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## RECOVERY

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# BEYOND MORAL SUPPORT: UKRAINE'S RECOVERY IN LIGHT OF ITS ACCESSION TO THE EUROPEAN UNION

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*Following Russia's war of aggression, Ukraine faces the monumental task of rebuilding its infrastructure and institutions. Despite the ongoing conflict, the European Union has granted Ukraine candidate status for membership, highlighting a resilient partnership. Looking at the post-war recovery experiences of Serbia and Kosovo, and their ongoing trajectories towards EU membership, this paper explores the potential role of the Ukraine Facility and other policy mechanisms as tools for Ukraine's recovery and path to EU integration. Key focus areas include managing infrastructure, providing financial aid, and enacting legal reforms.*

## Introduction

Russia's full-scale invasion of Ukraine has dragged on for over two years, and although the Ukrainians have shown remarkable resilience, the country has suffered considerable damage. On 15 February 2024, the Ukrainian government and the World Bank presented the third Rapid Damage and Needs Assessment for Ukraine (RDNA3)<sup>1</sup>, stating that, as of 31 December 2023, the cost of direct damage had reached almost US\$152 billion, with housing, transport, commerce and industry, agriculture, and energy the most badly affected sectors. Disruptions to economic flows and production, as well as the additional costs associated with war, are collectively measured as an economic loss amounting to over US\$499 billion.<sup>2</sup>


The response of Ukraine and the international community was swift: The European Union (EU), and Ukraine's other allies, have pledged further humanitarian, logistical, and military aid. While this urgent support was immediately provided and is still ongoing, discussions quickly turned to the issue of Ukraine's reconstruction and recovery. While it is not easy to envisage the future of a country at war, the question of Ukraine's recovery and reconstruction is being addressed in fora such as the Ukraine Recovery Conferences (URC) 2022 and 2023, organised conjointly with Ukraine, where there has been a highlighting of the necessity to start thinking about the role that national and international institutions should play in Ukraine's eventual reconstruction and recovery.

1 *Ukraine. Third Rapid Damage Assessment (RDNA3). February 2022 — December 2023*, "World Bank", 14.02.2024.

2 *Ibid.* p.10.

Ukraine has expressed on multiple occasions its intention of becoming a member state of the EU, indicating its aspirations for European and Euro-Atlantic integration. From calls made during the Revolution of Dignity in November 2013, to the adoption of a law stipulating Ukraine's strategic course for obtaining membership of the EU and North Atlantic Treaty Organization (NATO) in November 2018,<sup>3</sup> Ukraine's message and goals have remained consistent and clear.

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***the EU made it clear that it sees Ukraine as a strategic partner, and its involvement in the country's recovery underlines the Union's desire to maintain peace and stability on its borders in the long term***

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In June 2022, the European Commission issued a positive opinion towards granting Ukraine candidate status for EU membership. This decision came unexpectedly, not only because the Commission and Council had never granted candidate status to a country at war before, but also because both parties understood that Ukraine's actual membership would not be on the cards in the coming years, given the challenges the country was currently facing. The EU's accession process is clearly long and intensive, requiring numerous reforms that can take years to implement, even in times of peace.

So, was the awarding of candidate status simply a gesture of moral support towards Ukraine? Through this action, the EU made it clear that it sees Ukraine as a strategic partner, and its involvement in the country's recovery underlines the Union's desire to

maintain peace and stability on its borders in the long term. It seems, therefore, that Ukraine was granted candidate status because of the exceptional nature of the situation. However, while the Russian war against Ukraine has often been presented as the first war on European soil since the end of the Second World War, the countries of Former Yugoslavia in fact lived through similar experiences to those of Ukraine in the 1990s, and are also undergoing their own accession process on their path to EU membership.

This paper aims to examine the reconstruction and accession experiences of Serbia and Kosovo, to see what lessons Ukraine can learn from them, and it identifies strategies that could be applied to Ukraine's recovery and path towards EU membership. We chose the cases of Serbia and Kosovo since they have a history that is closely intertwined, yet each has a path towards EU membership that has been divergent. The first part of this paper examines the reconstruction experience of Serbia and Kosovo, and how this may have influenced accession discussions. In the second part, we look at in what way the EU has already stepped in to foster the reconstruction of Ukraine, and what this means for its accession.

### **Lessons Learned from Serbia and Kosovo**

The experiences of Serbia and Kosovo offer valuable insights into the pending reconstruction of Ukraine, and its path towards EU membership. The 1990s Balkan wars left the region shattered, and in need of significant reconstruction efforts. Although Serbia and Kosovo did not benefit from EU candidate status in the immediate aftermath of the wars, the EU has since played a major role in supporting their reconstruction.

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3 *Ukraine's parliament backs changes to Constitution confirming Ukraine's path toward EU, NATO, "UNIAN", 7.02.2019.*

Rebuilding a state and its components requires strong institutions,<sup>4</sup> which were lacking in ex-Yugoslavia after the 1990s wars. Governments and institutions were left fragmented by the wars, which obstructed the launch of sustainable reconstruction projects,<sup>5</sup> and even increased the risk that the presence of “infrastructure failures” might be used as an excuse to challenge “the legitimacy and effectiveness of the reconstruction process”.<sup>6</sup> Due to Serbia and Kosovo’s proximity to each other, and their location at the heart of Europe, the EU has contributed significantly to the reconstruction of the region, implementing various recovery initiatives, and paving the way for EU membership. However, the Balkans’ path towards EU integration has been a prolonged and rigorous endeavour. Since starting their trajectories towards EU membership respectively in 2012 and 2015, Serbia has so far only been granted candidate status, and Kosovo merely remains a potential candidate. In the following sections, we will highlight three sectors that are relevant to both post-war reconstruction and the EU accession process: infrastructure reconstruction management, financial support, and the rule of law.

Both Kosovo and Serbia have already taken steps towards EU accession, signing

an Association Agreement with the EU in respectively 2013 and 2015,<sup>7</sup> which includes provisions for political association and economic integration. Under these agreements, the EU has started the progressive elimination of customs tariffs,<sup>8</sup> and has included Serbia and Kosovo in the EU’s single market programme, on condition that they implement substantial reforms<sup>9</sup>. Access to the single market has been the main driver of economic growth for all EU accession countries over the past two decades, and this will be instrumental for Ukraine’s economic growth as well<sup>10</sup>.

### **Infrastructure Reconstruction Management**

In post-conflict settings, infrastructure reconstruction typically first follows the emergency and recovery phase, a period that generally lasts three to four years.<sup>11</sup> In Kosovo, reconstruction efforts started later, after the declaration of independence in 2008, nearly nine years after the end of the war.<sup>12</sup> While this may seem like a long time, the aftermath of any conflict necessitates careful assessment, to identify damage and to estimate the cost of reparation. Only once the initial phase of damage assessment and planning is completed can effective reconstruction initiatives be put into motion.

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- 4 P. B. Anand, *Getting Infrastructure Priorities Right in Post-Conflict Reconstruction*, “UNU-WIDER”, June 2005.
  - 5 J. Ernest & C. Dickie, *Post-Conflict reconstruction — a case study in Kosovo: the complexity of planning and implementing infrastructure projects*, “PMI Research and Education Conference”, 18.07.2012.
  - 6 P. B. Anand, *Getting Infrastructure Priorities Right in Post-Conflict Reconstruction*, “UNU-WIDER”, June 2005, p. 4.
  - 7 *Stabilisation and Association Agreement between the European Communities and their Member States of the one part, and the Republic of Serbia, of the other part*, “Official Journal of the European Union”, 18.10.2013; *Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part*, “Council of the European Union”, 2.10.2015.
  - 8 *Kosovo — Country Commercial Guide*, “International Trade Administration”, 24 January 2024; *Serbia — Country Commercial Guide*, “International Trade Administration”, 05.08.2022.
  - 9 J. Adhem, *EU unlocks Single Market access for Western Balkans in exchange for reforms*, “Euronews”, 17.10.2023.
  - 10 T. Peters, *Financing Ukraine’s recovery. Consequences for the EU budget and budgetary control, and principles for success*, “European Parliament”, June 2023.
  - 11 J. Ernest & C. Dickie, *Post-Conflict reconstruction — a case study in Kosovo: the complexity of planning and implementing infrastructure projects*, “PMI Research and Education Conference”, 18.07.2012.
  - 12 Ibid.

Prioritising infrastructure reconstruction is crucial for a robust recovery. Restoring electricity, transportation networks, healthcare, and housing is vital for both people's recovery and economic resilience. In Serbia and Kosovo, this infrastructure reconstruction phase has been long, and is still ongoing. The Kosovan Ministry of Infrastructure maintains the highest capital investment budget in the country.<sup>13</sup>

The European Agency for Reconstruction (EAR), established to oversee reconstruction efforts in the Western Balkans, was a successful EU body set up in an attempt at organising the recovery of the region. Together with other international organisations, including the European Bank for Development and Reconstruction (EBRD) and the World Bank, the agency played a key role in collecting, analysing, and communicating information to the European Commission on damage assessment and reconstruction needs. The focus on the energy and transport sectors in the post-war period has allowed for a relative relaunch of the country, while bringing the region closer to the EU, an example that is certainly worth considering in the case of Ukraine.

Road and rail infrastructure is of great importance in any post-war reconstruction.<sup>14</sup> The construction of an EU-funded "peace highway" connecting Kosovo and Serbia has brought much hope for the region's recovery, and for a possible settlement between the two, which could help both countries in their bid to join the EU. This

road will help Southern Serbia's economic development, by better connecting people, and by linking the region to the EU.<sup>15</sup> The creation of a more modern railway network can also enhance development, and further connect the region to the EU.<sup>16</sup> The European Investment Bank (EIB) has been actively involved in the development of the Serbian railway, being one of the main contributors to funding of the Belgrade-Niš section of the Railway Corridor X.<sup>17</sup>

However, despite the modernisation of roads and their inclusion in the broader European rail network, Serbia and Kosovo have much progress to make in order to meet EU common rules in terms of transport. In 2023, the European Commission, which considers Kosovo to be at an "early stage of preparation" in transport infrastructure, has recalled that Kosovo needs to invest in road maintenance and security, and come up with an action plan for its transport strategy that includes the EU's intelligent transport system (ITS) strategy.<sup>18</sup> Serbia, considered to have a "good level of preparation" in transport, should focus on railway safety, and work on its national transport strategy, as well as work on mobility investments that put it in line with the Green Deal and EU accession.<sup>19</sup> Hence, while progress is being made, Serbia and Kosovo still have a long series of reforms to implement to meet the EU's expectations. Ukraine and the EU have different rail gauges, which presents a compatibility issue for direct rail connections. However, there have been efforts to address this issue through various projects aimed

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13 C. Patricolo, *Rebuilding Kosovo*, "Emerging Europe", 15.05.2019.

14 P. B. Anand, *Getting Infrastructure Priorities Right in Post-Conflict Reconstruction*, "UNU-WIDER", June 2005.

15 *First Section of the EU-financed Peace Highway in Serbia Open*, "Western Balkans Investment Framework", 28.07.2023.

16 C. Patricolo, *Rebuilding Kosovo*, "Emerging Europe", 15.05.2019.

17 G. Kovacevic, *Serbia: Team Europe — EU, EIB and EBRD announce financial package to improve the Belgrade-Niš railway*, "European Investment Bank", 28.02.2023.

18 *Commission Staff Working Document. Kosovo 2023 Report*, "European Commission", 8.11.2023, p. 109.

19 *Commission Staff Working Document. Kosovo 2023 Report*, "European Commission", 8.11.2023, p. 127.




at improving rail infrastructure, and facilitating the inauguration of cross-border transportation.<sup>20</sup> These initiatives include the development of interoperable freight wagons, and infrastructure upgrades at border crossings, to enable smoother rail transport between Ukraine and EU member states. Once this uniformisation has been achieved, Ukraine will benefit from further economic development, and greater mobility of people and goods.

In the energy sector, the Energy Community Treaty, introduced in 2006, stands as a pivotal support mechanism for the recovery efforts of the Western Balkans. This crucial treaty has not only created an internal market for electricity and natural gas, but also serves to unite the Balkans with the 28 [sic] EU member states, further reinforcing the possibility of EU accession. But today, much progress remains to be made in the energy sector, both in Kosovo and Serbia. The Commission considers Kosovo to have made “some level of preparation”<sup>21</sup> in terms of energy. Kosovo adopted its new Energy Strategy in March 2023, and the Commission insists on the necessity for it to make progress on environmental concerns and to vote in the law on renewable energy.<sup>22</sup> Serbia is considered to be “moderately prepared” in the sector of energy<sup>23</sup>, but the Commission insists on the necessity for it to keep working towards the incorporation of more renewable energies, and the adoption of the National Energy and Climate Plan (NECP).<sup>24</sup>

Therefore, it is important to note that, while these initiatives have been essential in contributing to the region’s reconstruction and development, they also present downsides that need to be addressed. The Kosova Democratic Institute (KDI) has warned that some of the projects on infrastructure reconstruction – the construction of roads, bridges, and buildings – have had a major impact on the environment,<sup>25</sup> hence the reminders of the European Commission<sup>26</sup> to keep environmental concerns at the forefront of the discussions.

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***Prioritising infrastructure reconstruction is crucial for a robust recovery. Restoring electricity, transportation networks, healthcare, and housing is vital for both people’s recovery and economic resilience***

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Learning from the Balkan experience, and knowing that both Serbia and Kosovo are still working on improving their transport and energy sectors in light of the EU’s environmental priorities and the Green Deal, Ukraine’s reconstruction should — to the greatest extent possible — be considered through the prism of environmental protection, and coincide — where feasible — with the Green Deal.

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20 *EU invests €6.2 billion in sustainable, safe and efficient transport infrastructure*, “European Commission”, 22.06.2023.

21 *Commission Staff Working Document. Kosovo 2023 Report*, “European Commission”, 8.11.2023, p. 110.

22 *Ibid.*

23 *Commission Staff Working Document. Serbia 2023 Report*, “European Commission”, 8.11.2023, p. 129.

24 *Ibid.*

25 *State Capture in Kosovo. The Political Economy of Gravel*, “Kosova Democratic Institute”, 2018; C. Patricolo, *Rebuilding Kosovo*, “Emerging Europe”, 15.-5.2019.

26 *Commission Staff Working Document. Serbia 2023 Report*, “European Commission”, 8 November 2023; *Commission Staff Working Document. Kosovo 2023 Report*, “European Commission”, 8.11.2023.

These efforts to enhance connectivity between the Western Balkans and the EU align closely with the Stabilisation and Association Agreements (SAAs) signed by several Balkan states, including Kosovo and Serbia, that aim to strengthen ties with the EU and outline the conditions for integration, addressing key areas such as energy, employment, education, and the environment. But again, it took years after the war finished for the SAAs to materialise. All steps towards reconstruction take time, and priority should be given to the reconstruction of essential infrastructure. More than just time, post-war reconstruction projects also require major funding and long-term planning efforts.

### Financial Support

The reconstruction of the Balkans required significant funding. The EBRD and the EU were among the main donors for the reconstruction and modernisation of infrastructure in the region and remain important contributors to its development today.<sup>27</sup> Some of the funding allocated to the reconstruction of Serbia and Kosovo was intricately woven into the broader discourse surrounding accession to the EU, and may reveal a larger interest of the EU in the region.

The Instrument for Pre-Accession Assistance (IPA), one of the key financial mechanisms implemented by the EU, is dedicated to supporting the Western Balkans in their efforts to meet EU standards, and in matching the criteria for eventual accession. With a focus on promoting democracy, the rule of law, economic development, and human rights, the IPA operates through three distinct phases: IPA I, IPA II, and IPA III, each of which corresponds to a different period. IPA I (2007-2013) laid the groundwork for EU accession by supporting institution-building

and the reconstruction and development of infrastructure. Building upon this foundation, IPA II (2014-2020) sharpened its focus on the rule of law, governance, competitiveness, and sustainable development. For IPA III, the same priorities remain, with a stronger emphasis on environmental sustainability. Under IPA II, Serbia was allocated 1.539,1 billion euros, while Kosovo received 602.1 million euros, highlighting a substantial EU investment into their pathway to EU integration. The IPA illustrates that there is a phase dedicated to each step of reconstruction, underscoring extent of the strategic planning and coordination involved in facilitating Serbia and Kosovo's progress towards EU integration. This phased approach would also be beneficial in the case of Ukraine, and could be an indication of the timescale required for the reconstruction of the country.

In 2020, the European Commission adopted the Economic & Investment Plan to support the Western Balkans and push for a rapprochement, with the EU's 9 billion euros dedicated by the Commission for this programme. The plan aims to enable the Western Balkan economies to grow and become more resilient, by providing financial support and technical assistance to support policy reforms, with EU membership in mind. This desire to bring the region closer to Europe is also illustrated by the EIB's involvement in the Serbian railway system mentioned earlier. It awarded a 550-million-euro loan and an 80 million euro grant for the reconstruction and modernisation of the Belgrade-Niš section of the Railway Corridor X. To this day, the bank has invested more than 1.2 billion euros in the Western Balkans rail system, enhancing connectivity with Europe.<sup>28</sup> Similar efforts would be to the advantage of Ukraine.

27 EBRD, *EU and bilateral donors finance better infrastructure in Western Balkans*, "European Bank for Reconstruction and Development", 14.12.2020.

28 G. Kovacevic, *Serbia: Team Europe — EU, EIB and EBRD announce financial package to improve the Belgrade-Niš railway*, "European Investment Bank", 28.02.2023.

## Rule of Law

The EU's support, extending beyond financial aid, played a major role in assisting Serbia and Kosovo to implement reforms aimed at strengthening the rule of law, improving governance, and combatting corruption. Accountability and transparency being two core values at the heart of the European project, the fight against corruption has been an EU priority from the start. This also applies to Ukraine.

The Rule of Law mission in Kosovo (EULEX) operated within this context. It was launched right after Kosovo's declaration of independence in 2008 and took over the responsibilities of the United Nations Interim Administration Mission in Kosovo (UNMIK).<sup>29</sup> The mission has helped Kosovo and its institutions become more effective, sustainable, and accountable, by improving governance, and the rule of law, and through combatting corruption. As mentioned above, IPA II and III also focus on strengthening the rule of law by making the Balkans' legal systems fairer and more accountable.<sup>30</sup> But today, the region still suffers greatly from corruption.

Kosovo and Serbia have been working on reforming their institutions, but progress needs to be made. The Commission acknowledges<sup>31</sup> their efforts in implementing reforms but reiterates the importance of strengthening the rule of law reforms, as well as the necessity to work on the improvement of the relationship between Serbia and Kosovo. Concerning the

fight against corruption, Serbia has been progressing slowly, and there is a plan to put in place the recommendations of the Council of Europe's Group of States against Corruption (GRECO). In Kosovo, while anti-corruption legislation was adopted in 2022, little progress has been made in this respect as well.

The EU has opened European Union offices in Kosovo and Serbia as part of the EU Delegations network. This permits a closer link, to offer advice and support to the local government officers and guide them on their path towards reconstruction and EU accession.<sup>32</sup> The Ukraine Facility (see description below) can serve a similar purpose, alongside its other goals.

## The Situation in Ukraine

### Ukraine and EU accession

On 24 June 2022, the European Council granted Ukraine candidate status, initiating the accession process towards becoming an EU member state.<sup>33</sup> For the first time in its history, a country involved actively in war is undertaking this endeavour. This decision takes the EU-Ukraine relationship to a new level, and consolidates the steps to the EU's future support to Ukraine. It implies that, as Ukraine rebuilds within the framework of its National Recovery Plan, it will also focus on enhancing its scale of democracy, reinforcing its rule of law institutions, and implementing other reforms required for EU membership, in a coordinated and integrated manner.

29 *EULEX Kosovo: European Union Rule of Law Mission in Kosovo — Civilian Mission*, "European External Action Service", 30.11.2020.

30 *Instrument for Pre-accession Assistance (IPA II), 2014-2020. Republic of Serbia, EU for Rule of Law*, "European Commission", 2020.

31 *Commission Staff Working Document. Serbia 2023 Report*, "European Commission", 8.11.2023; *Commission Staff Working Document. Kosovo 2023 Report*, "European Commission", 8.11.2023.

32 *European Union Office in Kosovo European Union Special Representative in Kosovo*, "EEAS" <https://www.eeas.europa.eu/kosovo>.

33 *EU enlargement policy. Ukraine*, "European Council".



***The EU has no explicit prohibition on countries at war joining, but the accession process requires candidates to demonstrate stability, democracy, the rule of law, and respect for human rights***

Ukraine has already taken several steps towards full EU accession, since signing an Association Agreement with the EU in 2014,<sup>34</sup> which included provisions for political association and economic integration. The EU has eliminated custom tariffs under the Deep and Comprehensive Free Trade Area (DCFTA) of 2016,<sup>35</sup> and has included Ukraine in the EU's single market programme, in support of its small and medium-sized enterprises. A revised priority action plan for enhanced implementation of the EU-Ukraine DCFTA in 2023-2024<sup>36</sup> has been adopted, to accelerate Ukraine's integration into the single market. For all the countries that have joined the EU in the last two decades, access to the single market has been the main driver of economic growth.<sup>37</sup> Permanent access to the EU and US markets will be key to future investment and economic growth in Ukraine.

Additionally, Ukraine has implemented numerous reforms aimed at aligning its legislation and democratic standards with those of the EU, particularly in areas such as governance, rule of law, and human rights. Ukraine has also participated in various EU programmes and initiatives aimed at fostering closer cooperation and integration. Yet, despite already holding candidate status and having taken significant steps towards

European integration, Ukraine remains far removed from full EU membership, due to several factors. While the country has made strides in aligning its policies and institutions with EU standards, certain challenges persist, particularly in the areas of governance, rule of law, and economic reforms. Additionally, enlargement fatigue within the EU, and significant geopolitical considerations have slowed the accession process.

The EU has no explicit prohibition on countries at war joining, but the accession process requires candidates to demonstrate stability, democracy, the rule of law, and respect for human rights. A country engaged in active conflict faces substantial barriers to joining the EU, as wars tend to undermine these fundamental principles. Moreover, the EU accession process requires candidate countries to resolve any territorial disputes with neighbouring countries, as unresolved conflicts can hinder regional stability and integration.

The EU accession process is notoriously lengthy and complex, often spanning several years or even decades for candidate countries seeking membership. The process involves meeting stringent criteria known as the Copenhagen Criteria, which encompass political, economic, and legislative reforms. Maintaining a transparent and credible accession process is essential. This includes addressing the expectations of countries that acquired candidate status before Ukraine, particularly those in the Western Balkans. These nations have made major progress towards EU integration and have invested considerable efforts in implementing reforms aligned with EU standards, yet they are all

34 *Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part*, "Official Journal of the European Union", 29.05.2014.

35 *EU-Ukraine Deep and Comprehensive Free Trade Area*, "European Commission", <http://trade.ec.europa.eu>.

36 *Joint statement following the 24th EU-Ukraine Summit*, "President of Ukraine Official website", 3.02.2023 <http://www.president.gov.ua/en>.

37 T. Peters, *Financing Ukraine's recovery. Consequences for the EU budget and budgetary control, and principles for success*, "European Parliament", June 2023.

still in the waiting room. To sustain the EU's credibility and attractiveness, it is imperative for the Union to honour commitments made to these countries, provide them with clear pathways to membership, and support their continued reform efforts.

### **Ukraine's Path towards Reconstruction**

Ukraine's transformation into an EU member state is an integral part of its National Recovery Plan.<sup>38</sup> This will be a lengthy process that requires thorough modernisation and transformation. However, the challenges that Ukraine is currently facing regarding its tremendous infrastructure losses must be addressed urgently. Adopting a phased approach to reconstruction and recovery is key, focusing on meeting the basic needs of Ukrainians, while at the same time reforming the country's institutions, to comply with EU accession standards.

The EU and its Member States have so far committed approximately 82 billion euros in support of Ukraine and its people, based on the most recent figures provided by the European Commission. That includes financial, humanitarian, and military support.<sup>39</sup> The additional 50 billion euros for the "Ukraine Facility", proposed by the European Commission on 20 June 2023 for the years 2024 to 2027 is not yet included in those figures. In its conclusions of 31 May 2022,<sup>40</sup> the European Council committed to providing Ukraine with humanitarian, financial, and military support, and to assisting the country substantially in its reconstruction, promising EU support for as long as necessary.

### **The Ukraine Facility**

Russia's war is affecting the people of Ukraine, its economy, and its infrastructure. Despite this existential threat, Ukraine remains committed to becoming an EU member state. Given the magnitude and complexity of the challenges involved in both reconstruction efforts and the necessary reforms for EU accession, the EU is developing a new instrument called "the Ukraine Facility" which will provide sustained support to Ukraine, to address these issues. Its goal is to tackle both immediate recovery needs as well as the medium-term reconstruction and modernisation efforts in Ukraine. It is designed as a flexible instrument, tailored to the unprecedented challenges of supporting a country at war, while ensuring transparency, predictability, and accountability for the funds allocated.<sup>41</sup> The Ukrainian Government will take ownership of its recovery and reconstruction efforts, by means of a Plan that will set out the reform and investment agenda of Ukraine on its path towards EU accession. EU Member States, and international financial institutions, will make efforts to align their actions with the Multi-Agency Donor Coordination Platform. The key stakeholders involved in these endeavours include local authorities, civil society organisations, and the private sector.

For the period 2024-2027, the Facility will provide a total of 50 billion euros, allocated as follows: 33 billion euros in the form of loans, guaranteed by extending the existing Union budget guarantee until 2027, thus exceeding the financial assistance ceilings for Ukraine until the end of 2027; and 17 billion euros in non-repayable support

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38 *Ukraine's National Recovery Plan*, "National Recovery Council", July 2022.

39 *EU Solidarity with Ukraine. EU assistance to Ukraine*, "European Commission", <http://eu-solidarity-ukraine.ec.europa.eu>.

40 *Special meeting of the European Council (30 and 31 May 2022) — Conclusions*, "European Council", 31.05.2022.

41 *The Ukraine Facility. Supporting Ukraine's recovery, reconstruction, and path towards EU accession*, "European Commission", <http://eu-solidarity-ukraine.ec.europa.eu>.

through the Ukraine Reserve, established beyond the ceilings of the Multi-annual Financial Framework (MFF) 2021-2027.<sup>42</sup> Potential revenues may be generated under relevant Union legal acts, concerning the use of extraordinary revenues from private entities linked directly to immobilised assets of the Central Bank of Russia.



***The cases of Serbia and Kosovo show that post-war reconstruction and the path towards EU membership can go hand in hand and that they both require a gradual approach and provide opportunities to rebuild infrastructure and institutions in a more resilient way***

The Facility foresees stringent safeguards, supported by a robust framework for audit and control. Oversight will be ensured through the establishment of a dedicated independent Audit Board, tasked with rigorously scrutinising the utilisation of funds. Support for Ukraine under the Facility is contingent upon Ukraine's commitment to maintaining and upholding effective democratic mechanisms, such as a multi-party parliamentary system, as well as ensuring adherence to the rule of law and safeguarding human rights, including those of minority groups.

### **Concluding Remarks**

Despite Russia's ongoing aggression, Ukraine's reconstruction cannot wait, even though the overall needs for the country's recovery cannot yet be foreseen. The cases of Serbia and Kosovo show that post-war reconstruction and the path towards EU membership can go hand in hand and that they

both require a gradual approach and provide opportunities to rebuild infrastructure and institutions in a more resilient way.

The support for Ukraine's reconstruction will have to be phased in so as to address both immediate needs and those in the medium- and long term. Reconstruction efforts should continue to be led by the Ukrainian authorities in close partnership with their allies, as well as involving international financial institutions and international political organisations. The EU's Ukraine Facility could be a useful instrument to enable achievement of the country's ambitious goals for recovery. Local communities and civil society actors, who play a central role in providing humanitarian relief and have an overview of the needs of the communities they serve, should be closely involved in this process. The recovery processes are not only crucial for improving people's physical living conditions but are also very important for boosting citizen morale. Striving for EU membership while rebuilding the country ensures compliance with international standards of quality and sustainability, and could also provide a sense of direction and aspiration.

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<sup>42</sup> *A New Ukraine Facility. Recovery, Reconstruction, Modernisation of Ukraine*, "European Commission", February 2024.

# THE EUROPEAN UNION'S 2024-2027 PLAN FOR THE RECONSTRUCTION OF UKRAINE: PRIORITIES AND CHALLENGES

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*In June 2023, the European Commission presented a New Ukraine Facility of €50 billion. This plan may undergo a number of modifications given that the war started by Russia against Ukraine continues, and that the timing of its end is unpredictable. This paper examines the priorities and challenges faced by the European Union regarding the Ukraine Facility during the next four years; what role will the European Union as a whole and the member states individually play in this process? What are the priorities (e.g. three pillars of the Facility) and challenges that the EU will face in the process of the reconstruction of Ukraine? It is also important to underline that this will not be a unilateral process on the part of the European Union; Ukraine itself will take an active part in identifying the reforms and investments that it intends to undertake.*

## Introduction

Many people believe, and quite rightly, that the consequences of Russia's war of aggression against Ukraine will have profound effects on the future international order, at least for the next decade, if not far longer. Clearly, it is not simply about defeating or weakening Russia, but about what the future of global democracy and Western values will look like. As one commentator noted, "the Western allies' actions, narratives, and planning regarding both Russia and the role of the Global South in Ukraine's post-war reconstruction will indicate what their long-term strategic goals are".<sup>1</sup> In the long run, defeating and punishing Putin's autocratic regime will

not simply ensure a victory for Ukraine, but also reaffirm the unity of the West and, more importantly, ensure European security. In this way, the paper will show what the strategy of the European Union is like concerning the reconstruction of Ukraine in 2024-2027. So far, it is difficult to say whether the Russia-Ukraine war will end during this period and, even more, what the consequences will be. This poses even more challenges for the EU and its leadership.

Above all, one can say that one of Putin's main intentions, to try to destroy the unity of the West, has not been fulfilled yet. Indeed, he hoped that "Western support will crumble as the costs of war, including energy shortages and rising prices, begin to hit home

1 K. Derviş, *What are the West's strategic goals in the Ukraine war?*, "Brookings", 29.08.2022, <https://www.brookings.edu/articles/what-are-the-wests-strategic-goals-in-the-ukraine-war>

in Europe”<sup>2</sup> However, with the collapse of Putin’s hopes, the challenges facing the EU have not disappeared, especially as the ongoing war in Ukraine has dragged on and demanded even more resources — military, human, and financial. Obviously, taking all of this into account, the EU decided to develop a special strategy with which to start the reconstruction of Ukraine.



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The first important initiative — the New Ukraine Facility — covers the period of 2024-2027. Despite some contradictions, the EU leaders made a historic decision and agreed that Ukraine will receive “regular and predictable support between now and 2027”<sup>3</sup> This decision could also mark “a paradigm shift”<sup>4</sup> which Europe needs so badly. And certainly, this paradigm shift will have its own priorities and challenges, in particular considering the fact that Europe’s support for Ukraine has two dimensions —

one, for the EU as a whole, and the other, for the EU member states as individual actors.

## **The New Ukraine Facility and its Key Elements**

Regarding aid to Ukraine, the EU was from the very beginning asserting that “investment in Ukraine’s recovery and reconstruction cannot wait until the end of the war”<sup>5</sup> In January 2024, High Representative Joseph Borrell rightly mentioned that “Putin could not have imagined that two years later, Ukraine would still be resisting”<sup>6</sup> According to him, the EU should make more humanitarian, military, and financial efforts to ensure the victory of Ukraine, and thereby strengthen the European defence industry and the continent’s security.

On 20 June, 2023, the European Commission released a proposal to establish the Ukraine Facility in which it was stated that “supporting the recovery of the Ukrainian economy requires concerted efforts to help ensure that economic activity is sustained, and basic infrastructure is repaired and maintained”, and “supporting Ukraine’s reconstruction now also means maintaining or creating employment opportunities for Ukrainians, including the internally displaced and creating conditions for refugees to return to Ukraine”<sup>7</sup> On the same day, in its Press Release, the European Commission officially declared the setting up of the Facility as “a

- 2 I. H. Daalder and J. M. Lindsay, *The West holds firm: Why support for Ukraine will withstand Russian pressure*, “Foreign Affairs”, 15.09.2022, <https://www.foreignaffairs.com/russian-federation/west-holds-firm-ukraine-support>
- 3 European Commission, *EU leaders agree on €50 billion of reliable financial support for Ukraine until 2027*, 02.02.2024, [https://ec.europa.eu/commission/presscorner/detail/en/ac\\_24\\_621](https://ec.europa.eu/commission/presscorner/detail/en/ac_24_621)
- 4 M. Bergmann, *Europe needs a paradigm shift in how it supports Ukraine*, “Center for Strategic and International Studies”, 17.01.2024, <https://www.csis.org/analysis/europe-needs-paradigm-shift-how-it-supports-ukraine>
- 5 European Commission, *Questions and answers — a New Ukraine Facility*, 20.06.2023, [https://ec.europa.eu/commission/presscorner/detail/el/qanda\\_23\\_3353](https://ec.europa.eu/commission/presscorner/detail/el/qanda_23_3353)
- 6 European Union External Action, *The war against Ukraine and European Security*, 23.01.2024, [https://www.eeas.europa.eu/eeas/war-against-ukraine-and-european-security\\_en](https://www.eeas.europa.eu/eeas/war-against-ukraine-and-european-security_en)
- 7 European Commission, *Proposal for a regulation of the European Parliament and of the Council on establishing the Ukraine Facility*, 20.06.2023, [https://neighbourhood-enlargement.ec.europa.eu/document/download/dd8cd260-1897-4e37-81dc-c985179af506\\_en](https://neighbourhood-enlargement.ec.europa.eu/document/download/dd8cd260-1897-4e37-81dc-c985179af506_en)



dedicated financing instrument”, the goal of which would be to “support Ukraine’s efforts to sustain macro-financial stability, promote recovery as well as modernize the country whilst implementing key reforms on its EU accession track”.<sup>8</sup> This was an unprecedented plan developed by the EU, the purpose of which is to help, save and rebuild a state at war.

The New Ukraine Facility consists of three main elements (pillars):

- (1) financial support to the State in the form of grants and loans;
- (2) a specific Ukraine Investment Framework; and
- (3) technical assistance and other supporting measures.<sup>9</sup>

The first pillar focuses on the immediate financial aid to the country, as well as fostering reconstruction, recovery and modernisation. It will also help substantiate the reforms necessary for Ukraine’s accession to the EU. The second pillar deals with the mechanisms and opportunities for investors, international donors and financial institutions, as well as for the private sector in Ukraine. The third pillar makes emphasis on assistance programmes, supporting the Ukrainian government, civil society and various authorities. In May 2022, Ursula von der Leyen, President of the European Commission, stated: “We stand ready to take a leading role in the international reconstruction efforts to help rebuild a

democratic and prosperous Ukraine. This means investments will go hand-in-hand with reforms that will support Ukraine in pursuing its European path”.<sup>10</sup>

In June 2023, the President reaffirmed the intention of the Facility, declaring that “Today we are proposing to foresee up to 50 billion euro from 2024 to 2027 to help Ukraine resist the aggression and rebuild a modern, prosperous country. Ukrainians are resolutely striving towards Europe. And our Union is supporting this brave nation in its effort”.<sup>11</sup> In January 2024, in the Factsheet, ‘EU Solidarity with Ukraine’, the European Commission once again stressed the EU’s “unwavering support for Ukraine in the face of Russia’s war of aggression and its illegal attempts to annex Ukrainian territory”, and repeated its commitment “to continue providing strong political, financial, economic, humanitarian, military and diplomatic support to Ukraine and its people for as long as it takes”.<sup>12</sup> Since Russia’s invasion of Ukraine in February 2022, the EU and its member states have pooled almost 140 billion euros, including the New Ukraine Facility of 50 billion euros.<sup>13</sup>

As Yulia Svyrydenko, the first Deputy Prime Minister and Minister of Economy of Ukraine, stated in January 2024, “We will accelerate recovery, stimulate development of the manufacturing sector, increase exports, attract increased investment into the real sectors of the economy, and,

8 European Commission, *Press release — Ukraine: Commission proposes to set up a dedicated Facility to support Ukraine’s recovery, reconstruction and modernization*, 20.06.2023

9 European Commission, *Press release — Ukraine: Commission proposes to set up a dedicated Facility to support Ukraine’s recovery, reconstruction and modernization*, 20.06.2023

10 Reuters, *EU plans 9 bln euros joint borrowing for Ukraine, more for reconstruction*, 18.05.2022, <https://www.reuters.com/world/europe/eu-plans-9-bln-euros-joint-borrowing-ukraine-more-reconstruction-2022-05-18>

11 Reliefweb, *Commission proposes to set up a dedicated Facility to support Ukraine’s recovery, reconstruction and modernization*, 20.06.2023, <https://reliefweb.int/report/ukraine/ukraine-commission-proposes-set-dedicated-facility-support-ukraines-recovery-reconstruction-and-modernisation>

12 European Commission, *EU solidarity with Ukraine*, Factsheet, January 2024

13 Institute for the Study of War, *Russian offensive campaign assessment*, February 6, 2024, <https://www.understandingwar.org/backgrounder/russian-offensive-campaign-assessment-february-6-2024>

generally speaking, create new investment opportunities".<sup>14</sup> Along with cooperation with the American partners, this is also the goal shared by the Ukraine Facility. In early February 2024, despite the reluctant stances of Hungarian President Victor Orbán, all the EU members finally approved the financial aid package for Ukraine. As Charles Michel, the President of the European Council said, "we have a deal" and the move "locks in steadfast, long-term, predictable funding for Ukraine".<sup>15</sup> The Ukrainian side welcomed this agreement, Prime Minister Denys Shmyhal stating that the EU is "showing its commitment to play a major role in Ukraine's recovery and modernization".<sup>16</sup> According to von der Leyen, the first aid package was to be delivered to Ukraine in March 2024.

### The Member States' Role

In the process of the recovery and reconstruction of Ukraine, the EU member states also play an important part. After the recent agreement reached among the member states on 6 February 2024, Vincent Van Peteghem, Belgian Minister of Finance mentioned that the Ukraine Facility will "help its people rebuild their country in the midst of the unprecedented challenges brought by Russia's war of aggression" and "help Ukraine take forward the reforms

and modernization efforts needed for it to advance on its path towards future EU membership".<sup>17</sup> Belgium strongly supports Ukraine and provides the latter with military and humanitarian aid. In December 2023, the Kingdom of Belgium adopted "A New Ukraine Fund" with 1.7 billion euros, which "will be used to purchase military equipment and humanitarian aid and to finance the reconstruction of Ukraine's hardest-hit regions. 1.5 billion euro is earmarked for 2024 and 255 million euro for 2025".<sup>18</sup> Addressing the G7 countries, the Belgian government called for unlocking "the frozen funds for Ukraine".<sup>19</sup> It is believed that the West must use the seizure of Russian sovereign assets as another instrument to help in the recovery of Ukraine.

The Netherlands is following the same path. For the year 2024, the Dutch government is going to give Ukraine aid worth over 2 billion euros.<sup>20</sup> For only winter 2024, the Netherlands has reserved 102 million euros to help Ukraine, including for humanitarian assistance, clearing mines, basic services, delivery of materials for the electricity grid, etc.<sup>21</sup> In general, the Dutch aid focuses on the military because, as the Dutch Defence Minister Kajsa Ollongre said, "this will safeguard our support for Ukraine and ensure continuity, which is

14 Y. Svyrydenko, *Why Ukraine's Wartime Economy Is a Surprising Success*, "Time", 17.01.2024, <https://time.com/collection/time100-voices/6557971/ukraine-economy-recovery-2024/>

15 *European Union agrees on new \$54bn aid package for Ukraine*, "Aljazeera", 01.02.2024, <https://www.aljazeera.com/news/2024/2/1/european-union-agrees-on-new-54bn-aid-package-for-ukraine>

16 B. Eryugur, *Kyiv welcomes EU agreement on Ukraine Facility program for war-torn country's development*, "Anadolu Ajansi", 06.02.2024, <https://bit.ly/3VXqPbx>

17 *Ukraine Facility: Council and Parliament agree on new support mechanism for Ukraine*, "Eureporter", 06.02.2024, <https://bit.ly/3RGxKme>

18 Federal Public Service, Kingdom of Belgium, *Belgian support for Ukraine: Belgium resolutely supports Ukraine and the Ukrainian people*, 19.12.2023, <https://diplomatie.belgium.be/en/policy/policy-areas/highlighted/belgian-support-ukraine>

19 C. Cook, H. Foy and L. Dubois, *G7 draws up plans to backstop debt-raising for Ukraine with Russian assets*, "Financial Times", 03.02.2024, <https://www.ft.com/content/d4477c47-b338-492f-b5a8-6bfb51c09c80>

20 Government of the Netherlands, *First support package for Ukraine for 2024: €102 million in winter assistance*, 22.12.2023, <https://bit.ly/3KYtA5P>

21 Government of the Netherlands, *Dutch aid to Ukraine: from day to day*, 2023, <https://www.government.nl/topics/russia-and-ukraine/dutch-aid-for-ukraine>

critical for Ukraine”.<sup>22</sup> At the 2024 Munich Security Conference, Dutch Prime Minister Mark Rutte said that the EU member states are “working with our partners all over the globe” in order to help Ukraine, first of all, with ammunition and air-defence systems.<sup>23</sup>

After a protracted or delayed process in Congress on the issue of US aid to Ukraine, the EU and its member states have become more active. In addition to the “Ukraine Facility” carried out by the EU as a whole, there have been many other initiatives taken by individual member states, such as, for instance, Germany’s military support package of 10.5 billion euros for 2024-2027, or Norway’s “Nansen Support Program” of 6.6 billion euros over 5 years, as well as multi-year packages from Denmark, Switzerland, Sweden, Portugal, and Lithuania.<sup>24</sup>

Overall, the EU is committed to support for Ukraine but it “is not a priority for all EU member states”.<sup>25</sup> In this regard, the biggest puzzle for Europe turned out to be how to deal with Hungarian prime minister Victor Orbán, who rejected not only support but also any foreseeable European perspective on Ukraine. However, the EU has successfully overcome the “Orbán issue”. By February 2023, the EU institutions and member states together had committed military, financial

and humanitarian aid of 62 billion euros to Ukraine; of this, 26 billion euros (more than 40%) came as individual assistance from the EU countries.<sup>26</sup> These figures once again confirm that, alongside the EU institutions (at a community level), its individual member states (at the national level) are also the main providers of aid to Ukraine.

## Ukraine’s Role in the Facility

The Facility requires committed action from the Ukrainian side as well. In particular, “the audit and control systems of the Ukrainian State are to be substantially enhanced as part of the reforms under the Plan”.<sup>27</sup> On the other hand, Brussels also intends to monitor how the funds and resources allocated for assistance to Ukraine will be spent. On 15 February, 2024, the Government of Ukraine, the World Bank Group, the European Commission, and the United Nations jointly released an updated version of the Rapid Damage and Needs Assessment (RDNA3), estimating that, by the end of December 2023, “the total cost of reconstruction and recovery in Ukraine is USD 486 billion over the next year”.<sup>28</sup> In turn, the Government of Ukraine must have prepared a “Ukraine Plan”, a perspective for the country on how to meet EU standards. In July 2023, Minister of Economy Yuliia Svyrydenko explained: “The

22 Dutch to deliver additional \$2.2bln in military aid to Kyiv in 2024 — defence minister, “Reuters”, 17.11.2023, <https://bit.ly/3RJlpP>

23 Z. Stepanenko, Dutch PM “Cautiously Optimistic’ military aid for Ukraine coming ‘soon’”, RadioFreeEurope / RadioLiberty, 17.02.2024, <https://www.rferl.org/a/ukraine-rutte-aid-russia-navalny/32823948.html>

24 C. Trebesch and G. Warlimont, Ukraine support tracker: Europe clearly overtakes US, with total commitments now twice as large, Kiel Institute for the World Economy, 07.09.2023, <https://www.ifw-kiel.de/publications/news/ukraine-support-tracker-europe-clearly-overtakes-us-with-total-commitments-now-twice-as-large/>

25 J. Dempsey, Judy asks: Is Europe still committed to Ukraine?, “Carnegie Europe”, 14.12.2023, <https://carnegieeurope.eu/strategieurope/91246>

26 M. Demertzis, C. Grand and L.L. Moffat, European public opinion remains supportive of Ukraine, “Bruegel”, 05.01.2023, <https://www.bruegel.org/analysis/european-public-opinion-remains-supportive-ukraine>

27 Ukraine: EU Commission plans dedicated facility for recovery, reconstruction, and modernization, “Insight EU Monitoring”, 20.06.2023, <https://ieu-monitoring.com/editorial/ukraine-eu-commission-proposes-to-set-up-a-dedicated-facility-to-support-ukraines-recovery-reconstruction-and-modernisation/410080>

28 United Nations Ukraine, Updated Ukraine recovery and reconstruction needs assessment released, 15.02.2024, <https://ukraine.un.org/en/260758-updated-ukraine-recovery-and-reconstruction-needs-assessment-released>

plan will allow us to restore GDP to the level of 2021 and increase it by a further 10% in the coming years. We already know what these funds will be used for — part of them will cover the budget deficit, part of them will be used for recovery, but most of them should be directed to the private sector, to the implementation of strategic investment projects, which in turn should stimulate the attraction of additional private capital”.<sup>29</sup>



***In general, both the Ukraine Facility Regulation and the Ukraine Plan will give the Ukrainian people “an opportunity to contribute to the country’s sustainable recovery from the devastation wrought by Russia’s war of aggression”***

Along with the Ukrainian Government, a wide range of international and Ukrainian experts, think tanks and NGOs were engaged in working out the Plan. In December 2023, the Government of Ukraine approved a draft of the Plan to submit to the European Commission. As Prime Minister Denys Shmyhal said, “Today, we are approving the project of the Ukraine Facility plan for submission to the European Commission. Together with businesses, the public sector, members of parliament, and (Ukraine’s) regions, we have done a lot of work to create

it”, and he added that USD 43 billion would be targeted at “ensuring (Ukraine’s) macro-financial stability”.<sup>30</sup>

In general, both the Ukraine Facility Regulation and the Ukraine Plan will give the Ukrainian people “an opportunity to contribute to the country’s sustainable recovery from the devastation wrought by Russia’s war of aggression”.<sup>31</sup> According to some estimates, the costs of the post-war reconstruction in Ukraine could be over a trillion US dollars.<sup>32</sup> Clearly, the recovery on this scale cannot be done without help of Ukraine’s partners and international donors such as the US, the EU, the World Bank, the OECD, and the EBRD. In January 2023, the Multi-Agency Donor Coordination Platform was created, to coordinate the assistance of various international institutions and donors. At the same time, the Ukrainian authorities were actively engaged in close consultations with the Council of Europe, in order to prepare the Action Plan for Ukraine entitled “Resilience, Recovery and Reconstruction 2023-2026”. The Action Plan is “a response to the determination and resolve of Ukraine’s authorities and people to engage in rebuilding the country” and it is “aimed at accompanying the reconstruction process and economic recovery in Ukraine with support to strengthen the resilience of Ukrainian public institutions, to enhance democratic governance and the rule of law and to protect citizens’ fundamental rights”.<sup>33</sup> Overall, the Ukraine Plan and the priorities

29 Government Portal, *Government and business are working together to develop the Ukraine Plan, says Yuliia Svirudenko*, 12.07.2023, <https://www.kmu.gov.ua/en/news/uriad-spilno-z-biznesom-pratsiuie-nad-rozrobkoiu-planu-ukrainy-iuliia-svyrydenko>

30 *Government to submit Ukraine Facility plan to European Commission*, “The Kyiv Independent”, 29.12.2023, <https://news.yahoo.com/government-submit-ukraine-facility-plan-171140467.html>

31 *Joint open letter to the Ukraine Facility Com(2023)338 Trialogue Negotiators*, “World Wildlife Fund”, 23.01.2024, <https://wwfcee.org/news/joint-open-letter-to-the-ukraine-facility-com2023338-trialogue-negotiators>

32 House of Commons Library, *Post-conflict reconstruction assistance to Ukraine*, 15.06.2023, <https://commonslibrary.parliament.uk/research-briefings/cbp-9728/>

33 The Council of Europe, *Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” 2023-2026*, 29.11.2022, <https://rm.coe.int/action-plan-ukraine-2023-2026-eng/1680aa8280>

set out by the Ukrainian government are fully in accordance with EU norms, values, and standards.

## The Munich Security Conference 2024, and “Ukraine Fatigue”

The recovery and reconstruction of Ukraine is closely related to European security. Although a large number of people in some European societies do not believe in the victory of Ukraine and, moreover, think that Kyiv should conclude a “compromise settlement”,<sup>34</sup> the EU strongly supports and helps Ukraine in a practical way, in its resistance against Russia. One of the clear examples of this is provided by the security agreements signed by Ukraine with Germany and France during the 2024 Munich Security Conference. Other allies, such as Canada, Denmark, Finland, Italy, Latvia, the Netherlands, and the United Kingdom, etc. have signed similar agreements with Kyiv. During the Conference, High Representative Joseph Borrell reiterated that “we have to continue supporting Ukraine militarily and economically, more and quicker”.<sup>35</sup> The issue of Ukraine was central to the agenda of the Conference, since Europe clearly sees, especially in the light of the internal political struggle in the United States, that it must shoulder the task of helping Ukraine, and ensuring the security of the continent.

As for the figures again, “80 percent of Ukrainian citizens believe that their country will win the war”.<sup>36</sup> Yet, while many people

in the West still support the idea of assisting Kyiv, it is clear that there is an emerging syndrome of “Ukraine fatigue”. To combat this fatigue should become the primary objective of the EU, because “a Russian victory would be catastrophic not only for Ukraine — a battle-hardened Russia with an economy on war footing would rearm quickly and look for its next victim”.<sup>37</sup> By trying to rebuild Ukraine, the EU aims to reduce the extent of the “grey zone”, the influence of which also extends to Georgia, Moldova, and the Western Balkans. Ukrainian President Volodymyr Zelenskyy was absolutely right in saying that “there is no one for whom the ongoing war in Europe does not pose a threat”.<sup>38</sup> If Europe does not fully stand by Ukraine militarily, economically, financially and with humanitarian aid, this will result not only in the defeat and destruction of Ukraine, but also in the end of the European security order.

## Conclusion

In the long term, the EU’s priority is not simply to ensure a victory for Ukraine, but also to rebuild the country. This process should be carried out in parallel with the war. To this end, at the beginning of February 2024, the EU member states finally approved the New Ukraine Facility of 50 billion euros. It focuses on financial, investment and technical support for Ukraine, in order for the country to become more resistant to the current challenges. At the same time, another major objective of the Facility is

34 J. Posaner and G. Coi, *Most Europeans think Ukraine will lose the war, according to survey*, “Politico”, 21.02.2024, <https://www.politico.eu/article/europeans-think-ukraine-lose-war-russia-survey/>

35 European Union External Action, *Munich Security Conference: High Representative Joseph Borrell on the new geopolitical agenda*, 18.02.2024, [https://www.eeas.europa.eu/eeas/munich-security-conference-high-representative-josep-borrell-new-geopolitical-agenda\\_en](https://www.eeas.europa.eu/eeas/munich-security-conference-high-representative-josep-borrell-new-geopolitical-agenda_en)

36 Munich Security Report 2024, *Lose-Lose? February 2024*, p. 48, [https://securityconference.org/assets/01\\_Bilder\\_Inhalte/03\\_Medien/02\\_Publikationen/2024/MSR\\_2024/MunichSecurityReport2024\\_Lose-lose.pdf](https://securityconference.org/assets/01_Bilder_Inhalte/03_Medien/02_Publikationen/2024/MSR_2024/MunichSecurityReport2024_Lose-lose.pdf)

37 Munich Security Report 2024, *Lose-Lose? February 2024*, p. 52, [https://securityconference.org/assets/01\\_Bilder\\_Inhalte/03\\_Medien/02\\_Publikationen/2024/MSR\\_2024/MunichSecurityReport2024\\_Lose-lose.pdf](https://securityconference.org/assets/01_Bilder_Inhalte/03_Medien/02_Publikationen/2024/MSR_2024/MunichSecurityReport2024_Lose-lose.pdf)

38 *If ‘Ukraine is left alone, Russia will destroy us; Zelenskyy tells Munich Security Conference*, “Euractiv”, 17.02.2024, <https://www.euractiv.com/section/europe-s-east/news/if-ukraine-is-left-alone-russia-will-destroy-us-zelenskyy-tells-munich-security-conference/>

to tackle a sense of “Ukraine fatigue” that threatens to put the European security order at risk. Since the EU has overcome one of its most important challenges, the so-called “Orbán issue”, from 2024 on the effects of the Facility’s action are going to be patently obvious. This undoubtedly proves that the reconstruction of Ukraine is directly related to European security issues; if a decisive victory and the reconstruction of Ukraine are not achieved, then the security of the whole continent will be called into question.



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***If Europe does not fully stand by Ukraine militarily, economically, financially and with humanitarian aid, this will result not only in the defeat and destruction of Ukraine, but also in the end of the European security order***

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International mechanisms are also being used for the recovery of Ukraine, such as the Donor Coordination Platform and the Platform for the Reconstruction of Ukraine. As for the EU, both as a community and as individual member states, it is providing assistance to Kyiv; this two-layer assistance confirms Europe’s ever-increasing interest in defeating Russia and, more importantly,

in ensuring the well-being of the Ukrainian people. The Facility is the best instrument to be used to help Ukraine recover its economy, rebuild infrastructure, promote sustainability, and alleviate the plight of the IDPs and refugees. At the same time, it can be said that the consequences of Russia’s war of aggression against Ukraine and, ultimately, the future of the European security order will be openly seen during 2024-2027. And, certainly, the ultimate destination of the Facility is to accompany Ukraine on its pathway to join the EU.

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# TRANSPARENCY AS A BASIC PRINCIPLE OF RECONSTRUCTION: HOW TO OVERCOME THE HABIT OF UNDERESTIMATING UKRAINE

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*The issue of transparency is currently at the forefront of the attention of the EU, IMF, G7, and other international institutions. This aligns with the demands of Ukrainian society, which, unlike its international partners, takes a more radical position in understanding the concept of “transparency” and advocating for this principle. Hence, the question arises: Is Ukraine still lagging behind in openness of processes and ensuring transparency in recovery? Are international partners ready to accept the current level of transparency in relations and processes advocated by Ukrainian civil society? The purpose of this article is to seek answers to these questions and highlight the specific Ukrainian concept of transparency, which can become one of the fundamental principles of the country’s recovery.*

## Principle of Transparency

One of the fundamental principles for the reconstruction of Ukraine is expected to be a principle of transparency. All parties involved in the process — the government, business, civil society organisations, and international partners — unanimously agree on this. However, the definition of ‘transparency’ and how to measure it in the country’s recovery processes, the ideal degree of transparency, and its limits in a country at war remain open questions.

Uncertainty about what Ukraine’s recovery will look like has made the search for a common denominator in the interpretation of the category of transparency even more urgent. On examining the official documents of foreign or Ukrainian

governments regarding Euro-integration, reforms, or cooperation, formulations such as “...for the sake of increasing transparency and accountability...” can be attributed to newly coined bureaucratise. However, the frequency and context of appeals to determine the efficacy of these categories create a false impression of a widespread lack of transparency and accountability in Ukraine. The traditional underestimation of Ukrainian decisions, along with active Russian propaganda abroad, ultimately contribute to an exaggeration of typical minor domestic political difficulties to absurd proportions. Thus, speculation often occurs on the topics of corruption, nepotism, bureaucracy, institutional weakness, societal paternalism, and, specifically, the lack of transparency in the state.

## Open Data is Just a Component

However, let us consider the contents typically associated with the issue of transparency concerning politics and the overall governance of the country. In Ukraine, the principle of transparency is embedded in a range of legislative acts and is applicable in areas such as budgeting, public service, security, public procurement, access to information, and the activities of governmental bodies, among others. A more detailed approach to transparency has been reflected in the identification and publication of open data by the state. The relevant regulation, “On datasets subject to disclosure in the form of open data,” considers one of the advantages of disclosure to the public — enhancing the transparency of information providers<sup>1</sup>. Thus, the proximity of the categories of openness and transparency as both a tool and a goal become manifest, thus forming one of the dominant approaches in the perception and interpretation of the principle of transparency, namely, that they constitute a narrow area. In this case, the concepts are seen as practically identical, and they are applied more often to data and information, with societal expectations primarily focused on free access to and completeness of data.

Viewing the notion of transparency through such a lens allows us to assert that Ukraine is one of the most transparent countries in Europe. The empirical basis for this claim is The Open Data Maturity (ODM) assessment, conducted annually by the European Union, based on four criteria:

1. Policy — investigates countries’ policies and strategies regarding open data, the national governance models for managing open data and the measures deployed to implement the policies and strategies.
2. Portals — investigates the functionality of national open data portals, the extent to which users’ needs and behaviour are examined to improve the portal, the availability of open data across different domains and the approach to ensuring the portal’s sustainability.
3. Impact — assesses whether countries have defined reuse and the extent to which they are prepared to measure it, the actions taken by countries to measure reuse and understand the needs of reusers, and the presence of examples of reuse cases in the domains of government, society, the environment and the economy.
4. Quality — assesses the measures adopted by portal managers to ensure the systematic and timely harvesting of metadata and the monitoring mechanisms in place to ensure the publication of metadata compliant with the DCAT-AP metadata standard and several deployment quality requirements<sup>2</sup>.

According to this assessment, Ukraine shared third place with Estonia among 35 European countries in 2023, with an ODM of 96%<sup>3</sup>. This is 1% lower than the previous year’s figures, when the country held second place in the rating. Furthermore, throughout the year, the European neighbours improved their scores.

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1 The Regulation “On datasets subject to disclosure in the form of open data”, 2015, Cabinet of Ministers of Ukraine, <https://zakon.rada.gov.ua/laws/show/835-2015-%D0%BF#Text>

2 Measuring Open Data Maturity, The Publications Office of the European Union, 2023, [https://data.europa.eu/sites/default/files/odm2023\\_method\\_paper.pdf](https://data.europa.eu/sites/default/files/odm2023_method_paper.pdf)

3 The Open Data Maturity (ODM) Assessment, The Publications Office of the European Union, 2023, <https://data.europa.eu/en/publications/open-data-maturity/2023>



## Comprehensive Approach to Transparency

However, is having a high level of data transparency sufficient for Ukraine to be considered a transparent country? It is not, judging by the requirements and recommendations of international partners regarding transparency in the context of governance, institutions, and mechanisms on the one hand, and the demands of Ukrainian civil society on the other. Therefore, it is relevant to consider transparency in a broader sweep, not merely limited to data and information. What other attributes and dimensions should be considered for the reconstruction of Ukraine to be deemed an acceptably transparent process?

Firstly, let us examine the formal requirements and declared goals towards transparency, based on the analysis of narratives in three types of documents:

- bilateral (the Association Agreement with the EU);
- provided by international partners (the letter listing priority reforms from the USA);
- drafted by the Ukrainian side (the draft of the plan for the Ukraine Facility).

All three documents repeatedly mention transparency as a tool, goal, defining characteristic, etc., and depending on the context, are applied to a broad spectrum of interventions. However, none of the cases provides detailed explanations or indicators for measuring transparency. In the text of the Association Agreement, the use of the 'transparency' category can be reduced to five main meanings:

1. Transparency as the exchange of information, particularly between the EU

and Ukraine or Ukraine and its residents concerning:

- Any changes in legislation or policy,
- Providing full information upon request from the other side,
- Timely warning regarding investigations or suspicions that may affect cooperation.

2. Transparency as timely publication of all information and ensuring access to it for all stakeholders. This includes aspects of clarity, the ability to seek clarification, and having enough time for the implementation of updates.

3. Transparency in mechanisms and procedures. These articles most frequently emphasize ensuring clarity and equal access to information about mechanisms and procedures, where the possibility of hiding parts of information or from a certain category of individuals is excluded.

4. A separate aspect of transparency is understandable and consistent 'rules of the game' based on objective criteria, meaning that no one has unjustified preferences.

5. A specific form of transparency, only discussed in one section of the agreement related to competition, is a tracking of budget allocation, i.e., state aid to enterprises. However, here, 'tracking' is considered in a very limited sense — providing information about goals, amounts, and recipients to the other party (EU)<sup>4</sup>.

Regarding economic and sectoral cooperation, the agreement also mentions the development of transparent markets, particularly in the energy and agricultural sectors. It can be assumed that this refers to clear rules of the game, and bringing any elements of these markets out of the

4 The Association Agreement, 2014, Verkhovna Rada of Ukraine, [https://zakon.rada.gov.ua/laws/show/984\\_011/stru#Stru](https://zakon.rada.gov.ua/laws/show/984_011/stru#Stru)

shadows. Overall, the theme of market transparency in Ukraine has gained popularity recently. There are parallel tracks in the current discourse, including the emphasis on transparent markets for land, gas, real estate, timber, biofuels, and more. All these topics share the intention of creating a clear trading model where all parties have equal and comprehensive information about prices, conditions, and all other aspects necessary for making decisions on buying or selling.



***the theme of market transparency in Ukraine has gained popularity recently. There are parallel tracks in the current discourse, including the emphasis on transparent markets for land, gas, real estate, timber, biofuels, and more***

The text of the letter outlining the conditions for financial assistance from the USA, sent by the White House in September 2023, also contains numerous appeals to transparency. Out of the 25 requirements (reforms) outlined in the letter, 18 directly or logically relate to increasing transparency. These can be grouped into five categories:

1. Transparency in mechanisms and procedures:
  - Evaluation, requalification, and updating of personnel based on objective indicators (supervisory boards of state enterprises, the Bureau of Economic Security, the National Police, the Prosecutor General's Office, the State Property Fund).
  - Armament and state procurement.

2. Transparency as consistent with 'rules of the game' in terms of defining clear criteria and evaluation methodology for candidates (High Qualification Commission of Judges).

3. Open competitions for leadership positions (the Specialized Anti-Corruption Prosecutor's Office, National Agency on Corruption Prevention, The Supreme Court of Ukraine, the Asset Recovery and Management Agency, the Economic Security Bureau of Ukraine, the Security Service of Ukraine, and the State Migration Service).

4. External oversight as a component of ensuring transparency, involving the creation of supervisory boards and strengthening the role of audits. This includes systemic work to enhance the institutional capacity of audit bodies and preparing entities for audits (the National Anti-Corruption Bureau, the JSC Ukrainian Defence Industry, the Accounting Chamber, and the State Audit Service).

5. Transparency with a manifestation in the disclosure of information. In practice, to achieve the goals of the letter, this should be manifest in the following ways: the restoration of asset declaration and disclosure of relevant information, public disclosure of reports by the State Fiscal Service, and digitisation of customs rules by the State Migration Service<sup>5</sup>.

In the Association Agreement, a separate clause is dedicated to ensuring transparency in the electricity market. However, there is an obvious difference in the emphasis on transparency and the indicators that will prove it. Although there are common features that have allowed us to categorise the requirements into three cohorts: procedures and mechanisms; rules of the game; and information, the contents of the categories are quite different.

<sup>5</sup> Statement on Proposed List of Priority Reforms, U.S. Embassy in Ukraine, 25.09.2023, <https://www.pravda.com.ua/news/2023/09/25/7421354/>

The third document under consideration is the draft plan for the EU Facility, prepared by the Ukrainian government. The essence of the document lies in its working title “Reform Implementation Plan”, with the ultimate goal being the establishment of the Ukrainian Fund, considered an important instrument for the country’s recovery. Among the guiding principles of this reconstruction, those of financial stability, inclusivity, transparency, and accountability are highlighted. In this document, transparency also emerges in the context of attracting investors to Ukraine, thus raising questions about transparency in the relations between the state and business (essentially the “rules of the game” mentioned earlier). Aspects related to external transparency also surface, such as justifying the need to demonstrate transparency in the use of foreign aid.

While describing the transparency in reconstruction in this document, the authors have employed a more understandable approach for Ukrainians, that of ‘everyone sees everything,’ which became actively used during the launch of the electronic procurement system and remains quite popular today. It is noteworthy that although this expression is not limited in its application, it is most often used in the context of digital solutions. The digitalisation of processes and services in various spheres of life is currently seen as one of the most effective ways to ensure transparency. Ukraine indeed has strong potential in this direction, with rapid development, despite the ongoing war. Among the best-known digital solutions influencing transparency levels, the majority are portals somehow related to public finances, and the tracking of their routes.

### **Key National Transparency Instruments in Ukraine:**

- *The Register of Tax Declarations* — a portal containing declarations of persons authorised to perform state or local government functions;

- *Register of Corrupt Officials* — a portal containing information on all individuals and legal entities that have committed corruption offences;
- *Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations* — the only state information system that collects, accumulates, processes, protects, records and provides information on legal entities, individual entrepreneurs and public organisations that do not have the status of legal entity;
- *Prozorro* — an online platform where state and municipal customers announce tenders for the purchase of goods, works and services, and through which business representatives compete for the opportunity to supply these to the state;
- *Open Data Portal* — the Unified State Open Data Web Portal was created according to the Law of Ukraine ‘On Access to Public Information’. The portal provides access to information on public authorities, with the possibility of its further use;
- *E-data and its modules (Open Budget, Spending, proIFI, etc.)* — the open data platform in the field of public finance is an official state information resource that provides information in the open data format; an accessible tool for public control over the planning and use of public funds;
- *Court Register* — a state information system that is part of the Unified Judicial Information System, and which ensures the collection, recording (registration), accumulation, storage, protection, search and viewing of electronic copies of court decisions of all instances and in all jurisdictions;
- *Politdata* — a portal developed by the National Agency for the Prevention of Corruption that contains financial data on political parties operating in Ukraine.

Local authorities have their own resources for publishing data required by law. For example, the Lviv open data portal and the Dnipro open data portal<sup>6</sup>.

The full-scale Russian invasion has undoubtedly disrupted the functioning of various data portals in Ukraine. Some information was temporarily restricted due to security concerns, while other data collection activities were halted. However, the restrictions imposed on this sphere prompted a swift response from civil society. Open letters, comments, and even legal actions were initiated by civic organisations in the summer of 2022, to demand the reopening of access to information and the restoration of access to electronic registers.



***The full-scale Russian invasion has undoubtedly disrupted the functioning of various data portals in Ukraine. Some information was temporarily restricted due to security concerns, while other data collection activities were halted***

The most significant criticism and apprehension regarding the non-restoration of access were directed towards the Unified State Register of Legal Entities, Individual Entrepreneurs, and Public Formations. Also, concerns were raised concerning questions about the publication of information in open data format and the declaration of assets by officials. By the end of 2022, a number of the issues had been resolved, and data publication was restored, apart from in areas where hostilities were ongoing.

The resumption of asset declaration and the disclosure of public officials' declarations

required more pressure than the statements made by civil society organisations. By the end of 2023, the United States officially voiced their own demand, elevating the consideration of the issue to a new level. It is important to acknowledge that, concerning the transparency achieved through digitalisation, Ukraine has not fully regained its pre-war positions. Nevertheless, the open data community actively and effectively propels this process forward.

Returning to the discussion about theoretical perception transparency, and measuring it in the context of reconstruction, it is rational to leverage one of Ukraine's inherent strengths for ensuring transparency — digitalisation. One pivotal solution in this regard is the development of the DREAM ecosystem, which, coupled with the appropriate legislation, can deliver transparency in Ukrainian standards, encapsulated in the motto "everyone sees everything." However, the international community, when demanding transparency from us, does not always envision such a manifestation, and thus, digitalisation is not universally considered a panacea for ensuring this principle.

As highlighted in the analysis of narratives above, the cardinal difference lies in the approach. International actors and our foreign partners emphasise a formalised approach, understandable rules of the game, open policies, and timely information exchange. Conversely, Ukrainians tend to adopt a practical approach — open information, process automation, and minimising or significantly reducing human intervention. And each of the approaches has its own logic and effectiveness, but in the global balance of opportunities to mobilise resources to confront Russia, Ukraine's success in adopting the country's approach

<sup>6</sup> Institute of Analytics and Advocacy. Transparency: a basic principle for the success of Ukraine's reconstruction. Policy brief, August 2023, <https://iaa.org.ua/portfolio/transparency/>

to transparency remains underestimated, and of little interest to the rest of the world.

## Conclusions


Is Ukraine able to overcome the stereotypes associated with its perceived closeness and, as a result, total corruption while acting on its own? The existence of these stereotypes is further complicated by the fact that corruption is a real phenomenon, not a complete myth. The question is as to the actual scale and trends of corruption, along with the sensitivity of the issue in the information space. For instance, news about corruption scandals is more likely to be picked up by the international media and to make headlines than articles containing an analysis of successes in combating corruption. A similar situation exists in the sphere of ensuring transparency.

For instance, the demand from international partners for transparency in the use of funds for reconstruction could be met by fully disclosing procurement deals conducted within reconstruction projects and contracts. However, only procurements with budgetary funds and state or common entities as clients remain transparent. Often, the policies of international partners do not mandate such a level of openness, and information about procurements is limited to plans (what they intend to purchase), or else procurements may be conducted through specialised portals with restricted access.

Although the Ukrainian electronic procurement system allows procurements to be conducted through its platforms, to date, only a few international organisations have utilised this option (the EBRD and the Global Fund). Recently, the first procurement using World Bank funds was also announced. Launching all the procurements through the Prozorro system to ensure transparency in the expenditure of reconstruction funds, might be a significant step forward. However, the readiness of foreign companies to showcase

their profiles, commercial proposals, licences, contracts, recommendations, and all other documents, the disclosure of which is common practice for Ukrainian companies when entering into contracts with the government, remains uncertain.

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***Although the Ukrainian electronic procurement system allows procurements to be conducted through its platforms, to date, only a few international organisations have utilised this option***

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In discussions about the openness and transparency of the activities of government bodies, and the movement of budgetary funds between European countries and Ukraine, this subtle nuance often escapes attention — the tremendous progress Ukraine has made over the past 10 years. Open data, process digitalisation, online state services, disclosure of information about budgetary funds, the incomes of officials, government contracts, etc., are perceived by Ukrainians as commonplace, while foreigners tend to view them as underdeveloped due to inertia. However, in assessing Ukraine's capacity on the path to reconstruction, objectivity is crucial. While we still have a weak institutional structure, regarding transparency, we have a much greater potential than others are accustomed to perceiving.

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# TRANSFORMATION THROUGH TRANSPARENCY: ANTI-CORRUPTION REFORMS AS THE KEY PRINCIPLE IN UKRAINE'S RECONSTRUCTION

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*This study examines the indispensable role of anti-corruption reforms in Ukraine's post-war reconstruction, and its moves towards a resilient and prosperous future within Europe. Through a comparative analysis of post-war reconstruction cases, it elucidates that Ukraine's distinct situation, marked by relative stability and a unified society, yet a critical demographic situation, calls for an unparalleled enactment of profound anti-corruption measures. Furthermore, the study underscores the importance of such reforms to accelerate Ukraine's European Union integration process, and of anti-corruption reforms to be, in turn, accelerated by this integration process.*

## Introduction

Whilst Ukraine is successfully resisting the full-scale Russian invasion, some reconstruction processes have commenced. On the other hand, significant attention is being paid in academic and policy circles for the time to what happens after the fighting ends and large-scale reconstruction will be in the pipeline. Not only the question of how much money is needed to reconstruct the country and where this money should be coming from, but also the issue of core principles is being discussed in that context. In 2022, Ukraine's main partners proposed seven principles that present the overarching

guidelines for the reconstruction process.<sup>1</sup> Among them were to be found reform focus recovery and transparency, accountability, and the rule of law.

The presence of rule of law as a primary reconstruction principle is nothing new. It was, for instance, argued in the Iraqi Principles for a Future Government that "the rule of law must be paramount".<sup>2</sup> Similarly, the Council of Europe stressed in the context of Kosovo that the "Stability Pact for south-eastern Europe is an initiative of paramount importance. Its success will hinge not least on its 'human dimension', that is, the building of the rule of law".<sup>3</sup> However, evaluating the

1 Ukraine Recovery Conference, Outcome Document of the Ukraine Recovery Conference 'Lugano Declaration'. Lugano, July 4-5, 2022, [https://cor.europa.eu/en/engage/Documents/urc2022\\_lugano-declaration.pdf](https://cor.europa.eu/en/engage/Documents/urc2022_lugano-declaration.pdf)

2 Open Society Institute and the United Nations Foundation, *Reconstructing Iraq: A Guide to the Issues*. 2003.

3 Council of Europe, *Economic reconstruction and renewal in south-eastern Europe following the Kosovo conflict*. Committee on Economic Affairs and Development. Doc. 8503, 1999 <https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=8734&lang=EN>

outcomes of decades-long reconstruction processes, it becomes visible that these principles have largely remained exclusively on paper.



***fighting corruption comes along with a further destabilisation of the institutional equilibrium in the short term and its benefits, such as a fairer and more equitable society, only materialise in the long term***

As will be shown in the next chapter, it is corruption that usually undermines deep institutional changes, and therefore leads to poor post-war reconstruction outcomes. However, it is important to note that Ukraine differs from 'traditional' cases in which corruption is perceived as a necessary evil, as the country is characterised by relative stability and internal unity. This makes it ever more vital that Western actors, the likely providers of initial reconstruction aid, realise the urgency to push for large-scale anti-corruption reforms. All this is necessary to build Ukraine back better and to utilise the country's economic and demographic potential that will pave the way for a self-sustained and integrated state in the heart of Europe. Due to this, fighting corruption should be the leading principle of post-war reconstruction in Ukraine, as it is closely linked to the rule of law, and a good proxy measure for the overall institutional development of a country.

## **Why Corruption is Used as a Short-Term Fix in Post-War Countries**

A post-war context usually represents a fragile institutional setting. Through it, changes in a country are dynamic and can take multiple trajectories.<sup>4</sup> Whilst fragility usually has a negative connotation, it is in this context ambiguous. This is because it can also entail the weakness of previous institutional settings that were characterised by such features as nepotism, large-scale corruption, and other negative phenomena. It is therefore paradoxical that due to war, democracy *can* in the long-term even be strengthened. It is even argued by some authors that "democratisation tends to follow war".<sup>5</sup> Examples are rare, but the literature has presented Western Europe after WWII as such a case.<sup>6</sup>

Despite that, institutional trajectories usually take the opposite direction in post-war periods. This is because corruption is normally a key feature of how political economy systems function, particularly in those countries that are fragile and prone to intrastate war.<sup>7</sup> In countries where such conflicts come to an end, corruption is often seen as a necessary evil to 'buy off peace'.<sup>8</sup> This is because fighting corruption comes along with a further destabilisation of the institutional equilibrium in the short term and its benefits, such as a fairer and more equitable society, only materialise in the long term. Elites, often conflicted with each other in fragile societies, will likely resist such changes that threaten their advantageous

4 Rose-Ackerman, S., Corruption and post-conflict peace-building. *Ohio NUL Rev*, 34, 405, 2008

5 Mitchell, S. M., Gates, S., & Hegre, H., Evolution in democracy-war dynamics. *Journal of Conflict Resolution*, 43(6), 1999, 771-792.

6 Merkel, W. & Gerschewski, J., Democratic Transformation after the Second World War. In: W. Merkel, R. Kollmorgen & H.J. Wagener (Eds.) *The handbook of political, social, and economic transformation*. Oxford, UK: Oxford University Press, 2019, pp. 280-292.

7 Neudorfer, N. S., & Theuerkauf, U. G., 2 Buying war not peace: The influence of corruption on the risk of ethnic war. *Comparative Political Studies*, 47(13), 2014, 1856-1886.

8 Le Billon, P., Buying peace or fuelling war: the role of corruption in armed conflicts. *Journal of International Development: The Journal of the Development Studies Association*, 15(4), 2003, 413-426.


position. This resistance might threaten a fragile peace and lead to infighting among previous adversaries that might seek to keep their share of an even smaller pool of self-enrichment.

Hence, in the reconstruction period, for the sake of short-term institutional stability in a country, corruption is usually tolerated by donors, or even outrightly incentivised and actively participated in. For instance, in the case of Iraq, the current levels of corruption and fragility “can be traced back to occupation-era reconstruction policies and to Baathist-era patronage”.<sup>9</sup> However, visibly, this is not just the result of misconceived oversight and/or policy prescriptions imposed by Western actors. On the contrary, Western governments have not uncommonly turned a blind eye or unequivocally supported their national companies, to benefit from weak transparency and governance in the post-war reconstruction period.<sup>10</sup> In other words, in the reconstruction period, corruption can not only be seen as a mechanism to ‘buy off peace’ between former adversaries in a country by external parties, but also to ensure good business opportunities for those countries involved in the process of rebuilding another country.

Through this, rule of law and corruption have often become rather buzzwords than serious policy prescriptions, and countries have often become increasingly fragile, due to the long-term effects of corruption. This has led to the fragmentation of states and/or their entire collapse, the former visible in Iraq and the latter in Afghanistan. The

‘buy-off peace’ argument of corruption is therefore only a short-term fix that can lead to a long-term collapse. For instance, in Afghanistan, it has been revealed that “security and political goals consistently trumped strong anticorruption actions” (but in the end) “corruption undermined the U.S. mission”.<sup>11</sup> It is brought about therefore not so much through the lack of knowledge about the existence of corruption or its negative long-term effects, but because of the lack of will of key parties to take effective actions against it. This includes both domestic elites in a post-war country and external actors.

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 **One key difference, however, between Ukraine and the other cases is its degree of relative stability and the consolidation of its society. In contrast to the outcomes of a civil war, the unprovoked invasion of Russia has actually increased rather than undermined national unity**

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As the SIGAR report on Afghanistan notes, “where the United States sought to combat corruption, its efforts saw only limited success in the absence of sustained Afghan and U.S. political commitment”.<sup>12</sup> This lack of commitment to combat corruption effectively led to the failure of the entire mission. The exact same can be said about almost all post-war reconstruction cases, in which corruption is tolerated or accepted in the short-term, only to lead to long-term pain.

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9 Dhingra, R. and Alshamary, M., Corruption is the forgotten legacy of the Iraq invasion. *Brookings Institute*, 3.04.2003, <https://www.brookings.edu/articles/corruption-is-the-forgotten-legacy-of-the-iraq-invasion/>

10 Karnitschnig, M., How the US broke Kosovo and what that means for Ukraine. *Politico*, 15.02.2024, <https://www.politico.eu/article/how-the-us-broke-kosovo-and-what-that-means-for-ukraine/>

11 Sopko, J. F., Corruption in Conflict: Lessons from the US Experience in Afghanistan. *Special Inspector General for Afghanistan Reconstruction*, 2016

12 Sopko, J. F., Corruption in Conflict: Lessons from the US Experience in Afghanistan. *Special Inspector General for Afghanistan Reconstruction*, 2016



Whilst Ukraine differs from other war-torn countries in contemporary times, as it is the victim of an unprovoked, external aggression, it shares some features with these countries. This is in particular the strong influence of corruption and nepotism in its institutions for the entirety of its post-Soviet development trajectory.<sup>13</sup> And, despite there being strong Western support for anti-corruption reforms, not least after the 2014 Revolution of Dignity, its outcomes were mixed. They can be best characterised by selective intervention, whereby Western actors decided to prescribe anti-corruption policies and frameworks and sometimes intervene in cases of attempts to undermine them, whereas abstaining in other cases from doing so.<sup>14</sup> As it turned out, Western companies were also involved in various schemes, in which they profited from the existence of poor oversight and transparency.<sup>15</sup>

## How Ukraine Can Be Built Back Better

One key difference, however, between Ukraine and the other cases is its degree of relative stability and the consolidation of its society. In contrast to the outcomes of a civil war, the unprovoked invasion of Russia has actually increased rather than undermined national unity. This positions Ukraine in a particularly strong perspective for a *potential* institutional overhaul, and a massive decrease in corruption. The fight against corruption should not just be the leading principle of the post-war

reconstruction context, but is also a central feature in times of war. Multiple corruption scandals in the army have elevated the urgency of this problem and showcased its dramatic consequences — the provision of wrong or too little equipment as a result of corruption can make the difference between life and death on the battlefield and, correspondingly, the difference between victory and a forced settlement. Additionally, it also makes the difference between just building back a country or building it back better.

To understand the exact mechanisms of anti-corruption reforms on the reconstruction outcome, it is important to acknowledge the huge negative effect that corruption has on social capital and societal trust in general. This has been well established in the literature, as well as the corresponding linkage to poor economic outcomes that are characterised by weak economic and political institutions.<sup>16</sup> Already in the pre-war era, analysis clearly showed that by simply decreasing levels of corruption, there would be significant spillover effects on economic growth in Ukraine. A study by the World Bank in 2017, for instance, revealed that lowering corruption levels in Ukraine to the average EU level would increase the country's relative per capita GDP vis-à-vis the EU average from below 30% in the reference year to over 50% in 2040.<sup>17</sup> As a result, Ukraine would under this scenario not just be growing, but growing quicker relative to the rest of Europe, and therefore catching up with it.

13 Hale, H. E., *Patronal politics: Eurasian regime dynamics in comparative perspective*. Cambridge University Press, 2014

14 Richter, M. M., Victim of Its Own Success (?)—The European Union's Anti-corruption Policy Advice in Ukraine Between Grand Visions and (Geo) political Realities. *JCMS: Journal of Common Market Studies*, 2023

15 Richter, M. M., 'Call the Bluff' or 'Build Back Better'—Anti-corruption reforms in post-war Ukraine. *Global Policy*, 14(4), 2023, 611-622.

16 Serritzlew, S., Sønderkov, K. M., & Svendsen, G. T., Do corruption and social trust affect economic growth? A review. *Journal of Comparative Policy Analysis: Research and Practice*, 16(2), 2014, 121-139.


17 IMF, *Country Report No 17/84 on Ukraine*, 2017

Whilst impressive, this study of the pre-war period shows the general problem inherent in fighting corruption — its benefits are dispersed over the entire society and graspable over the long-term. In contrast, the main benefits of corruption are usually concentrated among a few systemic insiders, with access to administrative resources, and is graspable in the short-term. However, the drawback of corruption becomes particularly imminent when considering the post-war context, which would differ from the 2020 scenario that the World Bank elaborated. This is particularly the case with respect to the availability of local and external investments, as well as the demographic resources necessary to rebuild and run a country.

These are arguably the two key challenges that Ukraine faces in terms of reconstruction, from a political economy perspective: economic and demographic recovery. With respect to the former, the eradication of large-scale corruption needs to be the centrepiece to kick-start processes that will eventually lead to deep economic change. For one, entrepreneurial trust into the system should be built that has a direct and positive effect on private entrepreneurship and corresponding investment levels. It is without doubt that the reconstruction of Ukraine requires a significant infusion of large-scale private investments. However, the question of how this capital is to be attracted on a sufficiently large scale and for sufficiently long is not being addressed to the necessary extent. A condition for this to happen is the creation of a beneficial

investment climate for all entities that begins with levelling up the playing field, which means eradicating the preferential access that some actors enjoy within this system. In other words, this entails a serious reduction in corruption, and the eradication of corruption as the *modus operandi* of the system.

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***the two key challenges that Ukraine faces in terms of reconstruction, from a political economy perspective: economic and demographic recovery***

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Various studies on entrepreneurship show that corruption has a strongly negative effect on aggregate investment levels,<sup>18</sup> and the overall creation of new firms.<sup>19</sup> In corruption-heavy economies, asset-stripping<sup>20</sup>, capital flight,<sup>21</sup> and a corresponding lack of reinvestment<sup>22</sup> are commonplace, and a direct result of the insecure investment climate. The general conditionality of institutional quality on investment levels in post-war societies, and therefore its impact on post-war growth, has been established in large-scale empirical studies.<sup>23</sup> As such, even if Ukraine receives large-scale funds from abroad for reconstruction and, heavy transparency provisions are in place for the use of these funds specifically, companies will be unlikely to reinvest their proceedings in Ukraine, and instead will park this money in safe havens,

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18 McMillan, J., & Woodruff, C., The central role of entrepreneurs in transition economies. *Journal of Economic Perspectives*, 16(3), 2003, 153-170.

19 Dutta, N., & Sobel, R., Does corruption ever help entrepreneurship?. *Small Business Economics*, 47, 2016, 179-199.

20 Karklins, R., Typology of post-communist corruption. *Problems of post-communism*, 49 (4), 2002, 22-32.

21 Le, Q. V., & Rishi, M., Corruption and capital flight: An empirical assessment. *International Economic Journal*, 20(4), 2006, 523-540.

22 Johnson, S., McMillan, J., & Woodruff, C., Property rights and finance. *American Economic Review*, 92(5), 2002, 1335-1356.


23 O'Reilly, C., Investment and institutions in post-civil war recovery. *Comparative Economic Studies*, 56, 2014, 1-24.

in case the overall institutional framework is not sufficiently healthy. Hence, the huge potential for a reinforcing cycle of initial investments will go missing. For the sake of building back better and for long-term, the provision of systemic anti-corruption reforms in Ukraine, and not just oversight and transparency measures for distribution of the direct Western aid provided is paramount.

Correspondingly, a well-functioning and sustainable investment environment would also create the necessary precondition for the long-term trust of Western audiences in Ukraine. Today, when many Western government budgets are strained due to multiple crises and long-term challenges, the conviction that the money being sent to Ukraine is not only not being stolen but also a good investment, is of huge importance. Most of the new EU member states are a telling example of such a story: by coping with the EU funds provided to institutional benchmarks that overhauled their investment environments, these countries have grown into major markets, offering business opportunities for companies from those countries that have helped fund this transformation. As such, this has led to mutually beneficial outcomes for recipients as well as givers of transformation funds. It is worth noting that this mechanism was seen as the dominant one through which longstanding EU member states decided to proceed with several enlargement rounds from 2004 onwards.<sup>24</sup> However, only by establishing a beneficial business climate through conducting far-reaching anti-

corruption reforms can at least the *potential* for this mechanism be brought about. In any case, lack of investment and capital flight will only lead to a stagnating and dependent Ukraine, whose speedier accession will be seen as a drag on European budgets.

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***The emigration situation puts the question of the sustainability of any reconstruction process into question. Not only are workers required to build up infrastructure in the beginning, but also a high enough population later on to make use of them***

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Last of all, the final, major transmission mechanism provided by a low level of corruption to a successful reconstruction outcome concerns the challenge of demography. Already, before the war, due to the significant economic gap between Ukraine and EU countries, Ukrainians were emigrating in large numbers to the West. Corruption, unsurprisingly, is established as a major factor in causing an increase in emigration rates, particularly among well-educated people, hence the people necessary for economic catch-up processes.<sup>25</sup> This trend has significantly increased due to the war and, as of 15 February, 2024, there are around 6 million refugees from Ukraine in Europe.<sup>26</sup> The average age of this group is 29.4 years, which is well below the average age of the entire Ukrainian population.<sup>27</sup>

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24 Moravcsik, A., & Vachudova, M. A., National interests, state power, and EU enlargement. *East European Politics and Societies*, 17(1), 2003, 42-57.

25 Cooray, A., & Schneider, F., Does corruption promote emigration? An empirical examination. *Journal of Population Economics*, 29, 2016, 293-310.

26 Centre for Research & Analysis of Migration (no date). Current migration flows from Ukraine. <https://cream-migration.org/ukraine-detail.htm?article=3573>

27 Emerson, M., Ukraine's Alarming Demographics. *SCEEUS Report Series on Ukrainian Domestic Affairs*, No. 7. 2.05.2023, <https://sceeu.se/publikationer/ukraines-alarming-demographics/>

As a result, it is said that “around 30 to 40% of children and of prime age women (have) left (Ukraine)”.<sup>28</sup> Without these people, Ukraine has a population which is one of the oldest on earth, with a very poor outlook for improving the situation organically, as fertility rates have further dropped.<sup>29</sup> Considering the simultaneous rise of some Central European countries, such as Poland, to being seen as prime nearshoring locations, and with a widening gap in income levels between these countries and Ukraine, which is a major driver of migration,<sup>30</sup> the question of how Kyiv can create pull factors for their people to return becomes a centrepiece of future strategy.

The emigration situation puts the question of the sustainability of any reconstruction process into question. Not only are workers required to build up infrastructure in the beginning, but also a high enough population later on to make use of them. Otherwise, reconstruction aid becomes a drag on Western budgets without generating returns. In this context, again, the question of corruption takes a prominent, if not the central role. First, by seriously combatting corruption, a credible commitment to a more economically prosperous future is made, or at least its precondition is met, as outlined above. Knowing of its effects, corruption is usually declared by Ukrainians as one of their major problems. As such, a credible fight against it can reestablish trust in the state and in its future for Ukrainians at home and abroad. Through this, it can act as a self-fulfilling prophecy — by being confident in the future of the state, entrepreneurs

start investing, and then find the necessary labour force in returning Ukrainians that share the same optimism about the future, generating the organic economic growth necessary for long-term economic recovery and expansion, as showcased below.

Lastly, interconnected with both aspects is the prospect of joining the EU. It is the undisputed direction that the Ukrainian people want their country to take. It comes along with an overhaul of the entire political economy system, in which anti-corruption reform is central. Indeed, the success of these reforms is a precondition for the EU integration process itself. Ideally, it is also a proxy for the approximation process, if Brussels and the EU member states offer a credible accession perspective that is entirely based on the reform progress in Ukraine, and not on geopolitical considerations. In such a case, Kyiv would have not just an incentive to conduct the reforms, but also the factual necessity of doing so, based on the population’s mandate and the impracticality of being able to blame a lack of progress in EU integration on Brussels. Such coping with a credible EU perspective alongside the centrality of anti-corruption reforms in the post-war reconstruction process would therefore generate the necessary incentives for the overhaul of the system that would further solidify the processes elaborated above: by seeing that their country is factually going in a European, largely corruption-free direction and towards such a future, the positive ramifications of reconstruction in Ukraine are further increased and mutually reinforced.

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28 *ibid*

29 Coles, I. and Sivorka, I., Russia’s Invasion Triggers Baby Bust in Ukraine. *Wall Street Journal*, 25.09.2023, <https://www.wsj.com/world/russias-invasion-triggers-baby-bust-in-ukraine-6a448a53>

30 Engler, P., MacDonald, M., Piazza, R., Galen, S., Migration to Advanced Economies Can Raise Growth. *IMF Blog*, 19.06.2020, <https://www.imf.org/en/Blogs/Articles/2020/06/19/blog-weo-chapter4-migration-to-advanced-economies-can-raise-growth>

## Conclusion

Ukraine is in a unique situation as far as its conditions for post-war reconstruction are concerned. It is characterised by relative internal unity and stability, which contrasts with many other reconstruction cases. However, it shares the issue of large-scale corruption with all these others, which is something that has also all too often been tolerated in the case of Ukraine case. What makes this case equally unique is the demographic situation of Ukraine: whilst countries like Afghanistan, Iraq, or even Kosovo were characterised by having young populations, hence huge demographic reserves, Ukraine, in contrast, now has one of the oldest. This makes the margin for error in the reconstruction process even slimmer, as its failure will translate into an ever worse economic and demographic outlook, with both factors mutually reinforcing each other.

Corruption, as one of the key issues that inhibits economic development, and therefore also the prospects of demographic recovery, must therefore enjoy all-encompassing attention in the reconstruction process. The factors that led to serious anti-corruption reforms being merely paid lip service to in other post-war reconstruction cases, are not really present in Ukraine. It is therefore a question of the political will of Western actors as to whether

they are willing to push for it. As the SIGAR report also notes “solutions to endemic corruption are fundamentally political. Therefore, the United States should bring to bear high-level, consistent political will when pressing the host government for reforms”. Having the leverage for incentivising the host government to conduct reforms, that is to say significant reconstruction aid, then anti-corruption reforms and a credible EU perspective must be the all-encompassing themes around which this reconstruction design is centred, in order to reform Ukraine and save its economic and demographic future.

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# BUILDING BACK BETTER. THE ROLE OF SOCIAL SECURITY IN UKRAINE'S SUSTAINABLE RECOVERY

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*The renewed, full-scale aggression of the Russian Federation against Ukraine in 2022 has served as a further catalyst for grassroots nation-building efforts, highlighting the need for a comprehensive social model, prioritising inclusivity, stability, and long-term prosperity. While military victory against a brutal aggressor remains an existential necessity, being a key factor for Ukraine to protect its territorial integrity, the nation must continue to address long-standing socio-demographic challenges exacerbated by an ongoing war, leader-driven political projects, and short-sighted policymaking. Ukraine and its international partners can pave the way for sustainable peace and democratic resilience — both crucial for defending its sovereignty against future threats — by navigating through (post)war recovery with an inclusive, citizen-centred approach.*

## Redefining Resilience: The Role of Social Security in Ukraine's Future

Anno 2024 sees Ukrainians continue to confront future-defining, existential challenges pertaining to the democratic development of their country, due to Russia's full-scale onslaught on their country. The situation on the battlefield deserves considerable attention, because it will determine Ukraine's prospects for successful post-war recovery and a democratic future – having a direct impact on sovereignty, right to self-determination, and territorial integrity.

A military victory is a precondition for Ukraine to embark on a successful path to a peaceful transformation. At the same time, for the unfathomable pain, unimaginable suffering and incredible sacrifices not to be futile, the society and its political elites must reach consensus on the (social) model of the country they are fighting for so bravely. Devastating economic, human, and social losses due to a full-scale war, which have already changed the socio-demographic composition of the population<sup>2</sup>, make such a decision no longer a matter of choice but one more existential necessity.

1 Disclaimer: The views and opinions expressed in this article are solely those of the author and do not necessarily reflect the official policy or position of the Foundation for European Progressive Studies.

2 UN estimates (UNHCR, IOM) have spoken of over 6 million internally displaced persons and close to 8 million citizens who have left Ukraine since the start of full-scale invasion in 2022. In 2024, with many having returned in 2022-2023, the number is estimated at 6-6.5 million. For a detailed overview see: UNHCR. Ukraine Refugee Situation, 14 March 2024, <https://bit.ly/3VZHTxz>. UN in Ukraine. With no let-up for war-affected Ukrainians, UN launches humanitarian and refugee plans to respond in 2024, 2024, <https://bit.ly/45Fq5L8>. International Organization for Migration. Millions Assisted, Millions More Still in Need Two Years into Ukraine War, Says IOM, 2024, <https://bit.ly/3RDWQmj>.

Such a debate is yet to be conducted systematically and comprehensively. Despite the immense socio-economic pressure of holding an ideological discussion during an ongoing war, the reaching of a nationwide consensus on the preferred post-war social model would nevertheless considerably benefit Ukraine's war effort, the process of its post-war recovery and its (economic) modernisation. Moreover, it can help to prevent a scenario through which the social security of millions of citizens, already profoundly affected by the military atrocities, will be undermined as soon as the fighting stops (or at least its active phase concludes). In the case of such a suboptimal scenario, the social fabric of the society will be torn apart, internal polarisation will grow, and the resilience of Ukraine's democratic model will be seriously weakened.

A demand for a clear articulation of the preferred social model is yet to be mentioned explicitly by the international (donor) community supporting Ukraine. Such a decision may be attributed to the fact that the active phase of the war is far from over. Nevertheless, the importance of an inclusive sustainable recovery can already be traced to high-level international decision-making formats and expert discussions about Ukraine's future (e.g. OECD, WTO, so-called recovery conferences and US-led attempts to revive the spirit of the Marshall Plan etc.). In terms of a social recovery, the OECD points to the need for Ukraine to have "comprehensive social and employment strategies to address the long-term needs of its most vulnerable citizens"<sup>3</sup>. The ILO warns that "millions could be pushed into poverty, offsetting years of



***A demand for a clear articulation of the preferred social model is yet to be mentioned explicitly by the international (donor) community supporting Ukraine. Such a decision may be attributed to the fact that the active phase of the war is far from over***

development efforts"<sup>4</sup>. The World Bank has assessed that GDP would decline by around 45.1 per cent in 2022, through displacement, damage, and disruption<sup>5</sup>. The European Commission, despite a positive opinion on Ukraine's application for EU membership, critically remarked that "the approximation to the *acquis* is still limited in the area of social policy and employment"<sup>6</sup>. It is therefore a matter of time, depending on the conduct of the war, as to when the question of social security will be in the spotlight of public opinion and expert discussions. Moreover, it should be expected that Ukraine's path to EU membership and its access to the relevant funding will be conditional on successful reforms in the social realm. As a result, in this analysis, I elaborate on the rationale behind the need for a strong and dignified social contract (as defined by the Nestor Group of experts and public intellectuals)<sup>7</sup>.

### **Beyond Survival: Crafting a New Narrative for Ukraine**

Prior to the last decade, Ukraine's state and nation-building track records have been predominantly unsuccessful, due to centuries of oppression from its neighbours. And while

3 OECD. *Social policies for an inclusive recovery in Ukraine*. 2022. <https://bit.ly/3RF13HL>

4 ILO Office for Central and Eastern Europe. *Support for Ukraine recovery, 2022*, [https://www.ilo.org/budapest/WCMS\\_861948/lang--en/index.htm](https://www.ilo.org/budapest/WCMS_861948/lang--en/index.htm)

5 World Bank. *Relief, Recovery and Resilient Reconstruction: Supporting Ukraine's Immediate and Medium-Term Economic Needs*, 2022, <https://bit.ly/45Hf7o1>

6 EU Enlargement Policy, <https://www.consilium.europa.eu/en/policies/enlargement/ukraine/>

7 Y. Hlibovytskyi, *Vijna jak konttrevolucija hidnosti* (War as a counter-revolution of dignity), 2024, <https://bit.ly/3XBpE2s3>

*de jure* Ukraine gained its independence in 1991, *de facto* its society and elites remained under Russia's tight economic, cultural and political grip. Moreover, strong opposition towards the power of central authority is deeply rooted in Ukraine's socio-cultural code and is often traced back to the hetman-Cossack heritage. The Soviet legacy has only exacerbated the distrust towards the prevailing political ideology, while the representatives of political elites were perceived as untrustworthy and corrupt. As a result, a phenomenon which Ukrainian writer Andrii Kurkov describes as a democratic anarchy matrix allows citizens to effectively resist attempts at the usurpation of power (shown in three successful large-scale revolutions since 1991)<sup>8</sup>. Still, it also makes Ukraine's democratic model volatile and unpredictable. Its version of democracy has developed a distinctly individualistic character, while the political and policy landscape for nearly three decades has been leader-driven and characterised by the lack of clearly defined ideological and programme-oriented parties.

With over 350 political parties registered at the Ministry of Justice, elections have often constituted a popularity contest amongst many *de facto* business projects, which marketed an individual vision (promise, idea) of Ukraine's development, irrespective of any ideological backbone. Such a situation resulted in the lack of a consolidated, long-term, nationwide reform and development plan, not to mention the absence of a clear foundation behind many decisions. This is also why Ukraine's fragmented market economy model has been characterised by "the multiple trajectories of development of different agencies and institutions, which are often defined by the personal preferences of

the decision-makers, who are inspired by certain examples and role models from more developed countries".<sup>9</sup>

For over three decades, Ukraine's domestic affairs have been characterised by a high degree of volatility. Leader-driven political projects have dominated political life. Political action plans were often based on a five-year electoral cycle. Subsequently, the preferred timespan of implemented policies has been short-term due to the dominant 'quick wins' approach. A considerable number of political projects turned out to be short-lived, which did not allow for a continuous reform effort. Moreover, there is an evident scarcity of political movements which can be well-positioned on a traditional ideological spectrum — therefore, able, willing and persistent enough to invest political capital over time, into much-needed reforms. Quite the opposite, Ukraine's political scene has been replete with catch-all political parties and populists, unwilling to take risks, which potentially may threaten their chances of being (re)elected. Instead of adopting at least some of the previously successful practices, the frequent reaction from those newly elected has been to start out by completely undermining the work of their predecessors. Therefore, the importance of continuity and investment in the development of institutions, mechanisms and practices in Ukraine should not be left unheeded.

Due to this complicated history, the image and vocation of a politician in Ukraine remains tainted, associated with shady practices and/or corruption. The political campaigns are focused on bringing in the so-called "managers and professionals" into decision-making. This leads to a questionable level of competence in parliament, as unfortunately

8 A. Kurkov, *Ukrainians. From A Historical Matrix to the Present Day in Ukraine in history and stories*. Essays by Ukrainian intellectuals, V. Yermolenko (ed), 2019, Kyiv: Internews Ukraine, UkraineWord.

9 K. Gryniuk, *The Mechanisms of Bridging the Skills Gap in Post-Communist Countries. Case study of Ukraine, Poland, and Estonia*, 2019, Doctoral Dissertation at the Institute of Philosophy and Sociology of the Polish Academy of Sciences. P. 196. <https://rcin.org.pl/ifis/dlibra/publication/273219/edition/236879>



cases of buying one's way into the forefront of politics have been common for a very long time. Although the last parliamentary elections in 2019 were expected to bring a wave of fresh faces onto the political scene, the post-election policy-making processes have already shown once again that the vast majority of new politicians have been learning on the spot, lacking the prior knowledge and competence to lead genuine empirical-based change. Such a state of affairs hampers key reforms because the latter usually come at a substantial political cost, and require expertise and long-term political investment.



***Investing in social security is not just a matter of welfare but a strategic imperative for Ukraine's journey towards lasting security, stability, prosperity, and inclusive democratic governance***

Against such a background, some Ukrainian political scientists have argued that broad, non-ideological movements were sufficient to address the needs of a nation which has constantly had to return to the question of “survival and defending sovereignty”<sup>10</sup>. The war with Russia, which originally started in 2014, and escalated in 2022, provided a strong impetus for the process of grassroots Ukrainisation to progress, contributing to the strengthening of a political nation, and putting the final touches to the nation-building processes. Therefore, the ongoing (and what majority hope to be a victorious) war against centuries-long oppression is likely to become a long overdue, transformative moment for Ukraine to finally

move away from being primarily “a world champion in survival” (in the parlance of modern Ukrainian philosopher Volodymyr Yermolenko) to having the opportunity “to live and plan long-term” — having the capacity to define and proactively mould its own future<sup>11</sup>.

Finally, prior to 2022, many ideological niche movements (e.g., socio-democratic, eco-movements, etc.) could have been more effectively utilised. Yet, that was not for a lack of demand for them. As argued earlier in the analysis, the circumstances were hardly favourable, and society needed to be more mature and experienced enough to conduct serious, merit-based deliberations. The ongoing discussions between international and Ukrainian stakeholders suggest that the overarching framework for recovery and modernisation efforts is likely to be security driven. The latter is a sine qua non requirement to ensure the safety of the population and a key factor in attracting foreign investment, allowing Ukraine to modernise successfully. Yet, in the framework of “building back better”, it would be a considerable mistake to overlook the importance of social security as an integral element of societal resilience, which is now widely discussed by all involved stakeholders as a cornerstone of Ukraine's successful resistance against the Russian aggressor. Investing in social security is not just a matter of welfare but a strategic imperative for Ukraine's journey towards lasting security, stability, prosperity, and inclusive democratic governance. This is why it is so salient to raise awareness about the importance of agreeing on a comprehensive social model, which will allow the Ukrainian state to take care, in an inclusive, fair and transparent manner, of

10 Y. Shulha, (Ed.), Ukraine's party system: establishment, functioning, development, 2010, *National Security and Defense magazine* nr 5 (116). Ukrainian Centre for Economic and Political Studies named after Olexandr Razumkov.

11 V. Yermolenko (ed), *Ukraine in history and stories. Essays by Ukrainian intellectuals*, 2019, Kyiv: Internews Ukraine, UkraineWord.

those who are currently paying the highest price in the most brutal and devastating war Europe has seen in almost a century.

### **United in Diversity: Strong Social Fabric as a Cornerstone of Ukraine's Sustainable Development**

The conduct of a full-scale war underscores Ukraine's potential for transformation and modernisation, which hinges significantly on the nation's cross-society resilience, a concept articulated among others by Hanna Shelest<sup>12</sup>. I argue that this resilience necessitates a high level of inclusivity — all members of the society understanding their role, whilst feeling valued, taken care of and included in decision-making. The effectiveness of collective efforts is amplified when all members of society are actively engaged and empowered. Without the comprehensive mobilisation of Ukrainian society, accompanied by clear guidance on the nature and extent of individual contributions, resistance against Russia would have been considerably less successful. Similarly, without a well-defined strategy for citizen welfare and their active participation, the processes of (post)war recovery and EU accession could easily propel the rise of Eurosceptics and populists, who would argue that decisions are led by technocrats, disconnected from societal realities.

The lack of human capital has been a serious problem for the development of Ukraine in the past, and will continue to be a key factor in the process of its reconstruction. As shown previously, various estimates (e.g., by UNHCR, IOM) point to approximately 6-6.5 million people, who appear to have left Ukraine since the start of the full-scale

war in 2022. In looking for an answer to this problem, the authorities should strive to create an environment which is conducive to demographic growth. According to experts "such environment — in both war and post-war periods — has four major components: basic security, proper housing, a balanced labour market, and supportive living conditions"<sup>13</sup>. The relatively short nature of my analysis prevents me from delving deeper into all pertinent policies required to improve the discussed demographic situation — be it effective health policy, labour market reform, educational policy, (affordable) housing, inclusion, and the protection of vulnerable groups such as single mothers, the elderly and the youth. At the same time, I would like to draw attention to those overarching challenges, which may not be under the spotlight of most such analysis.

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 ***Another pertinent issue concerning Ukraine's future socio-demographic landscape is the notable underrepresentation of women in decision-making, both at the local and national levels. Despite the active involvement of women in grassroots initiatives, civil society organisations, and increasingly in the military, their presence in leadership positions and the decision-making nexus remains limited***

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The government's key strategic documents lack active mechanisms for engaging and cooperating with the diaspora (for the purpose of the paper used in the broadest definition). Although the National Recovery

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12 H. Shelest, *Defend. Resist. Repeat: Ukraine's lessons for European defense*, 2022, Policy Brief. European Council on Foreign Relations. <https://ecfr.eu/publication/defend-resist-repeat-ukraines-lessons-for-european-defence/>

13 E. Libanova, *Ukraine's Plans for Demographic Recovery*, 2024, Kennan Cable nr 88. <https://www.wilsoncenter.org/publication/kennan-cable-no-88-ukraines-plans-demographic-recovery>

Plan acknowledges the importance of repatriating refugees as a priority, members of Ukraine's diaspora (including migrant communities, and Ukrainian minorities in countries like Poland, Slovakia or Romania) abroad are not recognised as standalone actors or significant partners in the recovery process. The Russian invasion of Ukraine since 2014 has underscored the immense potential of such communities to advocate for the country's democratic development and to mobilise human, financial, and political resources. In previous scholarly initiatives, I have emphasised the critical role of including the diaspora in Ukraine's identity-building and democratic progress. Functional mechanisms for engaging with the Ukrainian diaspora, which will likely expand after the war, are essential for Ukraine's commitment to inclusivity and multi-stakeholder engagement. Decision-makers must be prepared to acknowledge diasporic groups as crucial partners in Ukraine's recovery and democratisation, consulting and actively involving them in the country's transformation. As an example, according to the authors of the 'Blueprint for Recovery of Ukraine,' the significant influx of refugees, including students, researchers, and highly-skilled workers to the EU presents an opportunity to establish enduring relationships in the field of research and development<sup>14</sup>.

The full-scale defensive war has fostered an unprecedented sense of unity within Ukrainiansociety,pavingthewayforabroader consensus on the nation's future direction. As early as 2022, the Ukrainian authorities introduced a national recovery plan with the overarching objective of ensuring decent living standards for all citizens<sup>15</sup>. However,

the overall socio-economic landscape has significantly influenced the feasibility and success of reforms, particularly in the social sphere. Over the past three decades of independence, Ukraine has weathered multiple large-scale protests (revolutions) and a prolonged war with a neighbouring state deliberately targeting the civilian population and infrastructure. These events have precipitated political upheaval, severe economic downturns, and significant emigration. Additionally, like many other nations, Ukraine has grappled with the profound challenges posed by the Covid-19 Pandemic. The absence of sustained peace and stability, coupled with persistent external threats, has hindered the establishment of conducive conditions for effective social welfare programmes. Moreover, since 2014, security concerns have largely dictated policy priorities, with little indication of the onset of imminent change. The high level of trust enjoyed by the Ukrainian Armed Forces, particularly in comparison to other state institutions, serves as a poignant reminder of these circumstances.

Another pertinent issue concerning Ukraine's future socio-demographic landscape is the notable underrepresentation of women in decision-making, both at the local and national levels. Despite the active involvement of women in grassroots initiatives, civil society organisations, and increasingly in the military, their presence in leadership positions and the decision-making nexus remains limited. Currently, only 20% of sitting parliamentarians in Ukraine are women, with even lower representation among ministers (14%) and with few members of local governing bodies (30%)<sup>16</sup>. While there

14 T. Becker et al. *A Blueprint for the Reconstruction of Ukraine*, 2022, The Centre for Economic Policy Research. <https://cepr.org/about/news/blueprint-reconstruction-ukraine>

15 Ukraine Recovery Conference. *Social Recovery*, 2022, Lugano [https://uploads-ssl.webflow.com/621f88db25fbf24758792dd8/62bd01b9049cb35af0bbe702\\_ENG\\_Social%20Recovery\\_URC.docx.pdf](https://uploads-ssl.webflow.com/621f88db25fbf24758792dd8/62bd01b9049cb35af0bbe702_ENG_Social%20Recovery_URC.docx.pdf)

16 UN Women. *Local government country profile*, 2024, <https://localgov.unwomen.org/country/UKR>

has been some progress observed in the last parliamentary elections<sup>17</sup>, the importance of the meaningful participation of women in Ukraine's recovery and modernisation efforts must not only be acknowledged but also ensured. This is particularly crucial given the impending challenge of gender-sensitive policymaking, exacerbated by the significant emigration of primarily women since the onset of the full-scale war. One of the fundamental precepts outlined in the Lugano Recovery Principles underscores the importance of gender equality and inclusion. Ukrainian stakeholders and their partners should work towards integrating this principle into Ukraine's recovery and modernisation initiatives, ensuring that women have an equal opportunity to contribute to the country's development.

### **Ukraine's Security Dilemma: Protecting Society While Safeguarding Democratic Values**

Ukrainian society holds the ultimate decision-making power regarding its future. However, it is imperative for those who stand in solidarity with Ukraine to discuss the potential challenges associated with a certain path towards development and recovery. Increasingly, experts and policymakers view a militarised democracy as a viable and even necessary model for Ukraine to defend its sovereignty in the foreseeable future. Likewise, civil society organisations, exemplified by the inaugural Civil Society Manifesto from Lugano, prioritise national and human security in their strategic communication. Given the persistent threat from neighbouring Russia and recent first-hand experiences of war's brutality, strengthening the defence and security sectors is likely to become a defining aspect of Ukraine's recovery and post-war development. A growing consensus among experts and decision-makers

suggests that without robust state security, comprehensive recovery and modernisation efforts may falter. Furthermore, the Ukrainian authorities perceive military-tech as a catalyst for economic modernisation and transformation.

In the midst of an ongoing war, one might argue for the existential necessity of such a model for Ukraine. However, there is another important perspective to consider. Situated in a region that historian Timothy Snyder termed the 'bloodlands,' Ukraine has lacked the opportunity to develop instruments and structures for effective dialogue among its diverse societal groups. Instead, it has endured high levels of repression, trauma, and violence. Since the onset of the war in eastern Ukraine in 2014 and Russia's annexation of Crimea, I have personally participated in activities arranged by organisations focusing on fostering a genuine culture of dialogue in the country. This entails the capacity to comprehend and address the varied needs and expectations of different societal groups, through non-violent means and instruments such as dialogue and non-violent communication. Silence, distrust, and distancing, remnants of the Soviet legacy, have often been coping mechanisms for dealing with difficult situations and emotions. Having already had limited time and opportunity to properly address past traumas, the Ukrainian nation now finds itself navigating yet another significant outbreak of violence and destruction.

From 2014 until early 2022, news outlets did report incidents, some of them fatal, involving war veterans and civilians. While in relative numbers these incidents are not to be described as frequent, they highlighted an existing challenge. Since 2022, a significant portion of the population, including prominent figures in public life

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17 One of the parties which entered the Parliament, namely "Holos" has even aimed for a gender-balance on its party lists.

have witnessed and experienced the harsh realities of war. They carry these experiences into their professional and personal lives. Meanwhile, overarching issues such as addressing domestic violence remain pressing tasks. Despite Ukraine's relatively advanced legal framework, which includes the Istanbul Convention (though ratified only in late June 2022), there has been little direct change in socio-economic practices, which still lag behind European standards.



***Increasing militarisation of the public sphere, driven by the existential threat posed by Russia, is seen by some experts as having a negative impact on the state of Ukraine's democracy***

Moreover, during the full-scale invasion, the number of supporters of firearm ownership more than doubled<sup>18</sup>. In a traumatised society lacking comprehensive firearms policies, this surge does not necessarily have to, but nevertheless could lead to further problems if left unaddressed — particularly concerning the demobilisation of armed volunteer groups who fought in the war. If these phenomena are disregarded or overlooked, the proliferation of weapons, war trauma, and the absence of a genuine dialogue culture are likely to continue tearing at the social fabric of Ukrainian society. Furthermore, experiences from other regions in the world demonstrate that vulnerable groups, such as women and minorities, disproportionately bear the brunt of this violence. Whether Ukraine's democracy remains more or less militarised, sustaining it will prove challenging if these issues remain unaddressed.

Increasing militarisation of the public sphere, driven by the existential threat posed by Russia, is seen by some experts as having a negative impact on the state of Ukraine's democracy. The Covid-19 Pandemic, as seen in many other regions globally, heightened the securitisation of the public sphere, potentially compromising the quality of democratic governance<sup>19</sup>. Since the onset of the full-scale Russian invasion in 2022, Ukraine's public sphere has experienced a dramatic increase in securitisation. The war has prompted the imposition of martial law, resulting in top-down governance through regional military administrations, and extensive restrictions on freedoms and rights. If this trend continues, it could significantly undermine the foundations of Ukraine's resilient democracy, including horizontal social connections, decentralised governance, a vibrant civil society, and a robust private sector. Safeguarding against such developments is crucial, particularly during the recovery phase, let alone considering Ukraine's ongoing path to EU membership.

## **Conclusions**

The famous resilience of Ukrainian society has its limits and needs to be replenished. The sooner this is understood, the greater the chances for Ukraine to emerge victorious in the war, and successful in post-war rebuild. Cross-society resilience is stronger once various aspects of a nation's social security are addressed. This means engaging and ensuring that all segments of society are seen as essential not only for Ukraine's war effort, but also for its transformation and modernisation. Additionally, one has to be ready for dialogue and a recognition of the challenges posed by the militarisation of Ukraine's democracy and the securitisation of public sphere, exacerbated by external

18 Rating Group, *Eleventh National Survey. Personal freedom, Security and Arms*, 2023, <https://bit.ly/4csN3HS>

19 Freedom House, *Democracy during pandemic*, <https://freedomhouse.org/issues/democracy-during-pandemic>

threats like the full-scale Russian invasion and, previously, the Covid-19 Pandemic. Without addressing these issues, the resilience of Ukraine's democracy will be seriously compromised, allowing the Russian aggressor to advance its brutal onslaught through conventional military and/or hybrid means. This is why proactive measures are required, to safeguard democratic principles and foster genuine societal dialogue.



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Another critical aspect is the need for comprehensive policy frameworks, to address the multifaceted challenges arising from the vulnerable situation Ukraine found itself in due to the unprovoked aggression. In addition to policies which should target

citizens' welfare, efforts to integrate the experiences of war veterans, mitigate the risks of firearm proliferation, and tackle issues like domestic violence will emerge as crucial for societal cohesion and democratic stability. Furthermore, the recognition of the importance of aligning policy priorities with European standards and values — be it gender-sensitive policies or human rights protection — is imperative for Ukraine to succeed in its European aspirations. Overall, even though the fog of war has not yet lifted, it is important to remember the significance of fostering a culture of inclusivity, dialogue, and democratic governance, in order to navigate the complexities of post-conflict recovery, ultimately allowing Ukraine to become a fully-fledged, active member of the EU.

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# LIBERATION & REINTEGRATION OF CRIMEA: WHEN AND HOW

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***The paper addresses the situation on the temporarily occupied Crimean Peninsula and the changes brought about by two years of the full-scale Russian-Ukrainian war. The achievements of Ukraine's Armed Forces in the Black Sea, where they have seriously damaged a third of the warships of the Russian Black Sea Fleet, are emphasised. The prospects for the liberation and further reintegration of Crimea are analysed. Special attention has been paid to the status of the constitutionally recognised Autonomous Republic of Crimea, and the possibility of its transformation into national-territorial autonomy for the indigenous Crimean Tatar people.***

February 2014 marked two anniversaries: ten years of the illegal occupation, followed by the attempted annexation of Crimea, and two years of the full-scale Russia-Ukraine war that started on 24 February 2022. Thus, this bloody war — unprecedented for Europe since the Second World War — began in Crimea<sup>1</sup> and must inevitably end with the liberation of the peninsula, and its return to the jurisdiction of Ukraine.

During the early stages of the ten-year war, relatively little attention was paid by the international community to the specific issues and human tragedies related to Crimea.<sup>2</sup> The sanctions applied were rather weak; a number of resolutions and reports prepared by the leading international

organisations were expressed in very careful wording, and did not directly call Russia what it is, namely, the aggressor that perpetrated an unprovoked military intervention into a peaceful neighbouring country, thus violating all the basic norms of international law.<sup>3</sup> It cannot be excluded from consideration that, if it were not for the brutal military aggression by the Russian Federation (RF) which occurred in 2022, the 'civilised democratic world' would have eventually come to terms with Crimea's accession to Russia — if not *de jure*, then *de facto*.

But that shocking event changed everything, including the perception of the increasingly negative development of Crimea's situation.

- 1 M. Sapuppo, *Putin's unpunished Crimean crime set the stage for Russia's 2022 invasion*, "Atlantic Council", 22.02.2024, <https://bit.ly/4cglKzBn>.
- 2 С. Грабовський, "Де-факто Росія": чому забувають про окупований український Крим ("*De facto Russian*": *why do they forget the occupied Ukrainian Crimea*), "Obozrevatel", 28.09.2018, <https://bit.ly/3RIQ8ey>; В Германии принципиально не хотят переиздавать атлас мира, на котором Крым «отдан» России (*In Germany, they in principle do not want to republish the world atlas, in which Crimea was "given" to Russia*), 22.05.2018, <https://bit.ly/3RHFll6>.
- 3 N. Belitser, *Crimea Today: Trends and Developments*, "UA: Ukraine Analytica", 1 (3), 24 May 2016, pp. 47 — 55.


Abundant publications and analyses dealing with military, political, economic, ecological and human rights aspects of the war have since appeared. After the effective resistance of the Armed Forces of Ukraine (AFU) and the whole Ukrainian people as from 2022 — contrary to the gloomy anticipation of a quick Ukrainian defeat by the much larger, better equipped and vastly resourced army of Russia — high expectations were attached to the counteroffensive of Ukraine in 2023, and the possible de-occupation of Crimea by the end of the year. These expectations did not come into fruition, resulting in a certain sense of disappointment and frustration.

But despite the failed Ukrainian counterattack on the ground, Ukraine's successes in the Black Sea and in the Crimean 'stronghold' of the Russian army are obvious.<sup>4</sup> According to data from various sources, as of 05 March 2024, from 25 to 29 warships of the Russian Black Sea Fleet have been either completely destroyed or seriously damaged; this constitutes over one third of the Fleet. Such a result is extraordinary for a country having practically no fleet of its own (although two corvettes for Ukraine's navy are being built in Türkiye, and one of them will be ready this year<sup>5</sup>). Among the outstanding Armed Forces of Ukraine (AFU) achievements, the sinking of the flagship 'Moskva' by the Ukraine-made 'Neptune' missiles in April 2022, can be singled out.<sup>6</sup>

Later on, the AFU liberated Snake Island, carried out several successful attacks on Sevastopol, one of which damaged the headquarters of the Russian navy, and

retook oil platforms in the Black Sea that Russia had seized soon after the annexation of the peninsula in 2014. Also, important was the strike on 26 December, 2023 that hit the large landing ship 'Novocherkassk'; since its original mission of invading Ukrainian ports proved untenable, it was used to deliver munitions and transport personnel. Iranian drones and/or explosives on board caused a powerful detonation that destroyed the ship; according to some data, up to 74 crew members may have been killed, and 27 wounded.

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***Whereas depriving Russia of this dominant link between Crimea and mainland Russia (especially in combination with cutting the 'land corridor' running through the strip of territory bordering the peninsula and occupied in 2022) would make Crimea's military base practically untenable***

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As a result of the successful targeting of Russian warships, a significant part of its Navy was driven out of Crimean ports (mainly to Novorossiysk) and practically deprived of the possibility of launching 'Kalibr' cruise missiles, thus reducing the threat of constant attacks from this direction. Ensuring the free passage of ships carrying grain and other cargo through the Black Sea 'humanitarian corridor' created by Ukraine after Russia's withdrawal from the

- 4 P. Dickinson, *Ukraine's Black Sea success offers hope as Russian invasion enters third year*, "Atlantic Council", 15.02.2024, <https://www.atlanticcouncil.org/blogs/ukrainealert/ukraines-black-sea-success-offers-hope-as-russian-invasion-enters-third-year/>.
- 5 B. Dress, *Ukraine racks up wins against Russia in the Black Sea*, "The Hill", 07.01.2024, <https://thehill.com/policy/defense/4392118-ukraine-wins-russia-black-sea-war>.
- 6 N. Belitser, *Natalya Belitser: Liberation of Crimea: A path to win the war*, "Baltic Rim Economies", 1/2024, [https://www.centrumbalticum.org/en/publications/baltic\\_rim\\_economies/baltic\\_rim\\_economies\\_1\\_2024/natalya\\_belitser\\_liberation\\_of\\_crimea\\_a\\_path\\_to\\_win\\_the\\_war](https://www.centrumbalticum.org/en/publications/baltic_rim_economies/baltic_rim_economies_1_2024/natalya_belitser_liberation_of_crimea_a_path_to_win_the_war).



'grain deal' in summer 2023, is also a huge achievement. In such a way, the attempt at a maritime blockade proved a failure, and exports through the Black Sea ports are now gradually approaching pre-war levels.<sup>7</sup>

Intensification of the effective attacks against targets in the Black Sea and the Crimean Peninsula has become possible due to the provision of British Storm Shadow cruise missiles in early 2023, and the French SCALP version (first delivery in August 2023). Of special importance were the strikes on the Kerch Bridge, among the most powerful ones, in October 2002, using a truck with skilfully hidden explosives, and in July 2023 by the 'Sea Baby' naval drones, designed and produced in Ukraine. A new generation of these naval drones was recently presented by the Security Service of Ukraine (SSU),<sup>8</sup> while the Military Intelligence Directorate (MID) also permanently improves the technological characteristics of their unmanned marine vehicles named 'MAGURA' (an acronym of Maritime Autonomous Guard Unmanned Robotic Apparatus; this is also the name of an ancient Goddess, patroness of warriors).<sup>9</sup>

The Usage of these apparatuses, constantly improved by the SSU and MID, and close collaboration of their high-class operators with the Air Forces and other military bodies allows Ukraine to achieve excellent results. These strikes, and increasingly frequent missile, marine and unmanned aerial vehicle attacks have led to repeated disruptions of the Crimea (Kerch) bridge's

functioning, although they have not been able to completely destroy it. Whereas depriving Russia of this dominant link between Crimea and mainland Russia (especially in combination with cutting the 'land corridor' running through the strip of territory bordering the peninsula and occupied in 2022) would make Crimea's military base practically untenable.

In order to achieve this ambitious goal, Ukraine needs more advanced, precise and long-range missiles like American ATACMS and German TAURUS and, of course, modernised aircraft — in particular, the F-16s promised by the US. Regrettably, only a few ATACMS have been delivered so far, whereas Germany still refuses to provide the TAURUS, despite the increasing pressure on their government from MPs, experts and public figures. As has been said, "German Chancellor Olaf Scholz's reluctance to send the Taurus to Ukraine is a microcosm of the West's ambivalence and complacency".<sup>10</sup>

Moreover, the AFU are prohibited from using weapons and ammunitions supplied by the West to attack the territory of the Russian Federation. Not having the opportunity to fight on an equal footing with Russia, whose bombs and shells attack the civilian population and critical infrastructure throughout Ukraine, the Ukrainian army can be compared to a boxer who is forced to "fight with one hand whereas his other hand is tied behind his back". Such an unfavourable situation for Ukraine looks even more one-

7 У лютому українським морським коридором експортували 8 млн тонн вантажів. Це рекорд — Кубраков (*In February, 8 million of cargo was transported by the Ukrainian sea corridor — Kubrakov*), "Censor.net", 01.03.2024, [https://censor.net/ua/news/3476341/u\\_lyutomu\\_ukrayinskym\\_morskym\\_korydorom\\_eksportuvaly\\_8 mln\\_tonn\\_vantajiv\\_tse\\_rekord\\_kubrakov](https://censor.net/ua/news/3476341/u_lyutomu_ukrayinskym_morskym_korydorom_eksportuvaly_8 mln_tonn_vantajiv_tse_rekord_kubrakov).

8 SSU shows testing of first Sea Baby drone funded by Ukrainians. "Censor.net", 06.03.2024, [https://censor.net/en/photo\\_news/3477171/ssu\\_shows\\_testing\\_of\\_first\\_sea\\_baby\\_drone\\_funded\\_by\\_ukrainians\\_videophotos](https://censor.net/en/photo_news/3477171/ssu_shows_testing_of_first_sea_baby_drone_funded_by_ukrainians_videophotos).

9 Вбивці російських кораблів. Як влаштовані дрони Magura, що відправляють на дно флот РФ (*Killers of Russian ships. How the Magura drones are arranged, sending the Russian fleet to the bottom*), 05.03.2024, [https://nv.ua/ukr/ukraine/events/droni-magura-v5-harakteristiki-shvidkist-boyova-chastina-infografika-novini-ukrajini-50398451.html?utm\\_medium=push&utm\\_source=gravitec](https://nv.ua/ukr/ukraine/events/droni-magura-v5-harakteristiki-shvidkist-boyova-chastina-infografika-novini-ukrajini-50398451.html?utm_medium=push&utm_source=gravitec).

10 L. Hockstader, *How the West's waffling undermines Ukraine's war effort*, "Washington Post", 10.01.2024, <https://www.washingtonpost.com/opinions/2024/01/10/taurus-missile-germany-ukraine-russia/>.

sided given the fact that Russian stores of weapons are generously replenished by Iranian-made drones and ammunition from North Korea.

Formally, this ban does not apply to Crimea, widely recognised as Ukrainian territory. Nevertheless, the shortage of munitions and continued delays in their deliveries seriously complicate the main task of de-occupying the peninsula. This indecisiveness and hesitation can be explained away by one major reason: it is fear. Fear of 'escalation', of risking to cross one more 'red line' announced by Putin or Medvedev, of a nuclear war, or of NATO involvement, etc... Whereas all the experience gained over the course of this war clearly shows the following: that these threats will not be realised. And because Putin's Russia, with its centuries-old chauvinist-imperialist mentality understands only the language of force, it is high time to demonstrate the strength behind this language, and exhibit real political will — not only in words, but also in deeds.<sup>11</sup>

Ukrainian people and, in particular, their Crimean compatriots present the best examples of such a force and resilience. In the occupied Crimea, their initial resolve was to use only peaceful, non-violent means of resistance, practised, in particular, by the popular movement 'Crimean Solidarity'.<sup>12</sup> After the beginning of a 'Major War', in addition to this and other non-violent groups such as the 'Yellow Ribbons', more aggressive (and riskier) forms of resistance have also appeared. These include acts of sabotage, the killing of military personnel and the most vicious collaborators;

reconnaissance of facilities, deployment and movement of troops, then transferring this important information to the military and security forces of Ukraine, etc. New partisan structures like the Crimean Tatar-Ukrainian 'Atesh' are of great help to the AFU. The underground warriors have been greatly encouraged by Ukraine's recent successes in the Black Sea, and repeated strikes on the Crimean/Kerch Bridge and Russian military infrastructure on the peninsula.

An important role in the growing hopes for de-occupation has been played by the decisive change in the ideology and strategic planning for the liberation of Crimea. While before the full-scale invasion of 2022 the dominant vision had been determined by the reliance on the exclusively political-diplomatic ways of resolving this military interstate conflict of relatively low intensity, nowadays, more and more policymakers in Ukraine and beyond have become convinced that this goal is impossible to achieve without a military action component. This changing trend can be followed by analysing, for example, the dynamics of moods, topics discussed, and activities planned and implemented during the 'Crimean Platform' events, beginning from its first summit in August 2021, up until those taking place in 2023. Reform of the Ministry of Defence, now headed by Rustem Umerov, has also emboldened the pro-Ukrainian residents of Crimea, especially the Crimean Tatars — both those who left the occupied peninsula and joined the ranks of the AFU, and those remaining in Crimea but longing for its liberation, and now taking part in and/or covertly supporting partisan and other resistance movements.<sup>13</sup>

11 A *New Year's interview with Volodymyr Zelensky*, "The Economist", 01.01.2024, <https://econ.st/3REF16w>; N. Belitser, *Natalya Belitser: Liberation of Crimea: A path to win the war*, "Baltic Rim Economies", 1/2024, <https://bit.ly/3VWiDlF>.

12 N. Belitser, *'Crimean Solidarity': What Is It?* "POID", 15.07.2019, <http://idpo.org.ua/articles/2832-do-you-know-what-crimean-solidarity-is.html>.


13 N. Krychovska, *10 Years of Annexation: Crimea's Decade-Long Stand Against the Criminal Russian Regime*, "Ukraine World", 26.02. 2024, <https://ukraineworld.org/en/articles/analysis/crimeas-annexation>

Meanwhile, over the past two years, the Russian occupation 'rulers' have sharply increased their persecutions and repressions targeting all pro-Ukrainian-minded people or even those just suspected of 'disloyalty'. By the end of 2023, it was known about 190 political prisoners held in Crimea or already transported to the Russian Federation; 123, or almost two thirds of them, were Crimean Tatars,<sup>14</sup> although they make up only 13 — 15% of the Crimean population. As Dunja Mijatović, Commissioner for Human Rights of the Council of Europe, stated while releasing in April 2023 a report on the human rights situation of Crimean Tatars in Ukraine's Autonomous Republic of Crimea and the city of Sevastopol, "Crimean Tatars in Crimea, and especially those opposing Crimea's illegal annexation or expressing dissent, are being subjected to numerous patterns of serious violations of human rights, persecution, discrimination, and stigmatisation by the Russian occupying authorities. This is further reinforced by a culture of impunity for such violations that is prevalent in the peninsula".<sup>15</sup>

The largest group at risk consists of believers, persecuted for being assumed to belong to the peaceful pan-Islamic movement Hizb ut-Tahrir, recognised in Russia in 2003 as a 'terrorist organisation', but legal in Ukraine and most democratic countries of the world. The Russian occupiers in Crimea are persecuting 107 people in the "Hizb ut-Tahrir case", 104 of them representatives of the indigenous Crimean Tatar people.

These innocent victims of the repressive regime are often sentenced to absurdly long terms of imprisonment — up to 20 years, usually served far away from their families, in Siberia or remote northern oblasts of Russia.<sup>16</sup> In 2023, human rights activists registered 50 such cases; 45 of those transported were Crimean Tatars. Following the emergence of new administrative liability "for discrediting the Russian army" after February 24, 2022, numerous cases were initiated in Crimean courts — more than anywhere else in Russia.

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***An important role in the growing hopes for de-occupation has been played by the decisive change in the ideology and strategic planning for the liberation of Crimea***

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Representatives of the indigenous people and their whole families are subjected to illegal searches, detentions, abductions, 'disappearances' never properly investigated, and arrests under false charges of 'terrorism' and 'extremism' — without any proven evidence of crimes committed or even wrongdoings breaching the imposed Russian legislation. In all cases, international human rights law and vast majority of articles of the Geneva Convention IV (1949) — the basis of

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14 У Криму найбільших репресій зазнають кримські татари — Лубінець (*In Crimea, Crimean Tatars are subjected to greatest repression — Lubinets*), "Ukrinform", 09.12.2023, <https://www.ukrinform.ua/rubric-crimea/3798034-u-krimu-najbilsih-represij-zaznaut-krimski-tatari-lubinec.html>

15 *Commissioner draws attention to Crimean Tatars' struggle for human rights*, 18.04. 2023, <https://www.coe.int/en/web/kyiv/-/commissioner-draws-attention-to-crimean-tatars-struggle-for-human-rights>.

16 H. Coynash, *Crimean Tatar political prisoner: Russia's 19-year sentence will not silence me, nor will such persecution break others*, "KhPG", 03.10.2023, <https://khp.org/en/1608812871>;

М. Шевчук, *Названа кількість осіб, яких окупанти переслідують в Криму у «справі Хізб ут-Тahrір» (Named the number of persons persecuted by the occupiers in Crimea in the «Hizb ut-Tahrir case»*), "Qirim News", 13.02.2024, <https://qirim.news/news/okupanty-peresliduiut-v-krymu>.

international humanitarian law — have been brutally violated.<sup>17</sup>

Let us also recall that already in 2016, the Mejlis — the main representative/executive body of the Crimean Tatar people — was banned by the Russian authorities as an ‘extremist organisation’; and its two Deputy Heads were arrested, Akhtem Chiygoz in January 2015, and Ilmi Umerov in May 2016. On 25 October 2017, both were saved by the President of Türkiye, Recep Tayyip Erdoğan, who swapped them for two Russian spies. Nariman Dzhelyal, the only Crimean Tatar leader remaining in Crimea, was arrested on 4 September 2021 on absurd charges of ‘sabotage’ — in fact, due to his active participation in the inauguration summit of the Crimean Platform in Kyiv on 23 August 2021. Criminal cases were also initiated against the Head of the Mejlis, Refat Chubarov, and charismatic people’s leader Mustafa Djemilev; they were prohibited from entering the peninsula. Now the Mejlis office is functional in Kyiv, whereas many active Crimean Tatars (approximately 30,000) were compelled to move to mainland Ukraine, where some of them joined the ranks of the Ukrainian Army.

Meanwhile, Russia is trying to pursue even those who escaped its grip and moved to Ukraine or other countries. In particular, in November 2023, Russia issued an arrest warrant for famous Ukrainian/Crimean Tatar singer Jamala, Ukrainian Eurovision Song Contest winner (2016), on a charge of distributing ‘fake’ information about

Russia’s armed forces. Earlier, she was put on the wanted list and arrested in absentia.<sup>18</sup>

The Russian military invasion of Ukraine in February 2022 has had a number of other negative consequences for the Crimean residents and, in particular, for the Crimean Tatars. A major threat for them is to be forced to fight against their compatriots, including ethnic Crimean Tatars in mainland Ukraine. According to some sources, in September 2022, the occupation authorities disproportionately applied to Crimean Tatars forced conscription in order to replenish the Russian army, using for this all possible means and locations. Human rights NGO ‘Crimea SOS’ has estimated that 90% of mobilisation notices have been given to Crimean Tatars, and recognised this step as an action bearing the hallmarks of genocide. It caused panic and a feeling of helplessness, because fleeing the peninsula turned out to be an extremely difficult task, as access to mainland Ukraine had become impossible. As was said by Tamila Tasheva, permanent representative of the President of Ukraine in Crimea, “First they tried to buy us, then they tried to repress us and now they see mobilisation as a way to try to simply get rid of us.”<sup>19</sup> Nevertheless, up to 20,000 of the Crimean Tatars did manage to leave the temporarily occupied peninsula, despite the fact that they had to overcome enormous troubles and difficulties while attempting to gain access to Kazakhstan, Georgia, Türkiye, Poland and other countries.<sup>20</sup> Although the exact total number of Crimean Tatars forced to leave their homeland due to its occupation

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17 D. Fishman, *Indigenous people suffer kidnappings, torture, imprisonment due to annexation of Crimea*, “The Insider”, 21.03.2023, <https://theins.ru/en/politics/260302>.

18 *Russia puts Ukrainian Eurovision winner Jamala on wanted list*, “Politico”, 20.11.2023, <https://www.politico.eu/article/russia-puts-ukrainian-eurovision-winner-jamala-on-wanted-list/>.

19 *A way to get rid of us: Crimean Tatars decry Russia’s mobilisation*, “The Guardian”, 25.09.2022, <https://www.theguardian.com/world/2022/sep/25/a-way-to-get-rid-of-us-crimean-tatars-decry-russia-mobilisation>.

20 *Appeal of the CTCRC in connection with the illegal mass mobilization of the indigenous Crimean Tatar people into the armed forces of Russia*, “CTCRC”, 24.10.2022, <https://ctrcenter.org/en/activities/465-obraschenie-krc-v-svyazi-s-nezakonnoj-massovoj-mobilizaciej-korenogo-krymskotatarskogo-naroda-v-vooruzhennye-strukturny-rossii-2>.

remains unknown, in 2023 the figure amounted to approximately 70,000.<sup>21</sup>

## Is Reunification Possible?

Although the overwhelming majority of the Ukrainian citizenry believes in Crimea being returned to Ukraine through different means that include military force, it looks like this will not occur in the near future or, perhaps, even within the middle-term perspective — despite the encouraging hints by some of the top-level Ukrainian authorities, who had already been proved to miscalculate when discussing this topic in 2022. Nevertheless, since the process of the de-occupation and reintegration of Crimea bears many unresolved problems and challenges and is a rather specific situation, all the accumulated issues need full attention, thorough analysis and preparations; adequate solutions should be found not after the reunification but long before.

In fact, although the actual liberation is still well in the future, strategic and practical planning for the future reintegration of Crimea is already under way. Specialists are dealing with a lot of the administrative issues and trying to find answers to such difficult questions as what to do with traitors, and collaborators (and how to detect all of them); with holders of Russian passports — obtained voluntarily or forcibly, or under the pressure of circumstances; what should be done with private property acquired by illegally arrived citizens of the mainland Russia and with the ‘newcomers’ themselves; how to revive the ruined ecology, and with many other things.

But one of the main challenges relates to the status of the de-occupied Crimean Peninsula, which could hardly be restored as

an Autonomous Republic in its current form. The subject of such an odd kind of autonomy had not been constitutionally defined, but de facto it was Russian autonomy, where the Russian language, culture and general political landscape, preserving quite a few features of the Soviet era, firmly kept dominant positions (although this fact was never officially recognised). In this context, it should be emphasised that the Crimean Tatar nation is acknowledged as an indigenous people of Ukraine by the Decree of the Verkhovna Rada (2014) followed by their adopting in 2021 of the Law of Ukraine ‘On indigenous peoples of Ukraine’.<sup>22</sup> Unlike a national minority, such a legal entity as an indigenous people possesses a collective right to self-determination in its historical homeland, according to international law (in particular, the UN Declaration on the Rights of Indigenous Peoples of 2007, which Ukraine officially signed in May 2014).



***Although the overwhelming majority of the Ukrainian citizenry believes in Crimea being returned to Ukraine through different means that include military force, it looks like this will not occur in the near future or, perhaps, even within the middle-term perspective***

This kind of ‘internal self-determination’ of indigenous peoples foresees, inter alia, the possibility of establishing their own national-territorial autonomies within the borders of sovereign independent states, as a tool of exercising this right. Ensuring the implementation of such a scenario in

21 N. Krychovska, *10 Years of Annexation: Crimea’s Decade-Long Stand Against the Criminal Russian Regime*, “Ukraine World”, 26.02.2024, <https://ukraineworld.org/en/articles/analysis/crimeas-annexation>


22 Закон України Про корінні народи України (*Law of Ukraine on Indigenous Peoples of Ukraine*), <https://zakon.rada.gov.ua/laws/show/1616-20#Text>.

the de-occupied Crimea would be a fair and wise solution to the longstanding problem. It will meet the expectations of the Crimean Tatar people themselves, and strengthen their trust in Ukraine as a truly democratic country. This is why any strategy for the de-occupation of Crimea not only should but must envision the transformation of the so-called administrative-territorial autonomy (as described in Section 10 of the Ukrainian Constitution) into a Crimean Tatar national-territorial autonomy.<sup>23</sup>

However, to achieve a social consensus regarding such a vision of the future of the de-occupied Crimea will be possible only through a sustained educational campaign, and raising the level of awareness and proper understanding of the existing international norms and best practices in this sphere. Unfortunately, this knowledge and understanding are still lacking in the mindsets of many Ukrainian legislators, politicians, opinion-makers and representatives of the popular mass media, not to mention the ordinary people. Meanwhile, the most popular objection asserting that “the existence of any kind of territorial autonomy is not possible in a unitary state and may lead to separatism” simply reveals the ignorance of those who adhere to such a notion. Because the formation of a territorial autonomy for an indigenous ethnic entity differing from the mainstream population is implemented in a number of unitary democratic states in order to avoid undesirable federalisation of an entire country — which also applies to Ukraine.<sup>24</sup>

Keeping in mind that for the Crimean Tatars Crimea is their only Motherland, and that they have no ‘kin-state’ to which to flee and settle comfortably, if the situation has become unbearable, let us recall a popular question “Whose Crimea”? It serves as a test for identifying political friends and enemies all over the world, due to the choice of answer: either “Crimea is Ukraine!” or “Crimea is Russia!” But in very rare cases you can hear that “Ukrainian Crimea is Crimean Tatar land” ...

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***However short the Russian and then Soviet rule over Crimea was (starting in 1783), it brought immeasurable sufferings to its indigenous population***

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In this context, we should be aware that the mythology about Crimea as a “native Russian land” very successfully serves to justify occupation and illegal annexation under the false pretext that “Crimea returns to its roots, to native harbour”, thus causing euphoria within Russian society. This deeply entrenched propaganda also indoctrinates quite a few people and gains followers in other countries. But actually, it has no confirmation in basic facts. As the well-known Ukrainian historian Serhiy Gromenko noted, if we take only written history — from the time of the Cimmerians to today, namely 3,000 years, then the Russian period in the history of Crimea is only 5.5%, whereas the Crimean

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23 М. Глуховський, Чи потрібен Криму статус автономії? Рефат Чубаров пояснює позицію кримських татар (*Does Crimea need the status of autonomy? Refat Chubarov explains the position of the Crimean Tatars*), “Glavcom”, 28.06.2023, <https://glavcom.ua/longreads/chi-potriben-krimu-status-avtonomiji-refat-chubarov-pojasnjuje-pozitsiju-krimskikh-tatar-937601.html>; К. Глянько, Чи залишиться статус Криму та Севастополя незмінним після деокупації: експертка дала пояснення (*Will the status of Crimea and Sevastopol remain unchanged after de-occupation: the expert gave an explanation*), “Suspilne”, 19.01.2024, <https://glavcom.ua/longreads/chi-potriben-krimu-status-avtonomiji-refat-chubarov-pojasnjuje-pozitsiju-krimskikh-tatar-937601.html>.

24 Н. Беліцер, Кримські татари як корінний народ, «Національне газетно-журнальне видавництво» (*Crimean Tatars as Indigenous People*), Київ, 2018, ст. 1 — 168.

Tatar period is twice as large — 11.4%.<sup>25</sup> Gromenko's abundant research reveals also the ties and alliances established between the Crimean Tatars and Ukrainians at different times, and explains why Crimean prosperity depends so much on mainland Ukraine.

However short the Russian and then Soviet rule over Crimea was (starting in 1783), it brought immeasurable sufferings to its indigenous population, and led to drastic changes in the demographic situation, the apogee of which was Stalin's mass deportation of the entire Crimean Tatar people in May 1944. Repatriation became possible only in the late-1980s of the 20th century, with the collapse of the USSR approaching. According to Russian official statistics, the Russian/Soviet rule reduced the percentage of indigenous Crimean Tatars in Crimea's population from over 84 per cent in 1785 to 12 per cent in 2014.<sup>26</sup>

Even the limited information given above indicates how vitally important is the task of providing the high-quality education that would allow the Ukrainian and Crimean Tatar peoples to win not only on the military front, but also in the information war in which the enemy invests enormous resources. Our unity, mutual support and shared values are destined to ensure our joint victory.

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25 С. Громенко, Аналіз останніх 3000 років. Історик за допомогою фактів вказує, хто дійсно може претендувати на Крим і до чого тут Україна (Analysis of the last 3000 years. *With the help of facts, the historian points out who can really claim Crimea and what Ukraine has to do with it*). "New Voice", 19.08.2022, <https://nv.ua/ukr/ukraine/politics/chiy-krim-naspravdi-nayposhirenishi-mifi-pro-istoriyu-pivostrova-istorik-50263995.html>.

26 A. Umland, *Why Diplomacy Can't End the Ukraine War*, "The National Interest", 10.02.2024, <https://nationalinterest.org/feature/why-diplomacy-can-t-end-ukraine-war-209268?page=0%2C2%20>.

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