russia. It is not easy to find buyers of these products in Asia, because the construction of new pipelines and railways will take years and needs huge financial resources. There is a lack of export terminals for LNG supplies as well. Suspension of gas supplies to Ukraine will lead to losses, which constitute up to a quarter of revenues to the federal budget of the Russian Federation.

Therefore, Russia began establishing financial and trade relations with state-owned companies from Asia, Latin America and the Arab world, which are ready to expand relations with Russia. However, it will not be easy to find a replacement of FDI from countries, which have imposed sanctions. It should be noted that the desire of the Russian Federation to respond to Western sanctions would deteriorate the state of its own economy. Any Moscow's actions on suspension of economic and technical cooperation, any restrictions against Western companies in Russia will immediately cause losses to Russian citizens, business and the state.

The aim of the publication is to provide analysis of Ukraine's foreign policy in the context of global processes in the region and the world, as well as an overview of major world events that may have an impact on the further development of Ukraine and the region. Special attention is paid to the European integration of Ukraine, in particular implementation of Ukraine–EU Association Agreement.

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