ICAI Independent Commission for Aid Impact

Rapid review: UK aid to Ukraine

Annotated bibliography

April 2024

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Table of contents

1. Introduction 1
2. Overview of international support to Ukraine 2
3. The humanitarian situation in Ukraine 6
4. The international humanitarian response in Ukraine 13
5. Women, Peace and Security (WPS) and preventing sexual violence in conflict 21
6. Accountability mechanisms for war crimes 25
7. The Ukrainian governance context 27
8. Planning for reconstruction and recovery 31
9. Lessons from other reconstruction contexts 35
References 44

1. Introduction

1.1 Overview

This annotated bibliography aims to inform the rapid review by the Independent Commission for Aid Impact (ICAI) on UK aid to Ukraine since the February 2022 Russian invasion. It provides situational analysis on the Ukraine context, covering a number of topics of thematic interest to the review, including patterns of humanitarian need, the international humanitarian response, war damage to infrastructure and the economy, the Women, Peace and Security (WPS) agenda, accountability for war crimes (including conflict-related sexual violence), and an overview of relevant Ukraine government policies, strategies and institutions. It also provides a brief summary of learning from past experience in the review's thematic focus areas.

The eight focus areas for the annotated bibliography are set out in **Table 1** below.

Table 1: Summary of areas of focus for the annotated bibliography

Topic	Sub-topics
Overview of international support to Ukraine	● A breakdown of international financial support for Ukraine, by donor, key sectors and channels ● A brief account of international commitments to Ukraine on EU and North Atlantic Treaty Organisation (NATO) membership, and the associated accession processes
The humanitarian situation in Ukraine	● An overview of the humanitarian situation as it has evolved since the February 2022 invasion ● A description of the most pressing humanitarian needs, including patterns of displacement, protection needs, and food security
The international humanitarian response in Ukraine	● An overview of the international humanitarian response, funding channels and coordination ● Challenges with humanitarian access ● The application of international humanitarian principles ● Localisation and accountability to affected populations ● The prevention of sexual exploitation and abuse in the humanitarian response
Women, Peace and security (WPS) and preventing sexual violence in conflict	● An overview of the UK's and Ukraine's WPS National Action Plan ● The extent and patterns of conflict-related sexual violence in Ukraine
Accountability for war crimes	● An overview of war crimes in Ukraine ● An overview of the activities of the Prosecutor of the International Criminal Court (ICC) in Ukraine ● Mechanisms to prosecute war crimes within Ukraine
The Ukrainian governance context	● An overview of key governance indicators and standard performance metrics for Ukraine ● The corruption landscape in Ukraine ● Ukraine's governance reform programme ● A profile of Ukrainian civil society, and its role in the conflict and in relief efforts
Planning for reconstruction and recovery	● Estimates of war damage, reconstruction and recovery costs ● Plans and strategies adopted by the government of Ukraine to guide international support for reconstruction and recovery ● Ukraine's coordinating structures for reconstruction
Lessons from other reconstruction contexts	● Lessons for Ukraine from other reconstruction contexts

1.2 Approach

The annotated bibliography focuses on recent literature that describes the situation in Ukraine following and just prior to the February 2022 invasion. Given the focus on recent events, it focuses primarily on 'grey' literature produced by or on behalf of international development partners, multilateral agencies, and think tanks, but also draws on recent academic literature where available. It leans on grey literature, because that tends to have a shorter publication timeline than academic literature, and the focus of this review is on events in the past two years. It covers literature from a range of sources, including:

- non-governmental organisations, civil society publications, think tanks and policy-oriented organisations
- government and intergovernmental bodies
- media reporting
- academic journals.

2. Overview of international support to Ukraine

2.1 A breakdown of international financial support for Ukraine

- *Ukraine Support Tracker: A database of military, financial and humanitarian aid to Ukraine*, Bomprezzi, P. et al., Kiel Institute for the World Economy, 2023, link.

This tracker catalogues and quantifies military, financial and humanitarian aid to Ukraine from 41 countries, including the EU and G7 countries, as well as Australia, South Korea, Turkey, Norway, New Zealand, Switzerland, China, Taiwan, India and Iceland. The tracker only lists government-to-government support, and therefore does not include private donations or transfers by international organisations.

Between 24 January 2022 and 16 February 2024, the EU, the US, Germany, the UK, Denmark, Norway, Japan, the Netherlands, Canada and Poland have been the top ten donors of aid to Ukraine – military, humanitarian and financial. **Table 2** below summarises this government support by country and type of assistance. It includes total bilateral aid commitments to Ukraine. According to the tracker, of the £216.72 billion of total support, the UK has contributed £13.39 billion, or 6.18% of the total. With regards to official development assistance (ODA), the subject of this rapid review, the UK has contributed £5.60 billion of the global total of £124.77 billion, or 4.48%. In total ODA, the UK ranks fourth, behind the EU, the US and Japan.

Table 2: Pledged support to Ukraine by country and type in billions of pounds

Country	Military	Humanitarian	Financial	Total
EU institutions	4.79	1.89	66.00	72.69
US	36.11	2.11	20.55	58.77
Germany	15.14	2.52	1.20	18.86
UK	7.80	0.50	5.10	13.39
Denmark	7.18	0.20	0.11	7.49
Norway	3.25	0.30	2.92	6.47
Japan	0.05	1.63	4.75	6.44
Netherlands	3.80	0.61	0.90	5.31
Canada	1.77	0.23	2.93	4.94
Poland	2.57	0.32	0.79	3.68

2.2 Ukraine's EU and NATO accession path

- *Ukraine Facility: Council and Parliament agree on new support mechanism for Ukraine,* European Council, 2024, link.

On 6 February 2024, member states of the EU provisionally agreed on a new support mechanism for Ukraine, the Ukraine Facility. The Ukraine Facility "will pool the EU's budget support to Ukraine into one single instrument, providing coherent, predictable as well as flexible support for the period 2024-2027 to Ukraine". A total budget of €50 billion has been approved by the European Commission. This includes €33 billion in loans and €17 billion in grants.

There are three main pillars of the Ukraine Facility:

- "*Pillar I:* The government of Ukraine will prepare a 'Ukraine Plan', setting out its intentions for the recovery, reconstruction and modernisation of the country and the reforms it plans to undertake as part of its EU accession process. Financial support in the form of grants and loans to the state of Ukraine would be provided based on the implementation of the Ukraine Plan, which will be underpinned by a set of conditions and a timeline for disbursements.
- *Pillar II:* Under the Ukraine investment Framework, the EU will provide support in the form of budgetary guarantees and a blend of grants and loans from public and private institutions. A Ukraine Guarantee would cover the risks of loans, guarantees, capital market instruments and other forms of funding supporting the objectives of the Facility.
- *Pillar III:* Technical assistance and other supporting measures helping Ukraine align with EU laws and carrying out structural reforms on its path to future EU membership."

The Ukraine Facility contains many conditions, including: that Ukraine must continue to uphold and respect effective democratic mechanisms; that a portion of the investments go towards green investments; and that the Ukrainian parliament and civil society organisations (CSOs) are consulted on the implementation of the Ukraine Plan.

- *Supporting Ukraine's EU accession process,* European Parliament, 2023, link.

This article outlines the history of Ukraine's EU accession process. In 2013, pro-European protests broke out across Ukraine after Ukraine's then President, Viktor Yanukovych, decided not to sign an association agreement with the EU. After Yanukovych's impeachment in 2014, an EU-Ukraine Association Agreement (AA) was signed, with provisions for a deep and comprehensive free trade area (DCFTA). The European Parliament article reports that Russia responded to the signing of the AA by annexing Crimea illegally in March 2014.

Since the full-scale invasion of Ukraine, overall support for Ukraine from the EU amounts to €76 billion and has so far taken a number of forms. The EU has adopted 11 sanctions cycles "against Russia's financial system, industry, and people and entities who facilitate the war".[1] In February 2022, a €500 million package was approved from the European Peace Facility, which has a total budget of more than €12 billion for 2021-27 (so far, €5.6 billion has been allocated to Ukraine).

Other EU mechanisms to support Ukraine include the EU Military Assistance Mission, a temporary protection mechanism for refugees, and temporary trade liberalisation (as part of the AA). In January 2023, the Commission also disbursed the first tranche of the €18 billion macro-financial assistance. The Ukraine Facility was launched in 2023, to mobilise €50 billion in support of Ukraine's recovery and EU accession process.

[1] There are now 12 packages of sanctions. The 12th was announced in December 2023, after the publication of this article.

Ukraine officially requested “immediate accession via a new special procedure” to the EU on 28 February 2022, and candidate country status was granted on 23 June 2022. In 2023, the EU-Ukraine Summit “reconfirmed the will to rebuild a modern, prosperous Ukraine firmly anchored on our common European path”.

The EU identified seven priorities for reform: Constitutional Court; judicial; anti-corruption; anti-money-laundering and law enforcement sector; anti-oligarchic law; harmonisation of audio-visual legislation; and legislation on national minorities. By June 2023, Ukraine was judged to have successfully completed judicial governance body reform and key media legislation, made ‘good progress’ on Constitutional Court reform, and ‘some’ progress in anti-corruption and anti-money-laundering, anti-oligarchic law, and legislation on national minorities. The EU highlights anti-oligarchic law as the most challenging reform for Ukraine, and the Venice Commission, a Council of Europe advisory body, concluded that “the legislation took a ‘personalised approach’ that could not be considered a democratic response to the problem of ‘oligarchisation’”.

The EU also highlighted the law on national minorities, adopted in 2022, as a complex reform to implement because Ukraine’s requirement that members of national minorities ‘traditionally live in Ukraine’, is seen by representatives of several national minorities as vague and open to being interpreted in ‘an overly restrictive way’.

Corruption is another challenging reform area highlighted by the EU, due to poor rankings in international indexes[2] tracking corruption and threats. The EU concluded that despite the challenges, Ukraine will be a “testing ground” for EU “unity and resolve”. The European Parliament has supported Ukraine’s accession and urges continued EU support for Ukraine.

- *Commission opinion on Ukraine’s application for membership of the European Union,* European Commission, 2022, link.

This document outlines the European Commission’s assessment of Ukraine’s application to the EU, and its compliance with the EU’s accession criteria, with a particular focus on Ukraine’s administrative capacity. These criteria cover the following areas:

- *Political criteria:* democracy, public administration reform, rule of law, fundamental rights.
- *Economic criteria:* functioning market economy, ability to cope with the competitive pressure and market forces within the EU.

It concludes that “Overall, as regards the political criteria, Ukraine is well advanced in reaching the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities”. For the economic criteria, it notes Ukraine’s “relatively well-functioning institutions” but points out that “[a]t the same time, ambitious structural reforms to remove corruption, reduce the State footprint and the persistent influence of oligarchs, strengthen private property rights and enhance labour market flexibility need to continue in Ukraine to improve the functioning of its market economy”. On Ukraine’s capacity to fulfil the obligations of membership, it notes: “It has an overall satisfactory track record of implementation, while in some sectors the country is more advanced than in others.” The Commission concludes by recommending to the Council that Ukraine be granted candidate status, and outlines further areas for reform.

- *Infographic - EU solidarity with Ukraine*, Council of the European Union, 2024, link.

This infographic from the Council of the European Union’s website illustrates the full picture of EU support to Ukraine, including non-financial mechanisms. Overall, the EU has supported Ukraine with over €38 billion worth of aid, including €28 billion in military support, €81 billion in financial, economic and humanitarian support from the EU budget, €12.2 billion in financial, economic and humanitarian support from EU member states, and €17 billion in support for refugees.

[2] Transparency International’s 2022 Corruption Index, and the 2023 Normandy Index. See section 7.1 for more detail.

Other support includes the establishment of the EU solidarity lanes, which are "alternative logistics routes via rail, road and inland waterways".[3] These solidarity lanes have facilitated the export of about 68 tonnes of agricultural products and 54 tonnes of non-agricultural products out of Ukraine. The EU is also supporting Ukraine by placing 12 packages of economic and individual sanctions on Russia to reduce its ability to wage war. The EU is also providing support in the areas of "diplomacy, prosecution of international crimes, nuclear safety and security, energy and trade sectors, education and research, cyber-resilience and digital transformation, protection and reconstruction of cultural heritage, [and] countering Russian disinformation".

- *Ukraine-NATO relations: Closer partnership or membership?*, Mykola Bielieskov, RUSI, 2023, link.

Ukraine-NATO relations, at a critical juncture, are considered by Bielieskov as a potential solution to the cycle of Russian aggression. A partnership (rather than full membership) between Ukraine and NATO was discussed as early as July 1997, under a 'Charter on a Distinctive Partnership Between NATO and Ukraine'. In 2008, the Ukrainian Membership Action Plan (MAP) was discussed at the NATO Bucharest summit, where it was decided not to grant Ukraine a MAP. The author states that this decision is viewed by many "as a prologue to the events of 2014 and 2022".

The author argues that Kyiv was vulnerable to Russian aggression in February 2022, as Ukraine was left in a 'grey zone', "sandwiched between an enlarged but increasingly risk-averse NATO and a resurgent Russia". Following the full-scale invasion, there is a consensus among NATO members that concrete actions rather than documents and discussions are required to guarantee both Ukraine and Europe's long-term security. This was supported publicly by the UK, with Prime Minister Rishi Sunak arguing that NATO should guarantee Ukraine's security in July 2023. The US position on Ukraine and NATO relations is guided by escalation management. The author argues that "[Biden's] major goal is not to see a Third World War", and that Ukraine's inclusion in NATO under current conditions increases this risk, due to the collective defence pledge. The US is pushing for a 'porcupine strategy' for Ukraine – namely, to make Ukraine too prickly for Russia to attack again. This could be done through a combination of bilateral security agreements with the US and Ukraine, and further aid from NATO countries to strengthen Ukrainian defensive capabilities.

Ukraine has proposed that Article 5[4] could be interpreted so that the mutual defence pact does not apply to Ukraine, and instead "aid within Article 5 might be confined to hardware and ammunition, intelligence data, training, planning and wargaming instruments". However, this proposal has been treated with scepticism. Despite the challenges that NATO accession would bring, the author concludes that "A viable Ukraine in NATO will be the best proof of the strategic defeat of Russia".

- *U.S. and Germany push to delay Ukraine NATO membership invite*, Robbie Gramer and Jack Detsch, Foreign Policy, 2024, link.

This article examines the ongoing debate about Ukraine's potential NATO membership. The authors report that Ukraine and some of its supporters are pushing for NATO membership but face resistance from the US and Germany in particular. Ukraine and some other Eastern European countries, including Poland and the Baltic states, see NATO membership for Ukraine as a way to prevent further Russian encroachment into the region. However, some members of NATO believe that it is too early to think about membership for Ukraine given that the war is ongoing. They think that the priority should be the continued supply of military support to Ukraine, with NATO membership being a long-term priority. In response to this argument, Anders Fogh Rasmussen, former NATO Secretary-General, said, "that's an extremely dangerous argument to use, because that de facto provides Putin with a veto over NATO and gives him an incentive to continue hostilities in Ukraine indefinitely". Other supporters argue that allowing Ukraine into NATO will be cheaper in the long run compared to the current

3 *EU-Ukraine solidarity lanes*, European Commission, n.d., link.

4 "Article 5 provides that if a NATO Ally is the victim of an armed attack, each and every other member of the Alliance will consider this act of violence as an armed attack against all members and will take the actions it deems necessary to assist the Ally attacked." (*Collective defence and Article 5*, North Atlantic Treaty Organisation, 2023, link.)

strategy of providing military aid. However, the authors note that the danger of incorporating Ukraine into NATO during active conflict could escalate the war into a full-scale NATO-Russia conflict, which could turn nuclear.

The political context in which this debate is taking place is highly complex and uncertain. Given that Republic Party nominee Donald Trump is a vocal critic of NATO, it is likely that if he wins the November 2024 US election, Ukraine's NATO membership would be delayed by at least four years. Even under Joe Biden's presidency, support for Ukraine is stalled in Congress. In parts of Europe, the tide is also turning against support to Ukraine, with leaders in Slovakia and Hungary considering halting contributions to the war effort. The politics within NATO are also complex, as demonstrated by Sweden's tricky accession throughout 2022-23. For example, Slovakia's pro-Russia prime minister said that allowing Ukraine into NATO would mean "nothing other than a basis for World War III".

In 2024, this debate continues. Some NATO allies are creating interim security guarantees for Ukraine rather than going for full membership. For example, the UK signed a deal with Ukraine ensuring military and security assistance until Ukraine is able to join NATO. However, officials in Kyiv see these measures as a 'consolation prize'. The future is highly uncertain, but the article ends by quoting a former senior NATO official, who said that there is "a large group [of allies] that will sort of follow whatever the US direction of travel is".

3. The humanitarian situation in Ukraine

3.1 Evolution of the humanitarian situation

- *Eastern Ukraine: Current humanitarian situation and outlook*, ACAPS, 2022, link.

A report from ACAPS[5] describes the humanitarian situation in eastern Ukraine just before the full-scale invasion. It notes that humanitarian needs were concentrated in the Donbas region. As of January 2022, about 2.9 million people had humanitarian needs, with 1.6 million (55%) living in non-government-controlled areas. At that point, there were 1.46 million registered internally displaced people (IDPs), over half of whom were in Donetsk and Luhansk. Many of the IDPs had this status due to the destruction of residential buildings, with nearly 55,000 dwellings damaged. In 2022, 1.1 million people were in need of livelihood support.

People who worked in the agriculture and fishing sectors were particularly affected, as access to those activities was restricted. At this time, over 20% of the population in Luhansk and 19% in Donetsk were consuming insufficient amounts of food, due to disruption to markets and lack of income. Moreover, more than 1.5 million people needed healthcare support, with a rise in TB cases and the continuing COVID-19 pandemic putting additional strain on healthcare systems. As of November 2021, over 1.4 million people had limited access to water or were at risk of water supply issues due to damage or disrepair of water infrastructure, and the financial difficulties that water companies were experiencing.

At this point, there were major barriers to access in Donetsk and Luhansk. Only two crossing points across the line of contact were open in those two regions, and three others had been closed since March 2020. Humanitarian access, in particular, was limited and worsening due to pandemic restrictions and the growing number of ceasefire violations.

- *Humanitarian needs overview: Ukraine*, OCHA, 2022, link.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has prepared frequent situation reports for Ukraine, detailing the changing humanitarian needs.[6] It began undertaking detailed humanitarian needs assessments in 2015, originally focused on the Donetsk and Luhansk oblasts where the conflict was

[5] This was originally an acronym for Assessment Capacities Project, but because the organisation's core activities shifted to providing humanitarian data and analysis, they no longer spell out their name.
[6] See this link for all reports.

concentrated, and becoming country-wide after the 2022 full-scale invasion. This 2023 needs review is the most detailed assessment of humanitarian needs in the months following the invasion.

As of December 2022, the report estimates that, of a population of 43.3 million, 7.7 million were refugees living in other countries, leaving 35.6 million Ukrainians resident in the country. Of those, 21.3 million were affected by the war, and of those affected, 17.6 million people, or 83%, were in need of humanitarian assistance. There were 6.3 million IDPs. Of the people needing humanitarian assistance, 45% were women, 23% were children and 15% had disabilities. On the five-point scale of severity of need, OCHA assessed that 13% were under stress (level 2), 52% had severe needs (level 3), 8% had extreme needs (level 4), and 25% were in catastrophic need of humanitarian assistance (level 5). Destruction of essential infrastructure had left people without homes or livelihoods, and at risk during the cold winter months. The report notes that, due to the high levels of displacement, the collective centres and temporary housing available for displaced people were under enormous strain. The areas with the greatest and most severe need were those under the temporary military control of the Russian Federation[7] and those directly affected by active hostilities. The oblasts with the largest number of people in need were Donetsk oblast (2.6 million), Kharkiv oblast (1.6 million), Kyiv City (1.3 million), Luhansk oblast (1.2 million), Dnipropetrovsk oblast (1.1 million), and Kyiv oblast (1.1 million). Of the people in need, 22% were located in areas under the temporary military control of the Russian Federation.

The report also includes a timeline of events since the invasion in February 2022. The events of 2022 are summarised below:

February	On 24 February 2022, the Russian Federation launched an illegal invasion of Ukraine, escalating the conflict that had begun in 2014. $20 million was allocated from the UN's Central Emergency Response Fund for the response.
March	The first flash appeal was launched, calling for $1.1 billion to meet the humanitarian needs of over 6 million people in Ukraine. The Russian attacks on public infrastructure led to hundreds of injuries and deaths and left people without access to essential services across the country, but particularly in Kharkiv and Mykolaiv oblasts, and the cities of Mariupol and Chernihiv.
April	Ukraine retook control of Kyiv and Sumy oblasts, as well as the Chornobyl nuclear power plant. The Ukraine Humanitarian Fund was allocated $50 million. The flash appeal amount was raised to $2.25 billion.
May - June	Civilian infrastructure continued to be targeted by the Russian Federation, including a shopping mall in Kremenchuk and a school in Luhansk oblast.
July	Ukrainian ports reopened due to the launch of the Black Sea Grain Initiative.
August	The flash appeal amount was increased to $4.3 billion.
October - November	A series of missile attacks and other airstrikes on energy infrastructure led to further injuries and deaths and left more people without access to essential services including water, electricity and heating.

[7] Note that there are different terms for these areas. OCHA uses the term "areas under the temporary military control of the Russian Federation". Others use the term "Russian-occupied territories".

- *Humanitarian needs and Response Plan: Ukraine*, OCHA, 2023, link.

In December 2023, OCHA published an updated assessment of the humanitarian needs of people in Ukraine. It included a timeline of events in 2023, which picks up from the end of the previous timeline. This is summarised below:

January	The Russian Federation continued to target critical Ukrainian energy infrastructure, disrupting services across the country.
June	The destruction of the Kakhovka dam caused massive flooding downstream and water shortages upstream.
July	The Black Sea Grain Initiative was terminated, greatly affecting Ukraine's economy and food security.
August - November	OCHA launched its Winter Response Plan in August to prepare to meet humanitarian needs during the winter, and it was updated in November to target 1.7 million people until March 2024. Various attacks were launched throughout the country, including one in Pokrovsk, Donetsk oblast, leading to 70 civilian casualties, and one near Chasiv Yar, Donetsk oblast, leading to the death and injury of four aid volunteers. Attacks in Kherson and Selydove damaged hospitals, impacting patients and healthcare workers.

3.2 Overview of humanitarian needs

- *Humanitarian needs overview: Ukraine*, OCHA, 2022, link.

Protection needs

OCHA reported that 14.7 million people were in situations of danger and in need of general protection. This included 5.5 million IDPs, 5.5 million non-displaced people and 3.7 million returnees. Of the people in need of protection, 23.7% were in areas under the temporary military control of the Russian Federation. Disaggregated by gender, 56% of those in need were women and 44% were men. Protection needs were linked to the level of exposure to violence, including: bombings and attacks on civilians; destruction of property, including essential infrastructure and housing; displacement or restriction of movement, including evacuations and limited movement for people in areas under the temporary military control of the Russian Federation; challenges with displacement, including living in crowded collective centres, tensions between IDPs and host communities due to social, cultural and linguistic differences, and tensions between people in collective centres and those in private accommodation due to differences in types and quality of assistance; trauma and psychosocial distress; legal issues such as lack of documentation and secure property tenure; and limited access to information about available humanitarian and social services provided by authorities.

Populations at risk

The populations facing particular risk included people with disabilities. Of the people in need of protection, 15% had disabilities and 22% were older people. These populations were less likely to be able to leave their homes when affected by the war, so they experienced greater security risks, and faced greater difficulties in accessing humanitarian support, evacuation and basic services. People living in areas under the temporary military control of the Russian Federation faced acute protection risks due to the ongoing war and limited humanitarian access.

Marginalised groups, such as members of the LGBTQIA+ community, Roma people (which are the largest ethnic minority, with a population of 400,000 in Ukraine, 60% of whom are undocumented), people living with HIV/AIDS, and people with disabilities, were at greater risk of exclusion, sexual and economic exploitation,

violence and abuse. They were at also risk of discrimination by local authorities when trying to access assistance and services.

Children were facing enormous protection needs, with two-thirds of children having to flee their homes due to conflict, and 2 million child IDPs. There were 3.4 million children, 10% of whom with disabilities, in need of child protection services. They were at risk of family separation, abuse, neglect, abduction, sexual exploitation, violence and increased vulnerability to human trafficking.

Gender-based violence

Gender-based violence (GBV), including conflict-related sexual violence (CRSV), sexual exploitation and abuse (SEA) and trafficking in people, was an important protection risk in Ukraine. OCHA estimated that 3.6 million people – 90% of whom are women and girls and 39% of whom live in the east and south in areas of active conflict or under the temporary military control of the Russian Federation – would require GBV prevention, risk mitigation and response services in 2023. This risk had increased due to worsening socio-economic conditions, leading over 50% of women to accept riskier job opportunities, which could have led to exploitation, abuse and violence. Additionally, many women and children living in areas experiencing conflict, people in collective centres, and people belonging to marginalised communities (Roma women, LGBTQIA+ people, and women with disabilities) were more exposed to CRSV, SEA, sexual harassment, trafficking, domestic violence and economic violence.

Mines and unexploded ordnance

Since February 2022, around 25% of the land in Ukraine had become exposed to the war. Unexploded devices could be found anywhere on this land, and 10.7 million people needed mine action services. The presence of unexploded devices affected humanitarian access, restricted the movement of civilians, and created safety risks for all. The oblasts of Kharkiv, Kherson, Sievierodonetsk, Mykolaiv and Sumy were affected by this issue at a catastrophic level of severity. Of the people affected, 52% were women and girls, 19% were children, and 28% were elderly.

Displacement

Of 43.4 million Ukrainians, 7.7 million were living as registered refugees in other European countries. Within the first few weeks of the war, 6.5 million people had become internally displaced, with the number peaking at 8 million in early May 2022. Subsequently the number of IDPs gradually dropped, and by September 2022, there were around 6.2 million across the country. Of the 17.6 million people in need of humanitarian assistance, 6.3 million were IDPs, 6.9 million were non-displaced people, and 4.4 million were returnees.

Regarding housing conditions for IDPs, as of September 2022, 116,000 were living in 3,700 collective centres or other temporary shelters "in undignified living conditions". Collective centres are usually repurposed schools, sports facilities, factories, offices and churches, and are not suitable for long-term stays. Housing in these centres is not secure, and residents have limited access to essential services, resulting in greater vulnerability. For the host towns, collective centres are often burdensome; in most cases, no additional funding has been allocated to run the centres and because many of them are in schools, the education of the host community's children has been negatively affected. According to monitoring data, 70% of collective centres were not receiving regular humanitarian assistance, and 50% needed winterisation support. Groups such as women, children, older people, people with disabilities, ethnic minorities, and LGBTQIA+ community members were even more exposed to risks, including SEA, lack of access to pensions, healthcare and basic services, and discrimination.

Food security

- *Ukraine food security trend analysis: Key trends 2022*, World Food Programme Ukraine Research, Assessment and Monitoring Unit, 2023, link.

The World Food Programme (WFP) reports that at the beginning of 2022, 1.1 million people were in need in terms of food security and livelihoods (in just Donetsk and Luhansk). This grew to 9.3 million people by August 2022 and to 11.1 million people by February 2023 (across all regions). Food insecurity was concentrated close to the line of contact. Throughout 2022, the proportion of food-insecure people rose. IDPs were most severely affected by the turn to winter, with one-third of displaced people having insufficient food consumption (compared to one-quarter of non-displaced people). In terms of food sources, at the beginning of 2022, 4% of households relied on food assistance, 17% produced their own food, and 68% bought food with cash. By the end of the year, 13% of households were reliant on food assistance, only 8% produced their own food (which may have been, in part, related to the season), and 71% bought food with cash.

WFP reports that some markets were disrupted in the early months of the war, but supply issues stabilised relatively quickly outside the areas on the frontline. In March, 57% of households reported food scarcity at the markets. By the fourth quarter of 2022, this proportion had fallen to 8%. Food prices have risen steadily throughout the war. In March 2022, food prices were 22.4% higher than in March 2021, and in October, food price inflation hit 35.7%.

- *Ukraine food inflation*, Trading Economics, n.d., link.

This food price inflation tracker from Trading Economics is informed by data from the State Statistics Service of Ukraine. Graphs show the 25-year history of food price inflation in Ukraine. Since the war began, this number has fluctuated enormously. At the beginning of 2022 food inflation stood at 14%, and by October 2022 it had risen to 35.7% – the highest since 2015. Food inflation quickly decreased after that, reaching a low of 2.6% by October 2023. The most recent data show food inflation at 3.7% in January 2024.

- *WFP Ukraine external situation report #45*, WFP, 2023, link.

This situation report published in December 2023 noted that WFP distributed 157,141 metric tons of food and $235 million of cash to 3,016,585 beneficiaries in 2023. In-kind food assistance included bread, rapid response rations, 30-day rations, and institutional feeding. Cash-based assistance included multi-purpose cash, value vouchers, complementary social benefits, market-based support, and school feeding.

The report states that delivering assistance to people in Ukraine – particularly those in frontline areas – continued to be challenging in the latter part of 2023. Obstacles included the harsh winter conditions, increased attacks on civilian infrastructure across the country, and the prevalence of explosive objects.

- *Humanitarian needs overview: Ukraine*, OCHA, 2022, link.

OCHA estimated that there were 11.1 million people in need of food assistance (as of December 2022), in line with the WFP estimate. Since the escalation of the conflict in February 2022, food insecurity has increased. The war had created more barriers to food access and had compounded the vulnerabilities of rural food systems (which were already facing challenges due to the pandemic and climate change). Food insecurity was already bad in the eastern oblasts before the war, but now it was ubiquitous across the country. One-third of all households were food-insecure, and 5% were extremely food-insecure. The populations that were most food-insecure include people living near the frontline, IDPs, women and children, women-headed and mono-parental households, people with limited coping strategies, older people, economically affected host communities (particularly in conflict areas), households without regular income, households unable to access social benefits, chronically ill people, marginalised communities, and vulnerable LGBTQIA+ people.

Education

- *Humanitarian needs overview: Ukraine*, OCHA, 2022, link.

OCHA's report illustrates the many challenges within education, resulting from the destruction of school buildings and the lack of electricity and telecommunications technology (that is necessary for remote/blended learning). This has had serious negative effects on 4.3 million (or 71%) of the over 6 million children of school age, as well as teachers. The UN Human Rights Monitoring Mission in Ukraine (HRMMU) has found that 383 educational facilities have been damaged and 118 completely destroyed. Twenty educational facilities have been occupied for military purposes and many are used for humanitarian purposes. Over 300 of the damaged or destroyed educational facilities were located in territory controlled by the Ukrainian government, 149 in areas under the temporary military control of the Russian Federation, and the remaining 45 in areas where intense hostilities took place. According to the government of Ukraine, the HRMMU's estimate is too low and 2,738 educational facilities have been impacted. Only 27% of schools were able to resume face-to-face learning in September 2022. Challenges with education have also had an effect on mothers – women's care burdens have increased due to the school closures.

Health

- *Humanitarian needs overview: Ukraine*, OCHA, 2022, link.

According to OCHA, 14.6 million people in Ukraine lack access to healthcare services. Across the country, 26% of people reported a lack of medicines and health services. The situation is worse in the east (29%) and south (31%), and for those living in rural areas (41%).[8]

According to this report, between 24 February and 22 November 2022, over 100 healthcare providers were killed and 129 were injured. The report also notes that there were 703 attacks on healthcare providers or institutions. The Ukrainian Ministry of Health has slightly different figures, reporting that 955 healthcare facilities have been damaged and 144 destroyed. In areas under the temporary military control of the Russian Federation, recently retaken areas and areas close to active hostilities, some healthcare facilities have closed and many healthcare workers have been injured or killed. In other parts of the country, the influx of IDPs increased the burden on the health system.

Other challenges include a lack of supplies in pharmacies, the rising cost of medicines, issues with transport, and inability to pay out-of-pocket expenses. These challenges have particularly affected older people, rural residents and people with chronic illnesses (63% of households reported that cardiovascular disease medications were stopped and 51% reported that anti-hypertensives were stopped). Maternal and newborn health services are also affected; there are increased reports of premature births and greater risks to neonatal survival. The inaccessibility of healthcare has affected victims of CRSV and GBV, who face difficulties accessing contraception and clinical services. Additionally, an estimated 22% of the population is living with mental health conditions, and mental health needs have been increasing over time due to the mental toll of the war.

- *Ukraine: Impact of the conflict on the healthcare system and spotlight on specific needs*, ACAPS, 2023, link.

ACAPS reports that the combination of the destruction of medical facilities, the displacement of medical personnel, and limited medicine availability and transport options to reach doctors has led to reduced access to healthcare and, as a result, a deterioration in people's mental and physical health in Ukraine. The report found that although Ukraine's healthcare system is functional, it is far overstretched. Both displaced people and host communities are affected by healthcare challenges. People with chronic illnesses may struggle to access necessary medication, potentially leading to an increase in mortality from chronic illnesses.

[8] These numbers may not be completely reliable, as another study found that 91% of Ukrainians had access to a primary healthcare facility and 9% had issues accessing healthcare.

The report notes that as of June 2023, 184 hospitals had been completely destroyed, and another 1,376 health facilities, including more than 560 hospitals, had been damaged. The level of destruction varies by geography; in Mariupol (currently under Russian control), almost 80% of healthcare facilities have been damaged or destroyed, and in Donetsk oblast, over half of the healthcare facilities have been partially or fully destroyed. The functioning of healthcare in areas that have been liberated by Ukraine remains limited, and those in currently contested areas report the highest amount of destruction of healthcare facilities.

Update to humanitarian needs assessment for 2024

- *Humanitarian needs and Response Plan: Ukraine,* OCHA, 2023, link.

In December 2023, OCHA published an update to the 2023 needs assessment which offers a few key updates on the humanitarian needs of people in Ukraine. It notes that in December 2023, the number of people in need for 2024 is estimated at 14.6 million (40% of the population living in the country), down from the 17.6 million reported in December 2022. Of those, 3.6 million are IDPs, 2.5 million are returnees and 8.5 million are non-displaced people. As in the previous year's report, the needs of people in the east and south of Ukraine are most acute; 3.3 million people in frontline communities and those living in territories occupied by the Russian Federation struggle to access basic services and human rights.

2023 was characterised by the destruction of civilian infrastructure, leading to increased challenges for people all over the country. Given the protracted nature of the crisis, people who have been displaced from their homes are "pushed to the brink" as their resources run dry and they become more exposed to exploitation and abuse. Furthermore, the drawn-out war has exacerbated existing inequalities, increased levels of poverty, and further impacted people's mental wellbeing.

The data in the report show that, in every humanitarian cluster, the number of people in need has decreased since the last needs assessment at the beginning of 2023, as **Table 3** shows. However, needs remain high. The table also shows estimated humanitarian need for the cities of Donetsk and Luhansk for 2022 by sector.

In education, the number of people in need has decreased from 5.3 million in the 2023 needs assessment to 1.2 million in the 2024 needs assessment.[9] Likewise, in health, the number has decreased from 14.6 million people in need to 7.8 million, and in food security and livelihoods, the number of people in need has decreased from 11.1 million to 7.3 million. In shelter and non-food items (NFIs), the number of people in need has decreased from 8.3 million to 7.9 million, and in water, sanitation and hygiene (WASH) from 11.0 million to 9.6 million. In protection, the total number of people in need has decreased from 15.4 million to 11.5 million, and in each individual category (general protection, child protection, GBV, and mine action) the numbers have decreased significantly.

Table 3: Humanitarian need by cluster and year

Cluster	2022 needs assessment[10]	2023 needs assessment	2024 needs assessment
Education	252,000	5.3 million	1.2 million
Health	1.5 million	14.6 million	7.8 million
Protection	2.5 million	Total: 15.4 million General protection: 14.7 million Child protection: 3.4 million GBV: 3.6 million Mine action: 10.7 million	Total: 11.5 million General protection: 11.1 million Child protection: 3.2 million GBV: 2.5 million Mine action: 6.7 million

9 This comparison is based on data from *Humanitarian needs overview: Ukraine*, United Nations Office for the Coordination of Humanitarian Affairs, 2022, link.

10 From *Humanitarian needs overview: Ukraine*, United Nations Office for the Coordination of Humanitarian Affairs, 2022, link, which was published before the full-scale invasion in February 2022 and only describes humanitarian needs in the conflict-affected oblasts of Donetsk and Luhansk.

Food security and livelihoods	1.1 million	11.1 million	7.3 million
Shelter and NFIs	158,000	8.3 million	7.9 million
WASH	2.5 million	11.0 million	9.6 million
Total people in need	2.9 million	17.6 million	14.6 million

Finally, the report provides updated information on cross-cutting areas relevant to the humanitarian situation in Ukraine. As in the previous year, gender, age, disability and identity are important factors in how people experience wartime in Ukraine. Often, members of the LGBTQIA+ community, Roma ethnic minorities, HIV-positive individuals, and people suffering from addiction face discrimination in accessing humanitarian assistance. Women are disproportionately affected by unemployment and are more likely to struggle to access humanitarian aid. Of the households reporting extreme livelihood needs, 23% are female-headed and 14% are male-headed. People with disabilities continue to face challenges with evacuations and experience disproportionate risk of sexual exploitation, violence and other negative health outcomes.

4. The international humanitarian response in Ukraine

4.1 Overview of the response

- *Humanitarian Response Plan: Ukraine*, OCHA, 2023, link.

OCHA is one of the main coordinators of the humanitarian response, under its Humanitarian Response Plan and through its various appeals in 2022 and 2023.

To set the humanitarian aid response to Ukraine in context, OCHA created a table of all its flash appeal figures from 2014 to 2022. **Table 4** shows a summary of this information from the report. It does not show the total landscape of humanitarian appeals for Ukraine, but gives a clear idea of humanitarian assistance in Ukraine over time. Before 24 February 2022, the humanitarian response had limited scope, targeting 1.8 million people in Donetsk and Luhansk and some IDPs around the country. OCHA's flash appeal on 1 March 2022 superseded the 2022 Humanitarian Response Plan announced in early February 2022. This flash appeal was updated in April and again in August 2022.

Table 4: OCHA flash appeals for Ukraine over time

Year of appeal	People in need (in millions)	People targeted (in millions)	People reached (in millions)	Requirements (in millions of GBP)	% funded
2015	5.0	3.2	-	253	55%
2016	3.1	2.5	1.7	238	35%
2017	3.8	2.4	1.1	163	37%
2018	3.4	2.3	1.1	150	38%
2019	3.5	2.3	1.3	132	53%
2020	3.4	2.1	1.4	164	60%
2021	3.4	1.9	1.6	134	65%
2022	17.7	11.5	15.8	3,426	80%
2023	17.6	11.1	-	3,157	-

The humanitarian programme is informed by two strategic objectives:

1. Provide principled and timely multi-sectoral life-saving assistance to people in Ukraine, ensuring their safety and dignity.
2. Enable access to basic services for people in Ukraine.

The objectives are supported by a set of 28 cluster objectives, 16 of which focus on providing life-saving assistance and 12 of which focus on providing basic services. These objectives are operationalised through "direct service provision, in-kind support, cash and voucher assistance, community-based support, and capacity strengthening of the regional government authorities and local responders". Under the 2022 flash appeal, the clusters included camp coordination and camp management, education, food security and livelihoods, health, nutrition, protection, shelter and NFIs, WASH, multi-purpose cash, coordination and common service, emergency telecommunications, and logistics.

OCHA works with hundreds of partners, including 319 national non-governmental organisations (NGOs), 44 government partners, 126 international NGOs, 13 UN partners, 11 international organisations, 9 private partners, and 58 other types of partners.

Under Strategic Objective 2, relating to basic services, the government of Ukraine plays an important role. This report notes that since the Russian invasion in February 2022, the government of Ukraine has received substantial bilateral assistance, allowing it to continue to function and take the lead on humanitarian relief efforts. It has made several policy and structural changes, including declaring martial law, playing a significant role in humanitarian coordination, establishing the Coordination Headquarters on Deoccupied Territories to restore formerly occupied territories to full function, creating the new position of Ombudsman on IDP Rights, and establishing tax-free cash assistance. The government of Ukraine has also introduced programmes including monthly assistance to IDPs, poverty reduction under the Ministry of Social Policy's Guaranteed Minimum Income programme, assistance for victims of mine accidents, and housing support for IDPs.

- *UN and partners appeal for US$5.6 billion to help millions affected by the war in Ukraine*, Saviano Abreu, United Nations Ukraine, 2023, link.

This article details the UN and its partners' appeals for aid to Ukraine at the beginning of 2023.

- OCHA and the United Nations High Commissioner for Refugees (UNHCR) put in a joint appeal for $5.6 billion in February 2023.
- The Humanitarian Response Plan for Ukraine, which brought together over 650 partners (the majority of which are Ukrainian organisations), appealed for $3.9 billion.
- The Refugee Response Plan appealed for $1.7 billion for refugees in ten host countries (Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania and Slovakia).

- *Ukraine Humanitarian Response Plan 2023*, OCHA Financial Tracking Service, 2023, link.

In 2022, the OCHA Humanitarian Response Plan (HRP) appealed for $4.29 billion and received $3.73 billion. This $3.73 billion made up 63.2% of total emergency funding for Ukraine in 2022, which came to $5.90 billion. The UK contributed $137.5 million, or 3.7% of the appeal request, making it seventh among donors. The US led with $1.25 billion, followed by Germany ($384.5 million), the EU ($308.3 million), France ($165.7 million), private donors ($155.4 million), Canada (147.8 million) and the UK.

In 2023, the HRP appealed for $3.95 billion, and received $2.52 billion. This made up 77.5% of the total emergency funding for Ukraine, which rounded out at $3.25 billion. The UK was the fifth-largest donor, contributing $129.8 million to the HRP, behind the US ($1 billion), the European Commission ($303.4 million), Germany ($297.6 million) and Japan ($171.4 million). The UK's contribution made up 5.2% of the overall funding appeal. This OCHA website

shows the flow of this money filtered by country. **Table 5** shows how the UK's $129.8 million was split between implementing partners and which cluster objective it was used for.

Table 5: Flow of the UK's contribution to OCHA's Humanitarian Response Plan

Amount (US$)	Recipient organisation	Field cluster
32,912,724	IOM	Multi-purpose cash
25,184,636	Mercy Corps	Multi-purpose cash
22,813,688	Ukraine Humanitarian Fund	-
12,515,645	Ukraine Humanitarian Fund	-
8,750,000	International Solidarity Foundation	Shelter and NFIs
7,319,300	Nonviolent Peace Force	Multi-purpose cash
6,211,180	Ukraine Humanitarian Fund	-
5,937,50	WHO	Health
3,750,000	Women's Peace and Humanitarian Fund	Multi-purpose cash
2,534,854	OCHA	Coordination services
1,007,079	IOM	Shelter and NFIs
653,241	HALO Trust	Protection
228,632	HALO Trust	Protection

- *Global humanitarian assistance report 2023*, Development Initiatives, 2023, link.

This report explores patterns of global humanitarian aid for 2022. It shows that the number of people in need of humanitarian assistance increased by one-third from 2021 to 2022. The ten countries with the greatest number of people in need were Ethiopia (28.5 million), the Democratic Republic of the Congo (DRC) (27.0 million), Afghanistan (24.4 million), Pakistan (23.6 million), Yemen (23.5 million), Nigeria (19.2 million), Venezuela (18.5 million), Ukraine (17.7 million), Sudan (15.8 million) and Syria (14.6 million).

Total humanitarian assistance from private and public donors reached $46.9 billion in 2022, increasing by 27% from the year before. However, looking specifically at UN-coordinated appeals, there was a considerable shortfall between the appeal amount and the funding provided. In 2022, appeals called for $52.4 billion, and only $30.3 billion (or 58%) was funded, resulting in a shortfall of $22.1 billion. Looking at country plan funding appeals more generally, Ukraine had the second-highest humanitarian funding appeal – $4.3 billion. Syria had a slightly higher appeal of $4.4 billion, only 49% of which was covered.

In 2022, Ukraine was the largest recipient of humanitarian assistance, receiving $4.49 billion, a sharp increase from the $184 million it received in 2021. In the same year, funding for Afghanistan almost doubled, and funding for Ethiopia, Somalia, Lebanon and Sudan increased marginally. Conversely, humanitarian funding for Yemen, Syria, South Sudan and the DRC fell, even though the number of people in need was relatively stable. Of the top ten recipient countries, Ukraine received the largest proportion of its appeal amount in 2022 – 84%. Afghanistan received the next largest at 76%.

- *Is Ukraine's aid bonanza coming at the expense of other crises?,* Jessica Alexander and Josie Rozzelle, The New Humanitarian, 2022, link.

Soon after the Russian invasion of Ukraine in early 2022, sharp criticism came from sections of the international humanitarian/development community alleging that the generous humanitarian aid given to Ukraine came at the expense of other crises. This article explores some of the data and arguments surrounding this debate.

The fate of Ukraine has important geopolitical implications, and international donors certainly rose to the occasion, with, for example, $60 million being allocated from the UN's rapid response funding mechanism in early 2022 – almost three times as much as to the next-highest recipient. The article notes that many of the world's crises, including in Ethiopia, Syria, Niger and the DRC, were struggling to receive even 50% of their funding requirements. Globally, the gap between funding requested and provided grows every year.

When this article was published in March 2022, one of the factors driving the massive funding response to Ukraine included its high visibility in the media. A historical example of this 'mass-media effect' is the Boxing Day tsunami of 2004. Another factor, according to critics, is racism. Some people asked why the same level of funding and attention was not given to Ethiopians, Syrians or Iraqis. Others tempered this criticism by arguing that people in Europe, the source of much of the funding, were more likely to feel sympathy (and therefore give aid funding) to places that are geographically closer to them – those also in Europe.

At a UN pledging event for Ukraine, various officials seemed to suggest that funding to other crises would not be compromised by the scale of the Ukraine response. However, the article noted that "several aid observers reckoned it was inevitable that such high levels of new funding for Ukraine would put a dent in donor appetites elsewhere".

4.2 Challenges with humanitarian access

- *Humanitarian needs overview: Ukraine*, OCHA, 2022, link.

OCHA defines access as "humanitarian actors' ability to reach populations affected by the war, as well as people's ability to access humanitarian assistance and services". Factors that contribute to humanitarian non-access include the cessation of air travel, difficulty navigating damaged transportation infrastructure, the threat from military operations, and the risk of encountering mines and explosive remnants of war. Of the 17.6 million people assessed as being in need in December 2022, 4.3 million lived in areas with high to extremely high constraints, with 3.6 million living in the oblasts of Donetsk, Luhansk, Mykolaiv, Kherson and Zaporizhzhya. Access varied from area to area, but can be broadly categorised into three types:

- *Newly liberated territories:* Since several areas were retaken by the Ukrainian military in August 2022, humanitarian access had improved. However, the provision of humanitarian aid in these areas was impeded by active hostilities and the danger of explosive remnants of war. Access depended on the proximity of the community to sealed roads and progress on demining. Regional and national CSOs often had greater access.
- *Areas less affected by active hostilities:* Aid provision to areas less affected by active hostilities, mostly in western and central Ukraine, was impeded by bureaucratic delays relating to visas for humanitarians and the registration of NGOs, military conscription for Ukrainian men, and issues relating to tax exemptions for humanitarian aid.
- *Areas under the temporary military control of the Russian Federation:* Since February 2022, access to these areas has become less predictable and more restricted. OCHA noted that no inter-agency convoys had been able to cross into these areas, even after repeated attempts to engage with the Russian Federation.

- *Ukraine: Humanitarian access severity overview*, OCHA, 2023, link.

In an updated infographic from October 2023, OCHA described the access landscape. The research was carried out by the Humanitarian Access Working Group, which conducted workshops across Ukraine, learning from 75 international and national organisations and agencies. The report found that areas under the temporary military control of the Russian Federation had the greatest access constraints. Humanitarian actors were not able to cross into these areas, limiting their options for humanitarian cash assistance or online services, and these were further at risk due to legislative restrictions and requirements introduced by the Russian Federation. Increased hostilities along the frontline and on the border with the Russian Federation had further impeded humanitarian access. Humanitarian actors faced great risk; in the first ten months of 2023, 14 aid workers were killed and 29 injured. Between February 2022 and October 2023, there were 37 incidents causing damage to humanitarian facilities. More broadly, damaged and destroyed infrastructure had also increased access challenges.

- *Ukraine: Quarterly humanitarian access update*, ACAPS, 2024, link.

ACAPS outlines the access challenges that existed from October to December 2023. Since mid-December, air strikes have led to civilian casualties, infrastructure destruction and temporary power outages. Shelling in frontline areas continued to impede access. Extreme weather conditions also contributed to the country-wide power outages. Bureaucratic delays continued to prevent international humanitarian actors from certain countries accessing areas in humanitarian need in Ukraine. This issue became even worse from November, when a policy was introduced to 'crack down' on visa applicants with a "supposedly high probability of onward migration, mostly from Africa and the Middle East". Two events were particularly disruptive in the last quarter of 2023. Large-scale air strikes on 29 December, which led to dozens of casualties and increased security risks for people all over Ukraine, and a massive cyberattack on Ukrainian mobile operator Kyivstar, leaving over 24 million people without mobile phone service for several days. The report found that many oblasts, including Donetsk, Kharkiv, Kherson, Luhansk and Zaporizhzhia, have seen a deterioration in humanitarian access since the third quarter of 2023.

4.3 Application of international humanitarian principles in Ukraine

- *Navigating narratives in Ukraine: humanitarian response amid solidarity and resistance*, Zainab Moallin et al., ODI, 2023, link.

This report, supported by the British Red Cross and in partnership with the Open Space Works Cooperative in Ukraine and the Migration Consortium in Poland, explores the role of narratives in driving policy decisions relating to the conflict in Ukraine. The authors note that the humanitarian response in Ukraine is taking place amid a conflict in which Western countries are supporting Ukraine politically and militarily and are *also* the dominant humanitarian donors to Ukraine. The article posits that aid organisations thus face a dilemma where Western governments position their humanitarian aid contributions as part of wider political support to Ukraine, which can push the boundaries of international humanitarian principles as these call for neutrality and impartiality.

The report defines neutrality as "the principle of humanitarian actors 'standing apart from contending parties or ideologies' and avoiding taking sides in hostilities, as a means to 'enjoy the confidence of all' and, in doing so, facilitate the delivery of humanitarian assistance". In Ukraine, conventional understandings of neutrality have begun to diverge from this definition as Western governments overtly align themselves with the Ukrainian cause. In a session of parliament, the government of Ukraine created its own definition of humanitarian assistance, which is "assistance provided to those who 'need it due to social insecurity, material insecurity, difficult financial situation, state of emergency', while also encompassing 'preparation for armed defence of the state and its defence in the event of armed aggression'".[11] The politicisation of humanitarian aid has meant that humanitarian

[11] 'About humanitarian aid', Parliament of Ukraine, 2023, link.

actors who engage with Russia are seen as controversial. This is illustrated by the controversy surrounding the International Committee of the Red Cross (ICRC) and its engagement with Russia (discussed in more detail below).

The ideal of impartiality is also at risk due to issues with access. The report defines impartiality as "the provision of humanitarian assistance [based on] needs alone, prioritising those most in need". However, due to constraints in access to non-government-controlled areas in Ukraine, humanitarian aid is often unable to reach people in need within those areas. This is due, in part, to safety concerns for humanitarian providers as well as restrictions imposed both by Russian military forces and by Ukrainian authorities. The report also notes that some banks used by humanitarian organisations have restricted financial engagement in Russian-controlled and contested areas due to Western sanctions against Russia.

In the last few years, solidarity has emerged as an alternative narrative to neutrality and impartiality. The authors understand solidarity as "implying a political position vis-à-vis the war in Ukraine and wider geopolitical tensions; namely, standing in solidarity with Ukraine in the face of unprovoked Russian aggression through a combination of military, diplomatic and humanitarian support". Given the near-ubiquitous condemnation of the invasion of Ukraine in the West and the huge amount of media coverage of the conflict, there is strong public solidarity with Ukraine. Tension between solidarity and international humanitarian principles has put humanitarian actors in a tricky position, with one actor saying that they were "having to justify their neutral stance more in Ukraine than in other crises – to the general public and to their aid partners".

This tension is exemplified in the response to the ICRC's engagement with the Russian government. In March 2022, the ICRC's then president visited Russia and shook hands with the Russian foreign minister. This created a huge backlash, with Ukrainian government figures, including President Zelensky, accusing the ICRC of legitimising Russia's position and criticising the organisation for being ineffectual in delivering aid to people in need in Ukraine. The arguments made by the ICRC for its actions – that it was abiding by international humanitarian principles and engaging with both parties to the conflict – clash with the solidarity narrative, which is partisan and critical of engagements with the Russians.

- *There is still a place for neutrality in Ukraine*, Jamie Dettmer, Politico, 2023, link.

This article argues that some organisations require neutrality in order to fulfil their mandates. The author interviewed Mirjana Spoljaric, the head of the ICRC, who remarked that "we have very little means of assuring safety and security for our staff other than our strict 160-year-old neutrality and impartiality". She went on to say that if the ICRC were to criticise one party to the conflict in public, that might mean the end of communication channels with them. The author argues that, even in a context like Ukraine where there is a clear aggressor, there must still be room for impartiality and neutrality. Public neutrality ensures that organisations like the ICRC can access prisoners of war and that organisations like Amnesty International can call out breaches of international humanitarian law by any party to the conflict. He concludes by saying that if the world is to maintain values and respect neutrality, there can be no exceptions.

- *From neutrality to solidarity: International organizations need to rethink their aid to Ukraine*, Daria Rybalchenko, Euromaidan Press, 2023, link.

This article, written by the head of the Ukrainian philanthropic organisation National Network of Local Philanthropy Development, argues that "the well-intentioned principle of neutrality of international humanitarian aid organisations serves to prolong Russia's war and causes active harm to civilians in Ukraine". The author notes that, since the war began in 2014, local Ukrainian NGOs have been supporting the war effort. She asks how international humanitarian organisations can be neutral when Russian soldiers do not discriminate between soldiers and civilians. To rebut the argument which says that humanitarian neutrality protects humanitarian aid workers from being targeted by armed groups, she argues that the Russian soldiers already have no regard for international humanitarian standards, so aid workers are already at risk. She calls out the double standard of the

West changing its rules with regard to military aid, and asks why the line cannot be moved for humanitarian aid. She contends that the humanitarian principle of neutrality is bringing harm to Ukrainian civilians, extending the war and worsening the humanitarian crisis.

4.4 Localisation and accountability to affected populations

- *Options for supporting and strengthening local humanitarian action in Ukraine: A scoping exercise report*, Lizz Harrison et al., DEC, 2022, link.

According to this report by the Disasters Emergency Committee (DEC), as of November 2022, fewer than 1% of humanitarian contributions had been transferred directly to national NGOs in Ukraine. At that point, the total funding collected towards humanitarian action was $3.48 billion, a large proportion of which went to UN agencies, the Ukraine Humanitarian Fund, the International Red Cross and Red Crescent Movement, and international NGOs.

The Grand Bargain of 2016 set out to increase the proportion of funding to local and national responders to at least 25%, and the 1% achieved in Ukraine (as of November 2022), falls far short of this goal. There are many reasons for this deficit, the main one being the "lengthy, complex, and often duplicated international due diligence processes" that national and local actors must go through to access funding. This report calls for several reforms: the creation of a harmonised and efficient verification process, the establishment of reduced and/or proportionate due diligence processes, the provision of quality funding (meaning funding that is "predictable, multi-year and flexible"), and the introduction of fair indirect cost recovery or 'overheads' rates.

- *Ukraine: Perceptions of localisation in the humanitarian response*, ACAPS, 2023, link.

The ACAPS report on perceptions of localisation found that commitments from international actors have not resulted in practical action around localisation, such as providing quality funding and responsibilities to local actors. ACAPS identified four key issues around localisation in Ukraine: a lack of common understanding around what localisation means in practice; a lack of data around how funds are distributed; increased risk taken on by local actors; and a lack of representation of local actors in coordination structures.

ACAPS interviewed 47 staff from international and national NGOs, UN agencies, representatives from coordination functions, and donors. It found that no two organisations "gave the same definition of what localisation is or what it should look like in Ukraine, and some definitions provided contradicted each other". The lack of an agreed definition resulted in misunderstandings between international NGOs and local groups. Some of the UN and international non-governmental organisation (INGO) representatives interviewed felt that localisation had become "an empty buzzword or meaningless term".

International responders subcontract local Ukrainian NGOs to implement field-based activities on their behalf. Of the ACAPS sample, local organisations implemented 40% or more of INGO and UN activities. The ACAPS study also assessed how international actors were passing on funding to national responders, and found a lack of data on how funding is distributed. "Out of the 12 INGOs that shared their financial information with ACAPS, 4 indicated that they allocated less than 10% of their budgets to national responders, 4 allocated between 10-20% of their budgets to national and local NGOs, and 2 allocated more than 90% of their funding to NNGOs. No UN agency approached for this survey shared concrete numbers of how much money they allocated for Ukrainian partners." Due to the contractor-subcontractor nature of the relationship, Ukrainian NGOs reported to ACAPS that they felt the partnerships with international organisations and UN agencies were unequal: "their organisations are not fully recognised as integral to the response, as they lack actual decision-making power and do not participate directly in designing activities according to the most urgent needs they see in practice".

International NGOs and UN agencies are required to provide aid to the most vulnerable in hard-to-reach areas. In the Ukrainian context, these areas are remote villages along the frontlines, and non-government-controlled areas. INGOs rely on Ukrainian organisations to provide local knowledge and to access these areas, as their own

security protocols limit their access. ACAPS found that this set-up has resulted in the majority of assistance being delivered to hard-to-reach communities through informal local networks and community groups. Largely volunteer-led, these local networks have a higher risk tolerance than international NGOs and UN agencies, leading them to "take on a disproportionate share of the risk" despite the fact that, "given their informal nature, [they] are not adequately equipped and supported with the physical and structural resources necessary for safety and to sustain their essential humanitarian work".

Finally, the ACAPS study found that both local and international organisations agreed that coordination is a key challenge of an effective humanitarian response in Ukraine. In terms of localisation, while there are some national NGOs represented in humanitarian coordination mechanisms, "there is not enough representation of smaller, more agile local groups, organisations, or volunteers". ACAPS recommended that greater inclusion of more varied local actors would result in a greater diversity of views and opinions that could better contribute at the overall coordination level.

4.5 Prevention of sexual exploitation and abuse in the humanitarian response

- *Sexual exploitation and abuse risk assessment report 2023*, PSEA Network, 2024, link.

This report by the Protection from Sexual Exploitation and Abuse Network Ukraine offers a risk assessment on Sexual Exploitation and Abuse (SEA) based on a desk review and 80 survey responses. The results showed that "continued in-depth assessment of risk patterns is crucial to inform prevention, mitigation and response processes, and could eventually alter the trajectory of exposure to SEA through more strategic inter-agency coordination and PSEA mainstreaming". In this realm, the main risks identified were lack of knowledge and awareness around SEA and power imbalances. Another major finding from the report was that the major barriers to information and support for victims of SEA included the fact that there were "no complaints/feedback forms on quality of services/aid, no incident report form[s], no informed consent form for victims before referring to services, [and] no referral form for survivors".

Within the topic of feedback mechanisms, 95% of the surveyed organisations reported having a complaints and feedback mechanism for SEA. However, 15% of organisations reported a lack of awareness-raising material on SEA reporting, 70% of organisations were worried about the confidentiality of victims, and 25% reported language barriers in accessing prevention of sexual exploitation and abuse (PSEA) information or referral mechanisms. The report also emphasised the importance of being inclusive of vulnerable groups, including women and girls, people with marginalised gender identities, disabilities or health statuses, and ethnic or minority groups.

- *Humanitarian Response Plan: Ukraine*, OCHA, 2022, link.

The PSEA section of OCHA's Humanitarian Response Plan notes that the protection of affected populations from SEA by humanitarian workers has been a strategic priority for the Humanitarian Country Team since 2016. A PSEA Task Force co-chaired by OCHA and the United Nations Population Fund (UNFPA), established in 2018, is instrumental in operationalising the prevention of and response to SEA cases. Its work is guided by an annual PSEA Action Plan, which aligns with global priorities and is tailored to the Ukrainian context. As the risk of SEA grew after February 2022, the Task Force expanded to include 80 UN organisations, NGOs and CSOs, and an Inter-Agency PSEA Coordinator was deployed to Ukraine to support these activities.

OCHA's strategic priorities in this realm included rolling out a capacity assessment for all UN-funded partners, identifying resources for training, investigation and provision of services for funded and operational partners, and conducting an assessment to ensure that the Inter-Agency Action Plan addresses joint risk mitigation and management measures, and that each agency develops safeguards for its programmes. The Ukraine Humanitarian Fund strengthened risk mitigation by requiring all partners to have mandatory standard indicators for PSEA and Accountability to Affected People. Capacity building, awareness raising and mainstreaming of PSEA are key elements of the overarching PSEA Strategy. In 2022, the International Organisation for Migration (IOM)

launched a country-wide campaign informing people affected by the war about the UN zero-tolerance policy on SEA. Campaigns by other organisations, including WFP, Translators Without Borders and UNHCR, focus on empowering humanitarian workers in the fight against PSEA, making information available in different languages, and offering training on PSEA.

OCHA explains that it has adopted a victim-centred approach to SEA. Furthermore, the United Nations Children's Fund (UNICEF) has trained focal points for UN agencies and NGOs to provide assistance to victims of PSEA. There are ongoing initiatives to integrate SEA components into GBV training for law enforcement partners, to discuss reporting channels, and to create links with GBV and child protection partners to more accurately map GBV and child protection services for survivors.

- *Protection against Sexual Exploitation and Abuse Multi-Year Strategy for Ukraine 2023-25*, United Nations Ukraine, 2023, link.

This document outlines the UN's multi-year strategy to guide the PSEA programme in Ukraine. Recognising that the operational context in Ukraine following the February 2022 invasion changed drastically, this renewed strategy emphasises the importance of PSEA in the humanitarian emergency. According to the report, "The existing PSEA Task Force was expanded to a full PSEA Network and a Technical Inter-Agency Working Group led by the PSEA Inter-Agency Coordinator and a Strategic Steering Committee, chaired by the Humanitarian Coordinator, with the participation of Heads of Agencies and INGOs were established to guide the work of the Network". The key principles are: confidentiality, do no harm, due process, a victim/survivor-centred approach, accountability to affected populations, and best interest of the child. The strategy contains six strategic objectives:

1. Ensure that risks of sexual exploitation and abuse are identified and mitigated in a timely manner.
2. Ensure that safe, accessible and victim/survivor-centred reporting mechanisms are in place.
3. Identify and remove barriers to reporting allegations of sexual exploitation and abuse.
4. Develop an effective joint communication strategy in consultation with the affected communities.
5. Provide access to quality, predictable and comprehensive GBV services.
6. Strengthen partner capacity in regard to prevention, risk mitigation and response to SEA allegations.

5. Women, Peace and Security (WPS) and preventing sexual violence in conflict

5.1 The WPS agenda globally and for the UK and Ukraine

- *Parliaments as partners supporting the Women, Peace and Security Agenda*, Charmaine Rodrigues, UNDP, 2019, link.

The UN initiated the Women, Peace and Security agenda in 2000 through the landmark UN Security Council Resolution 1325. The agenda was expanded through nine subsequent resolutions, but has maintained its original four pillars throughout the years. This handbook defines them as:

- *Prevention:* Prevention of conflict and all forms of violence against women and girls in conflict and post-conflict situations.
- *Participation:* Women's equal participation and gender equality in peace and security decision-making processes at all levels.
- *Protection:* Women and girls are protected from all forms of sexual and gender-based violence and their rights are protected and promoted in conflict situations.
- *Relief and Recovery:* Specific relief needs of women are met and their capacities to act as agents in relief and recovery are strengthened in conflict and post-conflict situations.

- *UK Women, Peace and Security National Action Plan 2023-2027*, UK Government, 2023, link.

The UK's National Action Plan (NAP) was updated and adopted in February 2023. It was prepared by the Foreign, Commonwealth and Development Office (FCDO), and is therefore focused on the UK's response to global challenges, but also contains a few references to domestic activities. It details five strategic objectives: decision-making, gender-based violence, humanitarian and crisis response, security and justice, and transnational threats. This fifth and most recent NAP goes beyond the UN WPS resolutions as it acknowledges that men and boys, people in the LGBTQIA+ community, ethnic and racial minorities, people with disabilities, and women human rights defenders are vulnerable to GBV. The UK's NAP also champions a survivor-centred approach, and the NAP commits to the Works to Prevent Violence Programme and funding the Global Survivors Fund. Ukraine is listed as one of 12 focus countries where the UK has identified the greatest needs and feels equipped to offer policy, programmatic and diplomatic expertise, as well as defence and humanitarian support.

- *Women, Peace and Security: National Action Plans in the UK and Ukraine*, Christine Chinkin and Oksana Potapova, LSE Conflict and Civicness Research Group, 2023, link.

Ukraine's WPS NAP is a comprehensive document emphasising the localisation of the WPS agenda across Ukraine established in 2016. Updated in 2022 in response to the conflict with Russia, it acknowledges issues like the under-representation of women in various sectors, lack of gender-sensitive policies, sexual and gender-based violence, and insufficient awareness among stakeholders. The main commitments revolve around implementing UN Security Council Resolution 1325, promoting women's participation in decision-making, protecting women and girls affected by the conflict, preventing GBV, promoting gender equality, and integrating a gender perspective into various areas.

The NAP proposes solutions that include ensuring funding and accountability, adopting gender perspectives, addressing economic and social rights, increasing women's involvement, developing gender-responsive strategies, strengthening legal mechanisms, and enhancing coordination and evaluation. Various institutions, including the Ministry of Social Policy, the Interagency Working Group on Gender Equality, Regional Working Groups on Gender Equality, and the Parliamentary Committee on Human Rights, are responsible for implementing the NAP at different levels. The plan also stresses the need for the WPS agenda to align with human rights principles, engage civil society, involve Ukrainian communities outside the country, and consider socio-economic rights in post-war recovery.

- *UK National Action Plan on Women, Peace and Security 2018 – 2022: Annual report to Parliament 2021*, FCDO and Ministry of Defence, 2022, link.

The UK has made significant commitments to support the WPS agenda in Ukraine. These commitments include the establishment of a £10 million civil society fund to aid organisations assisting survivors of CRSV, and the provision of a specialised legal and police team to support investigations. International organisations like NATO, the UN, the EU, and the Organisation for Security and Cooperation in Europe (OSCE) have collaborated to develop the WPS agenda in Ukraine, focusing on increasing women's participation, protection against CRSV, prevention of violence against women, and a gendered approach to relief and recovery. The UK's commitments extend to strengthening the global response to CRSV, addressing the root causes, enhancing justice for survivors, and offering support to survivors and children born of sexual violence. The UK also participates in an Atrocity Crimes Advisory Group aimed at coordinating support for accountability efforts, including deployment of Mobile Justice Teams, training for prosecutors and police, and support for survivors in Ukraine.[12] Moreover, the UK funds humanitarian partners to provide protection services, medical support, and forensic examination equipment for cases of CRSV and GBV in Ukraine.

[12] *EU, US, and UK establish Atrocity Crimes Advisory Group (ACA) for Ukraine: joint statement*, Foreign, Commonwealth and Development Office and the Rt Hon Elizabeth Truss, 2022, link.

5.2 Conflict-related sexual violence in Ukraine

- *Conflict-related sexual violence: Report of the Secretary-General*, United Nations Security Council, 2023, link.

This United Nations Security Council (UNSC) report published in June 2023 describes the problem of CRSV in Ukraine after the full-scale invasion by the Russian Federation. It quotes a human rights monitoring mission in the Ukraine report which found 125 cases of CRSV since February 2022. The victims were 80 men, 42 women and three girls – they range from four to 80 years old. The mission found that in cases involving men, sexual violence was often used as a method of torture; violations included "electrocutions, beatings and burns to the genital area, forced stripping and nudity, forcibly conducting a sexual act against another person, unwanted touching, and threats of sexual violence against victims and their relatives". Ten women, one girl and one man were victims of rape or gang rape.

The report outlines three UN-led initiatives to address CRSV in Ukraine:

- In March 2022, the Prosecutor of the International Criminal Court opened an investigation into the situation in Ukraine, including crimes committed since November 2013.
- On 3 May 2022, a UN special representative from the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict signed a framework of cooperation on the prevention and response to CRSV with the Deputy Prime Minister of Ukraine for European and Euro-Atlantic Integration. As a result, the government of Ukraine updated its NAP to comply with UN Resolution 1325 and established an inter-agency working group to address sexual violence. When this UNSC report was published, around 200 prosecutors were investigating sexual violence crimes.
- In November 2022, the General Assembly adopted resolution ES-11/5 which acknowledged that the Russian Federation must be held to account for any violations of international law in or against Ukraine as well as any violations of international humanitarian law and international human rights law. It recognised that the Russian Federation would bear legal responsibility for any crimes and potentially make reparations for injury or damage.

- *Report on the human rights situation in Ukraine, 1 February to 31 July 2023*, OHCHR, 2023, link.

The Office of the United Nations High Commissioner for Human Rights (OHCHR) operates a human rights monitoring mission in Ukraine, partly financed by the UK. It documented that, since the beginning of the full-scale invasion in February 2022, members of Russian armed forces, law enforcement officials or penitentiary staff in occupied territory or in the Russian Federation perpetrated 149 cases of CRSV. The victims were 94 men, 51 women and four girls. In the six months covered in this report, cases of CRSV included sexual violence as a method of torture of men in detention, the use of homophobic slurs and rape against an alleged LGBTQIA+ advocate, and the abduction and rape of a civilian woman. In territory under the control of Ukraine, OHCHR documented 24 cases of CRSV against 18 men and six women. Thirteen perpetrators were Ukrainian armed forces, law enforcement officials or penitentiary staff, and 11 perpetrators were civilians and members of territorial defence forces. The report also noted that 215 cases of CRSV committed by Russian armed forces were being investigated by the Office of the Prosecutor General.

- *A victim-centred approach*, UNHCR, n.d., link.

According to the UNHCR website, a victim-centred approach to sexual misconduct works to ensure the "safety, rights, well-being and expressed needs and choices of victims/ survivors when responding to sexual misconduct". The webpage goes on to say that the "Victim-Centred Approach is a way of engaging with victims that prioritizes listening, avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices. The purpose is to give back as much control to victims as feasible and ensure empathetic delivery of services in a non-judgmental manner".

- *Reflections on victim-centered accountability in Ukraine*, Kelli Muddell and Anna Myriam Roccatello, International Centre for Transitional Justice, 2023, link.

This report notes that Ukraine's General Prosecutor's Office (GPO) has been actively investigating crimes committed during the conflict. The GPO has a dedicated war crimes office and an online portal where people can report violations. As of this article's publication in February 2023, 30,000 cases had been reported. The GPO has been committed to investigating CRSV from the early days of the conflict, and has established a special unit for this crime. Ukraine has also been cooperating with the UN to conduct investigations, put forward legal reforms and provide services for victims using a victim-centred strategy. There are many challenges with this, including the insufficient capacity of the police and judiciary to handle these cases.

- *Ukraine's efforts to investigate conflict related sexual and gender-based violence and the role of the 'complementarity' in international criminal law*, Mariam Uberi, The Foreign Policy Centre, 2023, link.

This article notes that, since the occupation of Crimea in 2014 and especially since the full-scale invasion in February 2022, CRSV has been an issue in Ukraine. Although Ukraine has not adopted the Rome Statute, it has accepted the jurisdiction of the ICC. Under the principle of complementarity, the "ICC [has] a mechanism that compels states to pursue an acceptable measure of accountability for major crimes including sexual violence". Moreover, Ukraine has supported UN Resolutions 1325 and 1820, which "[highlight] the need to protect women and support maintenance and promotion of international peace and security".

The government of Ukraine has created a special group within the National Police to document crimes related to the conflict. The Office of the Prosecutor General of Ukraine has taken on an important role in this; as of June 2023, 208 cases of CRSV have been recorded. In June 2023, the Office signed the Strategic Plan for the Implementation of the Powers of the Prosecutor's Office in the Field of Criminal Prosecution for Conflict-Related Sexual Violence, which aims to improve investigative and prosecution processes for CRSV. There are a few domestic mechanisms that can be used in cases of CRSV:

- "Paragraph 1 of Article 433 envisages criminal responsibility for violence against the civilian population in a conflict area, which may include sexual violence, and is punishable with three to eight years of imprisonment.
- Article 438 foresees criminal responsibility for the violation of laws and customs of war, which includes cruel treatment of prisoners of war or civilians (and thus may include sexual violence), and shall be punishable by imprisonment from eight to 12 years."

CRSV is typically investigated as a war crime under Article 438. However, there is no specific reference to sexual and gender-based violence in the government of Ukraine's work on war crimes. It seems that in these cases, the Prosecutor's Office has investigated rape under Articles 152 ('rape') and 153 ('sexual violence') of the Criminal Code of Ukraine, which classifies sexual violence committed during the conflict as rape (during peacetime) as opposed to a war crime. This may "[deny] a crucial contextual and systematic aspect to [these] acts".

Ukraine is planning to introduce a draft law 'On the legal status of victims of sexual violence related to the armed aggression of the Russian Federation against Ukraine and the family members of the deceased persons'. Under this law, victims of CRSV will be granted victim status and may receive compensation. The UN Committee against Torture recommended that this compensation be combined with non-monetary mechanisms for reparation, including psychological support, health support, legal and social assistance, and reintegration support.

- *When the head of state makes rape jokes, his troops rape on the ground: Conflict-related sexual violence in Russia's aggression against Ukraine*, Kateryna Busol, Journal of Genocide Research, 25:3-4, pp. 279-314, 2023, link.

This article offers a description of CRSV in Ukraine since 2014, and includes a section on the rising issue of CRSV since the full-scale invasion in 2022. The author begins with three observations about this phenomenon following the February 2022 invasion:

1. The patterns of crimes seen since February 2022 first began in Crimea and Donbas. These include enforced disappearances, torture and inhumane treatment, transfer and deportation of civilian populations from and to temporarily occupied territories, and CRSV.
2. Since the full-scale invasion, the geographical scope and severity of these crimes has intensified. Due to the increased number of crimes, challenges relating to crime documentation, investigation, prosecution and adjudication have arisen.
3. The increase in these war crimes and crimes against humanity in Ukraine can be viewed as direct and public incitement to genocide.

The article reports that most CRSV is perpetrated during house-to-house searches in temporarily occupied Ukrainian territories and in detention centres (in Russia and Ukraine). As of September 2023, Ukraine's Office of the Prosecutor General was investigating 235 incidents of CRSV. The author notes that due to the stigma and shame associated with this crime, the security issues associated with reporting sexual violence, and the lack of access to victims in Russian-occupied territories, there is an under-reporting issue.

6. Accountability mechanisms for war crimes

6.1 War crimes in Ukraine

- *Fourth interim report on reported violations of international humanitarian law and international human rights law in Ukraine*, Office for Democratic Institutions and Human Rights, 2023, link.

This report by the OSCE and the Office for Democratic Institutions and Human Rights (ODIHR) asserts that violations of international humanitarian law and international human rights law continue to occur in Ukraine. Some of the crimes that this fourth interim report (which documents crimes between June and November 2023) records include:

- *The Russian army's use of explosive weapons with wide area effects*, which have led to many civilian casualties. This includes the strike on the village of Hroza on 5 October 2023, which killed 59 civilians. Another incident occurred on 12-13 June, when a Russian missile hit a residential building and reportedly killed 11 civilians and injured 36.
- *Attacks on civilian infrastructure in Ukraine*, including unceasing attacks on grain infrastructure in July and August 2023 and attacks on energy infrastructure leading to blackouts, as well as the destruction of cultural heritage sites. The destruction of the Kakhovka Hydroelectric Power Plant in June 2023 became one of the most significant attacks on civilian infrastructure in the conflict.
- *The attacks on populated areas in the Russian Federation-occupied territories of Ukraine by the Ukrainian armed forces*. This happens at a smaller scale compared to the Russian attacks, but also has led to civilian casualties. It includes the shelling of the Central and Mykytivskyi districts of Horlivka in Donetsk, leading to four civilian deaths and 13 injuries.
- *The killing of humanitarian workers*, which totalled 14 in 2023, and increasing attacks on humanitarian facilities. Witnesses reported an airstrike in July 2023, which targeted a local humanitarian hub located in a school, killing seven civilians (including humanitarian workers).

- *The torture and ill-treatment of Ukrainian prisoners of war (POWs).* The report notes that Ukrainian POWs are more frequently victims of these practices. A new tactic that Russia has developed involves "the initiation of criminal proceedings on several 'terrorism'-related charges under the Russian Criminal Code against individuals who should be considered POWs".
- *The displacement and forcible transfer of Ukrainian children* within Russian Federation-occupied territories of Ukraine and from occupied territories to the Russian Federation and Belarus. As of November 2023, the number of deported/forcibly transferred children was estimated as 19,546. Only 387 have been returned.
- *The increased prosecution of 'collaboration'.* Over 6,000 criminal cases of collaboration have been opened in Ukraine. However, there is a worry that the line between voluntary and involuntary collaboration is not distinct enough, leading to the prosecution of Ukrainians seen as 'collaborators' who may only have carried out some actions (such as getting a Russian passport) under duress.

ODIHR interviewed witnesses and survivors as part of the report and found evidence of the following war crimes:

- *Arbitrary deprivation of liberty and enforced disappearances*. In the period under review, the ODIHR collected 22 testimonies from victims of this crime – 17 men and five women. The length of time that victims were deprived of liberties varied from several hours to 15 months.
- *Torture and ill-treatment*, which the report labels as widespread and systematic. According to interviewed survivors, torture was used to "[extract] information or confessions, to force victims to cooperate with the occupying authorities, or as a punishment". Some Ukrainian POWs are also victims of torture and ill-treatment; they experience terrible living conditions, are abused and are repeatedly interrogated.
- *Evacuation, unlawful displacement, and 'deportations' of civilians.* Witnesses and survivors reported that civilians were forcibly and unlawfully moved and displaced from occupied territories.
- *Forced adoption of Russian citizenship.* Interviewees noted that employment, social services and health services are difficult to access without a Russian passport.
- *Unlawful restrictions to the right to freedom of peaceful assembly*. Assemblies are sometimes violently dispersed, and protests are restricted in Russian-controlled areas.

6.2 Mechanisms to prosecute war crimes in Ukraine

- *Ukraine: Situation in Ukraine,* International Criminal Court, 2022, link.

In March 2022, the ICC opened an investigation into the alleged crimes committed in Ukraine since 2013. Although Ukraine is not party to the Rome Statute, it has accepted the ICC's jurisdiction over alleged crimes under the Statute that occurred in Ukraine. The prosecutor decided to proceed with the investigation after receiving referrals from 39 countries. Almost a year later, in March 2023, the Court issued warrants of arrest for President Vladimir Putin and Maria Alekseyevna Lvova-Belova, Commissioner for Children's Rights in the Office of the President of the Russian Federation. Putin and Lvova-Belova are accused of unlawfully deporting children and unlawfully transferring children from occupied areas of Ukraine to the Russian Federation.

- *War crimes in Ukraine*, Congressional Research Service, 2023, link.

This article describes potential avenues for prosecuting war crimes, other atrocities and aggression in Ukraine:

- *Through the national justice system:* Such crimes can be prosecuted when committed on Ukrainian territory or when they are perpetrated by a national of that state. Currently, efforts in this domain include the work of the Office of the Prosecutor General, which has documented tens of thousands of alleged crimes and has 200 prosecutors working on these cases.
- *At the ICC:* As mentioned above, Ukraine has not ratified the Rome Statute, but it accepted the jurisdiction of the ICC through two ad hoc declarations in 2014 and 2015. Russia is also not party to the

Rome Statute. The report notes that "The ICC, as a permanent international court, has limited jurisdiction to prosecute individuals for these crimes".
- *Using ad hoc or hybrid tribunals:* Ukraine has called on the international community to create a special international tribunal to prosecute the crime of aggression against Ukraine.
- *At the International Court of Justice:* Russia has accused Ukraine of committing genocide against Russian speakers in the areas of Donetsk and Luhansk. Ukraine has filed an application contesting this allegation and claiming that Russia is attempting to justify its aggression in Ukraine.
- *At the European Court of Human Rights:* On 28 February 2022, Ukraine asked this Court "to take preliminary action requiring Russia to cease alleged human rights violations in connection with Russia's invasion of Ukraine". The Council of Europe expelled Russia from the European Convention on Human Rights in March 2022.

- *The prosecution of Russian war crimes in Ukraine*, Masha Gessen, The New Yorker, 2022, link.

This New Yorker article reports that, at this point in August 2022, the Ukrainian government wanted to undertake large-scale prosecutions for crimes of aggression and genocide. The government had identified over 600 suspects in Russia's military and political leadership, going all the way up to President Putin, who stated that "Ukraine has no right to exist". A war crimes lawyer living in Kyiv reckoned that proving Putin's guilt would be difficult, saying "in order to prove genocide, you have to prove intent", but one statement is rarely enough of an evidence base. Prosecutors need to put together a whole narrative that shows clear escalation of rhetoric. The crime of starvation, new to the toolbox of international criminal law, may be prosecuted in Ukraine. So would the crime of forced transfer to Russia/Russian-controlled territories, although this would be difficult to prove.

The author of the article interviewed the new leader of the Prosecutor General's war crimes efforts, Yuriy Belousov. He described the difficulty of processing over 25,000 cases. He has had to triage cases, separating them out into 'more' and 'less' important cases, and focusing on large-scale cases such as the bombing of a theatre in Mariupol. The article notes that "the bulk of war crime cases in Ukraine – individual killings and property destruction – will be managed by regional prosecutors". They, too, are overwhelmed by the number of cases.

7. The Ukrainian governance context

7.1 Overview of key governance indicators and metrics for Ukraine

- *Worldwide Governance Indicators*, World Bank, n.d., link.

According to the World Bank website, the Worldwide Governance Indicators (WGI) "aggregate data from more than 30 think tanks, international organisations, nongovernmental organisations, and private firms across the world, selected on the basis of three key criteria: 1) they are produced by credible organisations; 2) they provide comparable cross-country data; and 3) they are regularly updated. The data reflect the diverse views on governance of many stakeholders worldwide, including tens of thousands of survey respondents and experts".[13]

Table 6 below summarises Ukraine's scores and rankings against the WGI.

[13] Worldwide Governance Indicators, World Bank. n.d., link.

Table 6: Ukraine's Worldwide Governance Indicators scores

Criteria	Score (scale ranges from -2.5 to 2.5)	Percentile
Control of corruption: "captures perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as 'capture' of the state by elites and private interests".	-0.63	29.2
Government effectiveness: "perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies".	-0.50	33.0
Political stability and absence of violence/terrorism: "measures perceptions of the likelihood of political instability and/or politically motivated violence, including terrorism".	-2.0 (down from -1.1 in 2021)	5.7
Regulatory quality: "captures perceptions of the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development".	-0.33	40.6
Rule of law: "captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence".	-0.92	18.9
Voice and accountability: "captures perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media".	0.07	49.3

- *Corruption Perceptions Index*, Transparency International, n.d., link.

Transparency International calculates a Corruption Perceptions Index (CPI) score for 180 countries every year. This score "measures how corrupt each country's public sector is perceived to be, according to experts and businesspeople".[14] "Each country's score is a combination of at least three data sources drawn from 13 different corruption surveys and assessments. These data sources are collected by a variety of reputable institutions, including the World Bank and the World Economic Forum."

Ukraine had a CPI score of 33/100 in 2022, and had moved up one place in the world rankings since the previous year. It ranks 116th out of 180 countries. It has had an overall upward trajectory, going from 25/100 in 2013 to 33/100 in 2022 (with a small fall to 30/100 in 2019).

- *Countries and territories: Democracy scores*, Freedom House. n.d., link.

Every year, Freedom House measures the "level of democratic governance" of 29 countries, one of which is Ukraine. "The democracy score incorporates separate ratings on national and local governance, electoral process, independent media, civil society, judicial framework and independence, and corruption." Ukraine received a total score of 39. It obtained a democracy percentage of 39.29 and a democracy score of 3.36. Freedom House classifies it as a Transitional or Hybrid Regime.

[14] *The ABCs of the CPI: How the Corruption Perceptions Index is calculated*, Transparency International, December 2021, link.

- *World Press Freedom Index: Ukraine*, Reporters Without Borders, n.d., link.

The World Press Freedom Index, which evaluates the environment for journalism, ranks Ukraine 79th out of the 180 countries it evaluated in 2023. This is a significant improvement from the year before, where it ranked 106th. It ranked 65thf on the political indicator, 30th on the economic indicator, 26th on the legislative indicator, 40th on the social indicator and 179th on the security indicator. The article accompanying the index notes that "The war launched by Russia on 24 February 2022 threatens the survival of the Ukrainian media. In this 'information war', Ukraine stands at the front line of resistance against the expansion of the Kremlin's propaganda system."

The article notes that the presence of Ukrainian oligarchs, who own the majority of national TV channels, threatens the freedom of the press. The 'information war' with Russia means that pro-Russian media is banned by presidential decree. The Russian army has targeted journalists, media and telecommunications infrastructure to hinder access to independent news and information. The article concludes by saying that journalists in Ukraine are in more physical danger than ever before; they are often deliberately targeted by military fire.

7.2 The fight against corruption

- *Corruption and private sector investment in Ukraine's reconstruction*, Nick Fenton and Andrew Lohsen, Centre for Strategic and International Studies, 2022, link.

This paper by the Centre for Strategic and International Studies (CSIS) on corruption and private sector investment in Ukraine's reconstruction outlines the key challenges Ukraine faces to reconstruction and investment, including: the international perceptions of endemic corruption; oligarchic influence; the capture of the judiciary; the undermining of anti-corruption bodies; and strategic corruption. Throughout the report, CSIS underscores the importance of perception, both domestically and internationally. Internationally, CSIS warns that perceptions of significant corruption can lead to investor hesitancy or withdrawals, and domestically, the lack of progress has led to cynicism within Ukraine "and the perception that corruption is endemic".

CSIS outlines the importance of perception when it comes to investment, and that perceptions of corruption can deter investors who are concerned about rule of law and rent-seeking behaviour. Ukraine has consistently scored relatively low on Transparency International's Corruption Perceptions Index, although with the caveat that CPI measures perception rather than the objective situation.

Decades of oligarchs dominating Ukraine's politics and economy have resulted in the subversion of governing institutions, and the creation of policies which benefit their interests. President Zelensky has campaigned on reducing the oligarchs' role in domestic politics. CSIS highlights a "durable core of oligarchs" who have remained key influencers of Ukraine. Prior to the invasion, international commentators warned of the increasing strength of oligarchs in Ukraine. In 2021, European auditors found that "oligarchs and vested interests were the main obstacles to Ukraine's economic development".

Despite Western-backed reforms following the Revolution of Dignity in 2013-14, Ukraine's judicial system has been compromised by corrupt judges, and efforts to promote independence of the judiciary have 'backfired'. There has been a history of compromised judges blocking the selection of honest judicial nominees, and judicial bodies failing to remove corrupt judges from the system. CSIS lists positive steps towards an independent judiciary, including the relaunch of the High Qualification Commission of Judges (previously suspended in 2019), and independent foreign experts participating in Ethics Council decisions (as part of legislative reform for the High Council of Justice). CSIS is cautious about these steps, as "Ukraine has a history of failing to implement legislation targeting vested interests".

Anti-corruption bodies established post-2014 have been undermined by vested interests, and CSIS has found that they have not been able to undertake their key duties of preventing and prosecuting government corruption. CSIS reports links between anti-corruption institutions and political appointee-led bodies, which has resulted in issues such as the Office of the Prosecutor General interfering in a National Anti-Corruption Bureau investigation.

International donors and financial institutions have included the strengthening of these anti-corruption bodies as conditions of financial assistance, but CSIS warns that key positions are still unfilled, and that Ukraine still needs to address its poor reputation when it comes to anti-corruption institutions.

CSIS outlines the concept of strategic corruption, and how Russia has weaponised corruption and bribery as a method to keep Ukraine within its 'zone of influence'. CSIS cites a United States Institute of Peace report, which revealed how Ukrainian oligarchs were supported by Russia's fossil fuels industry, and have enabled Russia to influence Ukrainian policies. Further, CSIS argues that Russia has since used strategic communications to amplify to Western audiences the idea that Ukraine is a corrupt state, in order to undermine confidence in the Ukrainian reform process.

Despite these barriers, Ukraine has also undertaken significant reform efforts. The establishment of five anti-corruption bodies[15] forms part of Ukraine's campaign against corruption and new approach of 'radical openness', which includes increasing transparency so that citizens understand how public funds are spent. A large part of anti-corruption efforts has been through broad reforms such as the digitisation of government services. *ProZorro* and *ProZorro.Sale* are two new electronic procurement platforms which are helping to reduce opportunities for corruption through procurement and sale of state property. *DoZorro* was also developed to give people a platform to alert authorities of any irregularities. The judicial sector has randomised the assignment of court cases, so that senior members of the judiciary cannot allocate cases to corrupt judges. CSIS acknowledges that these reforms are not a 'silver bullet', but concludes that digitisation has successfully mitigated existing vulnerabilities that had allowed corruption to permeate through Ukraine's systems, and is building a solid foundation for further improvements.

7.3 Ukraine's governance reform programme

- *Public governance in Ukraine: Implications of Russia's war*, OECD, 2022, link.

The Organisation for Economic Cooperation and Development (OECD) brief on public governance in Ukraine outlines the two stages of public governance reform that Ukraine has undertaken; the first following the 2014 Revolution of Dignity, and the second following the 2016 EU accession agenda.

After the 2014 Revolution of Dignity, Ukraine's infrastructure of anti-corruption bodies was established:

- *National Agency for Corruption Prevention (NACP).* Implements the National Anti-Corruption Strategy. Has a focus on prevention functions such as conflict of interest, disclosure of interests, party finance, business integrity and public awareness.
- *National Anti-Corruption Bureau of Ukraine (NABU).* One of two law enforcement bodies, an independent police force investigating high-level corruption.
- *Special Anti-Corruption Prosecution Office (SAPO).* Sits within the Office of the Prosecutor General as an autonomous body, prosecuting NABU's cases.
- *High Anti-Corruption Court (HACC).* Hears both NABU and SAPO cases.
- *Agency for Recovery and Management of Assets (ARMA).*
- *National Police and Office of the Prosecutor General.* Responsible for lower-level corruption.

In 2016, as part of its European integration process, Ukraine built on its anti-corruption infrastructure to implement public administration reforms to align with EU and OECD standards of 'The Principles of Public Administration'. It implemented the Public Administration Reform Strategy and its accompanying Action Plan. At the end of 2021, Ukraine had achieved 57% of the performance targets set and was on its way to finalising 87% of planned actions. It is now delivering on the 2022-25 Action Plan and its three priorities:

[15] The National Agency for Corruption Prevention (NACP), the National Anti-Corruption Bureau of Ukraine (NABU), the Special Anti-Corruption Prosecution Office (SAPO), the High Anti-Corruption Court (HACC) and the Agency for Recovery and Management of Assets (ARMA).

1. “delivering high-quality public services to citizens and businesses
2. building a professional and politically neutral public service
3. building effective and accountable public institutions”.

While the OECD found that anti-corruption institutions had delivered good results, such as the adoption of the National Anti-Corruption Strategy in June 2022, powerful interests halted significant progress. The OECD expresses concern that the processes to appoint the Head of SAPO and NABU are on hold, and that judiciary reforms have also slowed.

7.4 Ukrainian civil society

- *Ukraine's other army: Civil society through the lens of citizen finance and volunteering*, Olena Leonchuk, Alexander Nisetich et al., Research Triangle Institute, 2023, link.

The term 'the Other Ukrainian Army' describes the “organic interplay between Ukrainian civil society and the public”. This article looks at the wartime response of Ukrainian civil society. It notes that the seeds of the organised volunteer movement in Ukraine were planted during the response to the 2014 Orange Revolution. CSOs grew rapidly following the start of the full-scale invasion. The article notes that “the actions of the Ukrainian people in the first days of the full-scale invasion defined the nature of the war and its geopolitical implications”. The international community was slow to respond, but local civil society actors mobilised very quickly to meet the needs of the humanitarian emergency and address gaps in medical and military supplies. In fact, for the first six weeks of the invasion, all humanitarian aid was coordinated by local civil society actors.

A survey conducted by the authors documented the various ways that Ukrainians have supported their compatriots since the beginning of the war. Types of support included financial, volunteering (time or expertise), working for an organisation, going to protests, starting fundraisers, writing letters to political representatives, joining as a volunteer to fight, and starting a non-profit organisation. The most prevalent form of support was financial.

- *The resilience and trauma of Ukraine's civil society,* Kateryna Zarembo, Carnegie Europe, 2023, link.

This article explores the role of civil society in the war in Ukraine. It notes that civil society has been supporting the army and fostering civilian resilience. One example is the team of volunteers in Kherson who deliver food and basic necessities by bicycle all over the region. Another is 'Come Back Alive', a volunteer organisation which raised funds and procured over 600 armoured vehicles, more than 6,000 thermal imaging cameras, and over 5,500 drones. According to a survey, Ukrainians define their civil society engagement through four main components: actions, values (for example, common views, solidarity), responsibilities (for example, duty, care) and belonging.

8. Planning for reconstruction and recovery

8.1 Damage assessment

- *Ukraine: Third Rapid Damage and Needs Assessment (RDNA3), February 2022 – December 2023*, the World Bank et al., World Bank Group, 2024, link.

In February 2024, the World Bank published a report assessing the damage in Ukraine and the needs assessment for reconstruction.[16] This is the third iteration of this report, and it includes the most up-to-date data and estimations. The report defines damage as “direct costs of destroyed or damaged physical assets and infrastructure, valued in monetary terms [with] costs estimated based on replacing or repairing physical assets

[16] The report was “jointly prepared by the World Bank, the Government of Ukraine (GoU), the European Union (EU) services, and the United Nations (UN) in coordination with humanitarian and development partners, academia, civil society organisations, and the private sector”.

and infrastructure". It defines loss as "changes in economic flows resulting from the war, valued in monetary terms, [for example], increased operating cost, loss of revenue for authorities/private sector, and debris removal". The total estimated costs and the sectors they are concentrated in are described below.

- *Damage:* The World Bank estimates that the first year of war had resulted in $152 billion worth of damage to buildings and infrastructure. The most affected sectors were housing (37% of total damage), transport (22%), commerce and industry (10%), energy (7%) and agriculture (7%). The most affected oblasts are Donetsk, Kharkiv, Luhansk, Zaporizhzhia, Kyiv and Kherson.
- *Loss:* The report estimates that the aggregated social, economic and other monetary loss totals an estimated $499 billion. The areas with the highest losses are commerce and industry (35% of total loss), agriculture (14%), energy and extractives (11%), transport (8%) and explosive hazard management (7%).[17]
- *Reconstruction:* The World Bank estimates the total recovery and reconstruction costs at $486 billion over a period of ten years, an amount equivalent to 2.8 times the estimated nominal gross domestic product (GDP) of Ukraine for 2023.[18] The sectors with the highest estimated need are housing (17% of total reconstruction need), transport (15%), commerce and industry (14%), agriculture (12%), energy (10%), social protection and livelihoods (9%) and explosive hazard management (7%). The geographic areas with the greatest increase in needs (since the last World Bank report in 2023) are Kyiv, Dnipropetrovsk, Donetsk, Kherson, Kharkiv, Zaporizhzhia and Odesa.

The report then delves into several different dimensions of the conflict, describing the damage, loss and recovery aspects of each. Looking at the recovery and reconstruction needs, the report emphasises 'building back better'.[19]

Macroeconomic impact

Ukraine's economic growth in 2023 was higher than expected, given the ongoing war and the increased attacks on essential infrastructure. In 2022, the economy had contracted by 29.1%, but it showed signs of improvement in 2023, when there was an estimated annual growth of 4.8%. Additionally, restrictive monetary policies have helped reduce inflation to 5.1% by the end of 2023 (it stood at 26.6% at the end of 2022). In 2023, Ukraine's trade deficit reached $34 billion, which was almost four times that of 2022 ($9 billion). On the macroeconomic scale, Ukraine adjusted its budget to account for the increased defence spending. Part of the budget deficit was filled by external aid: $11.9 billion in grants and $29.7 billion in loans.

Human impact assessment

IDPs, young people, elderly people, people with disabilities, and veterans and their families face acute challenges in accessing basic services and employment in Ukraine. The report examines the observed impacts that these populations face, and then considers the recovery and reconstruction needs in that area. Many of Ukraine's 4.9 million IDPs benefit from monetary assistance from the state, but because that system is becoming unstable, there is a need to reform these programmes. Young people have reduced access to education and housing, and have increased mental health challenges, due to the war. There is therefore a need to strengthen online education in areas where hostilities are ongoing, repair youth centres, and implement youth empowerment programmes. The report also notes the need for increased social support for the growing number of Ukrainian veterans, which may number 5 million by the end of the war.

[17] Note that "the total loss figures do not include household income loss – estimated under the social protection and livelihoods sector and valued at over US$60 billion – to avoid potential double-counting in relation to other sectors".

[18] Note that "needs that have already been met by the GoU with the support of its partners have been deducted from current needs".

[19] 'Building back better' is defined as follows: "Relates to improvements integrated into rehabilitation and reconstruction of damaged assets, including improved functionality, energy efficiency, universal access, disaster and climate resilience (greening, decarbonization), and critical modernization measures, such as right-sizing and right-siting of infrastructure and services." (p. 28)

Social sectors

This section looks at housing, education and science, health, social protection and livelihoods, and culture and tourism. The housing sector has been enormously impacted by the war, with close to 2 million households affected, $55.9 billion worth of damage sustained, and $80.3 billion worth of reconstruction needs estimated over the next ten years. Since the war began, 13% of Ukraine's education infrastructure was destroyed – this represents $5.6 billion worth of damage and an estimated $13.9 billion worth of reconstruction funds. In the health sector, there has been $1.4 billion of damage, and the World Bank estimates it will take $14.2 billion to fund reconstruction efforts in this area. Social protection costs in 2023 added up to $4.9 billion, which included grants to IDPs and child and family benefits. Although the damage in this sector is minimal compared to others ($0.2 billion), losses are significant ($60.8 billion) due to job losses and higher poverty levels.

Productive sectors

This section looks at agriculture, irrigation and water, commerce and industry, and finance and banking. Several large-scale impacts affected these sectors, including the destruction of the Kakhovka dam in June 2023 and the termination of the Black Sea Grain Initiative in August 2023. Loss and damage in the agriculture sector is estimated at $80.1 billion, and needs are concentrated in reconstruction of assets, supporting long-term recovery and scaling up the creation of public institutions to promote evidence-based agriculture and rural development policy. The challenges in the water sector are tied to those in the agriculture sector, and damages in this sector increased by 95% in 2023.

Reconstruction and recovery costs are estimated at $10.7 billion, and this will include investment in repairing damaged infrastructure, institutional reforms and instituting better management systems. Total damage to commerce and industry is estimated at $15.6 billion and total loss is estimated at $173.2 billion, with 21% of businesses reporting war damage. The report emphasises building back better, with a focus on green technologies and an alignment with EU policies.

Infrastructure sectors

The energy sector has been massively affected by the conflict in Ukraine, with sustained attacks since the war began, especially since October 2022. Damage to this sector is estimated at $10.6 billion. This has affected households and businesses, which experience frequent blackouts. The report describes the difficulty of balancing short-term needs with long-term goals in this sector, particularly amid great uncertainty. Total transport sector damage is estimated at $33.6 billion. Telecommunications, too, have been severely impacted by the war – notably towards the end of 2023 when Ukraine was hit by a series of cyberattacks. Other infrastructure sectors that have been affected are water and irrigation, and municipal services.

Cross-cutting areas

Lastly, the report examines the impact of the war on cross-cutting areas, including the environment, emergency response and civil protection, justice and public administration, and explosive hazards management. The environment section focuses on the effects of the war on the forestry sector, which has experienced an estimated $3.3 billion worth of damages. The emergency services sector is experiencing greater demand than pre-February 2022. The government is already working on the reconstruction needs in this sector, rebuilding damaged buildings and procuring new equipment. Likewise, the justice and public administration sector is under great pressure, with the government doing some work towards recovery in war-affected areas. The explosive hazards management sector is also facing more challenges than ever before, as Ukraine is one of the most heavily mined countries in the world. The total estimated cost to clear all mines stands at $34.6 billion, and doing this will help with the delivery of humanitarian aid and with other reconstruction and recovery efforts.

8.2 Ukraine's recovery plans and strategies

- *Ukraine's National Recovery Plan*, National Recovery Council, 2022, link.

This planning document from July 2022 outlines the government of Ukraine's recovery plan. The National Recovery Council was set up by President Zelensky to coordinate the recovery, and is led by the Head of the Office of the President, the Head of Parliament and the Prime Minister. It includes 24 working groups and 2,500 experts, business representatives and civil society representatives. The total funding needs are estimated at over $750 billion, with approximately $500 billion coming from partners.[20] There are three overarching objectives:

1. *Resilience:* working towards economic, social and environmental resilience.
2. *Recovery:* recovering economic and social processes and natural ecosystems.
3. *Modernisation and growth:* ensuring sustainable economic growth and wellbeing of the people.

Key principles in this recovery plan are EU accession, beginning the recovery process early and scaling up as the appetite for risk grows. Goals of the plan include reaching an annual GDP growth of over 7% and a 65% CO_2 reduction (measured against a 1990 benchmark). Ukraine is also striving towards the 'de-oligarchisation' of the country, as well as a strong institutional capacity with greater transparency and accountability, and finalised anti-corruption systems. The National Recovery Council named 15 national programmes as part of this plan. They are: (1) Strengthen defence and security; (2) Strive for EU integration; (3) Rebuild clean and safe environment; (4a) Strengthen integrated energy system resilience; (4b) Support EU's zero-carbon energy transition; (5) Boost business environment; (6a) Ensure emergency funding; (6b) Ensure competitive access to funding; (7) Secure macro-financial stability; (8) Grow value-adding sectors of economy; (9) Logistics de-bottleneck and integration with EU; (10) Recovery and upgrade of housing and regions infrastructure; (11) Recovery and modernisation of social infrastructure; (12) Improve education system; (13) Upgrade healthcare system; (14) Develop culture and sport systems; and (15) Secure targeted and effective social policy.

8.3 Ukraine's coordinating structures for reconstruction

- *Kyiv's mobilisation for restoration: A landscape analysis of Ukrainian government authorities organizing for a Marshall Plan*, Nadiia Kostryba et al., Better Regulation Delivery Office and Alliance for Securing Democracy, 2023, link.

To prepare for the massive influx of foreign aid that will be channelled into the country for reconstruction, the government of Ukraine has restructured the departments and agencies that are responsible for restoring national infrastructure. This has resulted in the creation (through merging and reorganising) of:

- *The Ministry of Restoration:* Led by Deputy Prime Minister Oleksandr Kubrakov, this is a merger of the Ministry of Infrastructure and the Ministry of Communities and Territories Development and "oversees national restoration and major recovery projects, from setting strategic plans to maintaining key data ecosystems".
- *The Agency for Restoration:* Led by Mustafa Nayyem, this is an offshoot of the State Road Agency (or Ukravtodor) which is coordinated through the Ministry for Restoration and is described as being "the key implementation agency for reconstruction projects... responsible for organizing and procuring materials and supplies for restoration works".

In addition to the ministry and agency discussed above, the sprawling and complex architecture in place for reconstruction includes:

- *The Verkhovna Rada (Parliament) of Ukraine:* Establishes policy principles, enacts laws and creates the state budget.

[20] Note that this is a higher estimate than the World Bank's $486 billion detailed above.

- *The Cabinet of Ministers of Ukraine:* Ensures compliance with laws, develops programmes and plans, and coordinates the work of other parts of the state and regional governments.
- *The Ministry of Reintegration of the Temporarily Occupied Territories:* Works on challenges with IDPs, residents on the frontline and the restoration of liberated territories.
- *The Ministry of Economy:* Develops economic policies and reforms in line with EU standards, and coordinates the transparency tool *ProZorro*.
- *The Ministry of Finance:* Manages public finances and state financial oversight.
- *The Ministry of Digital Transformation:* Implements recovery plans in line with EU digital standards, with the support of the Transparency and Accountability in Public Administration and Services (TAPAS) system.
- *The Ministry of Environmental Protection and Natural Resources:* Works to restore ecosystems and implement the European Green Deal policy. This ministry's EkoZahroza app monitors the environmental repercussions of the war.
- *DREAM (Digital Restoration Ecosystem for Accountable Management):* A state-wide project management tool that helps coordinate reconstruction projects.

9. Lessons from other reconstruction contexts

Note that for this section, the methodology was slightly different from the rest of the annotated bibliography. Rather than trying to identify relevant historical examples from scratch, sources were pulled together that discuss relevant contexts and provide commentary on lessons for reconstruction, specifically for Ukraine and more generally. We also searched for literature on specific themes relevant to post-conflict reconstruction, for example, anti-corruption and governance.

- *The reconstruction of Ukraine: Historical lessons for postwar reconstruction of Ukraine*, Nell Todd et al., Deloitte, 2022, link.

In this article, the authors use a few historical examples – the Marshall Plan in Europe, and the reconstruction of Japan, Kosovo, Afghanistan and Iraq – to draw three "key lessons for the governance of any reconstruction efforts in Ukraine":

1. enabling Ukraine's human capital
2. pursuing projects within a layered rather than sequential approach
3. creating a central institution for governance.

The authors emphasise that the success of reconstruction depends on how organisations and policy makers define the 'what', which covers all elements of economic development, and the 'how', which rests on governance. The report underlines the importance of identifying economic 'cornerstones' that policymakers should target for systematic reconstruction planning – in Ukraine, these would be physical infrastructure, education and workforce, the financial sector, government services, and agriculture – and critical areas that will require attention throughout, and particularly in the early stages of, the reconstruction process. The authors believe that "clarity of focus on the key areas" could encourage investment from donor organisations and other funding sources, which, they argue, "would help stabilize Ukraine's economy and set it on a faster path to recovery".

The report uses the example of Kosovo, citing a previous USAID/Kosovo Economic Reconstruction Project[21] evaluation, which concluded that "inadequate macroeconomic management and the failure to open regional trade opportunities resulted in poor economic performance of the domestic economy outside of donor-related activities, low job creation, and a dearth of economic opportunity for Kosovars". The authors conclude that, if

[21] *Evaluation of the USAID/Kosovo Economic Reconstruction Project*, Samuel Skogstad et al., USAID, 2003, link.

structured and managed effectively, clarity of focus on key areas could encourage donor investment and other funding sources, which would in turn help stabilise Ukraine's economy and speed up recovery.

When examining the 'how' (success resting on governance), the authors note that the ultimate success of interventions in each economic development area depends on how these are designed and administered. They underline the importance of the choices made in three segments of programme governance: programme structure, donors and administration, and sustainment through anti-corruption management. With regard to programme structure, the authors note that historically, most programmes have been either multilateral or led by a single donor, and argue that the success of a reconstruction effort is only partially related to whether one or several donors manage and coordinate reconstruction. The report cites the example of US-led efforts, viewed as generally effective in postwar Germany and Japan but with mixed results in Iraq, while multilateral efforts in Kosovo and Afghanistan are generally considered to have been better coordinated than in Bosnia.

The authors also insist on the importance of transparency in terms of budget and financial reporting and for funding use. They argue that previous postwar efforts demonstrated that fraud prevention and anti-corruption can simultaneously attract continued investment and create a pathway for reform towards societal goals. The authors also note that since conflicts strain states' resources, the bulk of aid is often frontloaded, and that combining a large influx of aid early on in the reconstruction effort, with sound governance structures, offers a brief window of opportunity to make fundamental changes. The Marshall Plan and then reconstruction in the early years of the Kosovo conflict allowed 'leapfrog moments' for, respectively, European manufacturers and legal and institutional reforms in Kosovo that helped build the foundations for a market economy.

The article also emphasises the importance of financial stability for reconstruction efforts and cites Kosovo, Afghanistan and Iraq, where this proved critical. In Kosovo, the International Monetary Fund (IMF) helped implement the adoption of the German mark (later the euro) as the new currency, which reduced inflation-induced price increases to temporary supply shocks and stabilised interest rates almost immediately. In Afghanistan and Iraq, the IMF set up and advised the central bank, which immediately stabilised the countries' currencies.

The authors warn against pursuing projects in a sequential way, for example, first security, then economy, and so on) and instead advocate a 'layered' approach since all aspects of reconstruction are interdependent. East Timor was such example where the choice to reduce the number of staff positions in state organisations – and costs – while simultaneously creating more revenue-generating positions in the private sector, helped lay the foundation for a sustainable fiscal policy. Budget deficits were also initially covered with World Bank-managed donor trust funds. The authors argue that, even at the initial reconstruction stage, growth and job creation should be expected to come from private sector-led growth, not government and donor spending. However, the authors also argue that the success of such an approach rests on the need to create a central institution that can oversee and coordinate reconstruction and ensure all relevant entities work towards a common goal, with built-in mechanisms for transparency and oversight, which can then support anti-corruption efforts and avoid donor fatigue. One successful example cited in the report was the United Nations Interim Administrative Mission in Kosovo which served as the de facto administrator of Kosovo at the end of military operations in the country in 1999.

- *What lessons do past international efforts at rebuilding war-torn countries hold for organizing the reconstruction of Ukraine*, Daniel Wessel and Elijah Asdourian, Brookings, 2022, link.

This report summarises a 15 December 2022 conference organised by the Hutchins Centre on Fiscal and Monetary Policy and the Centre on the US and Europe, where four experts were asked to identify lessons from past international reconstruction efforts relevant to Ukraine, particularly for donor countries, from the Marshall Plan, South Sudan, Afghanistan and Iraq. Three of the experts noted that, while the US provided funding to Western Europe through the Marshall Plan, the sums delivered were never near the full cost of reconstruction (the US never spent more than 3% of GDP on the Marshall Plan, and most Western European countries received Marshall

Plan funds worth only between 3% to 10% of their GDP). Instead, the administrators of the Marshall Plan identified and covered the costs of two key resources which Western Europe needed (foodstuffs and machinery) and these resources jump-started reconstruction efforts.

The experts insisted on the need for transparency and monitoring to ensure that funding does not get redirected away from intended uses, locations or individuals, as was the case in South Sudan for instance. They also emphasised the need to avoid overpromising, as was the case in Afghanistan, where despite the involvement of 70 international donors post-9/11, the reconstruction of the country missed many of its key targets, largely as a result of overly ambitious plans, which also highlighted the need for donor coordination. As in most of the literature reviewed for this question, the importance of country ownership, and relying on, or building up, national institutions, was underlined as crucial to reconstruction efforts. Failure to do so in Afghanistan undermined government legitimacy and made the government become more accountable to international donors than to its population, with "billions of dollars intended for development leaked out through inefficiency and corruption".

- *Three insights from Iraq for the reconstruction of Ukraine*, Erwin van Veen, Clingendael Institute, 2022, link.

In this article, the author formulates recommendations drawn from engagement with UN staff in Mosul about 'success factors' which could be replicated during reconstruction efforts in Ukraine. The Iraqi experience highlights three essential components for an international trust fund to effectively support the reconstruction of Ukraine: robust operating procedures against corruption, nesting physical reconstruction in a broader socio-economic recovery strategy, and upgrading the quality of local administration. The author adds that trust funds have been used in a large number of post-conflict recovery settings around the world over the past decades, including the Funding Facility for Stabilization in Iraq, the Afghan Reconstruction Trust Fund, the Syria Reconstruction Trust Fund and the Multi-Donor Trust Fund for South Sudan. Most of these trust funds have been run by the World Bank or the UN. The author notes that the reconstruction of Ukraine will likely have a far bigger EU footprint and level of support than these.

Success factors, when looking at the Iraq example, are defined by the author as: a cooperative central government (although other sources emphasise the need to consider regional administration), a private sector capable of undertaking construction work effectively, sustained international resource mobilisation, a clear lead agency to take charge of the trust fund (in the Iraq case: the United Nations Development Programme, UNDP) and a senior-level (UN) representative to manage bureaucracy and ensure high-level engagement.

Other lessons learnt in Iraq include:

1. The importance of mechanisms to prevent corruption, notably by using "well-thought-out operating and tendering procedures that are relatively fast", with the caveat that this necessitates considerable resources, flexibility and vetting capabilities on the part of the trust fund.
2. The need to develop plans for physical reconstruction of (public) infrastructure at the same pace and in alignment with a broader material and immaterial recovery strategy on the part of the government, while at the same time limiting the risk of discrepancies between the trust fund's performance and that of the (Iraqi) government.
3. Measures to upgrade local administrative capabilities to ensure the durability and continuity of reconstruction efforts, which would also involve tackling 'sensitive questions' such as decentralisation, local checks and balances, and the fiscal authority of lower levels of government.

- *Corruption in conflict. Lessons from the U.S. experience in Afghanistan*, Special Inspector General for Afghanistan Reconstruction (SIGAR), 2016, link; and *What we need to learn: Lessons from twenty years of Afghanistan reconstruction*, SIGAR, 2021, link.

SIGAR highlights that systemic corruption within Afghanistan's institutions contributed significantly to the failure of the recovery process. Based on the report's findings, SIGAR draws six key lessons to inform (US) reconstruction efforts:

1. Make anti-corruption a priority in contingency operations to prevent systemic corruption from undermining [US] strategic goals.
2. Develop a shared understanding of the nature and scope of corruption through political economy and network analysis.
3. Take into account the limits of assistance (the amount a host country can realistically absorb) and improve agencies' ability to monitor this assistance.
4. Limit alliances with 'malign powerbrokers', balancing any short-term gains in doing so with the risk that such relationships might result in systemic corruption.
5. Integrate security, stability and anti-corruption objectives into [US] strategies and plans rather than viewing anti-corruption as "imposing trade-offs on those goals".
6. Recognise that solutions to endemic corruption are political and ensure that [US] policies and practices do not exacerbate corruption.

The 2021 report quotes Ambassador Ryan Crocker as saying, in an interview with SIGAR in 2016, that "The ultimate point of failure for our efforts wasn't an insurgency. It was the weight of endemic corruption", with Afghan officials themselves corrupting reconstruction efforts, thereby exacerbating conflict. Lesson 2 of the report states that "The U.S. government consistently underestimated the amount of time required to rebuild Afghanistan, and created unrealistic timelines and expectations that prioritized spending quickly. These choices increased corruption and reduced the effectiveness of programs", noting that US officials misjudged the time and resources needed to rebuild the country, but also prioritised their own political preferences around Afghanistan's reconstruction, rather than what could be realistically achieved.

As spending increased, the US also initially failed to recognise that corruption was widespread, the threat that corruption posed to reconstruction, and that anti-corruption efforts should be a key part of its strategy. Building on the 2016 report, which found that not only US officials, but also contractors and NGOs, were not incentivised to report on "waste, fraud, and abuse, or on weaknesses in oversight", the 2021 report notes that years of excessive spending and lack of oversight only served to fuel corruption as "physical security, political stability, and immediate reconstruction needs took priority over the slow, iterative work of building good governance and the rule of law, including combating corruption".

The report also highlights the risk of misreading the social and political environment, resulting in inadequate initiatives to stabilise and rehabilitate the country. A separate SIGAR report, cited in the 2021 assessment, on private sector development in Afghanistan found that "the technical and financial assistance provided to Afghan institutions and firms relied mainly on Western technocratic models that often failed to adequately consider how powerful Afghan social groups and institutions influenced public policy and the functioning of markets".

- *Reconstruction aid to Ukraine: What we know (or should know) from the history of assistance to Eastern Europe in the 1990s,* Janine R. Wedel, Vox Ukraine, 2023, link; and *Towards achieving 'strategies of gain' in post-war Ukraine,* Andrés Rodríguez-Pose and Federico Bartalucci, Vox Ukraine, 2022, link.

The authors of these two articles emphasise the need for a high-level single, ad-hoc and dedicated planning and coordination agency that would act as a "go-to clearing house for all manner of aid planning and coordination". This has proved to be a successful strategy in other 'post-crisis' contexts such as Indonesia following the 2004 Asian tsunami, when the government took the leadership in the recovery effort and established a special,

mission-oriented Agency for Rehabilitation and Reconstruction with a four-year sunset clause. The Agency oversaw a coordinated, community-driven reconstruction programme, which helped minimise duplication and maximise coordination among stakeholders.

The authors advocate setting up an agency based in Kyiv, directed by experienced Ukrainian officials and specialists, with regional affiliates (potentially in the US and the EU as well), working closely with Western donor organisations, civil society and business. The authors argue that this setting should help avoid a repeat of the "largely performative constant calls for aid coordination and endless international coordination conferences of the 1990s", as they believe that "[a]ttempted coordination by purely technological fixes", such as the OECD's establishment of an aid registry, cannot be effective without centralised organisation and strategy. The report includes a description of lessons learnt for Ukraine's post-war recovery at a national and local level, replicated in **Table 7** below.

Table 7: Connecting lessons learnt to Ukraine's post-war recovery

	Lessons learnt	Application for recovery
Local and regional level	Devote enough attention to the assessment of local conditions and comparative advantage	Identification of the differentiated impact of the conflict across the Ukrainian geography (and, especially, its municipalities)
	Ensure buy-in from local and regional stakeholders	Integration of participatory mechanisms to empower local communities in the planning and implementation of post-war recovery
	Limit the influence of local vested interests and ensure accountability	Enhancement of anti-corruption enforcement and reforms to keep special interest at bay
	Build multi-axes development strategies, carefully weighting their complexity and breadth	Development of multi-dimensional, locally tailored recoveries according to place-specific characteristics
	Develop effective, locally tailored, and inclusive monitoring systems	Enabling multi-sector, multi-donor tracking of funds and resource allocation
National level	Invest adequate time and resources in capacity building	Provision of technical institutional assistance to local government units via dedicated offices
	Prevent zero-sum competition between local municipalities	Harmonisation and regulation of territorial competition to create a level playing field among municipalities
	Set up coordination and knowledge-sharing mechanisms between local and national governments	Creation of special-purpose, mission-oriented coordination agencies to ensure horizontal and vertical coordination
	Provide guidelines based on regional development clubs	Classification of municipalities/regions in development clubs to ensure an efficient and sustainable recovery
	Retain a clear strategic focus and ensure policy coherence across subnational governments	Exploiting synergies to address conflict-associated bottlenecks while retaining a whole-country picture

- *Building for peace: Reconstruction for security, sustainable peace and equity in the Middle East and North Africa*, Institute for State Effectiveness, 2019, link.

While this report focuses on recovery and reconstruction efforts in the Middle East and North Africa region, peacebuilding, and how to address drivers of conflict, with particular attention to Syria, Iraq Yemen and Libya, the authors posit that the existing literature suggests that many recent attempts at building peace after conflict have not been successful. They cite a 2011 World Bank Group report assessing that 90% of the civil wars of the first decade of the 21st century occurred in countries that had experienced civil wars in the last 30 years, resulting in a re-generation of violence. Common risks include:

- projectised, silo-riven approaches, which can drive mismanagement and corruption
- fragmentation and incoherence of government systems and institutions, as well as international support
- failure to understand the nature of the regime, the character of the state, and the nature of interest groups that shape the political dynamics
- flawed or negative incentive structures set in place that will take decades to undo, as institutional inertia continues
- inadvertent support for the illicit criminal economy, not only thwarting the potential for the legitimate economy to grow, but also fostering conditions for corruption
- elite capture of resources meant for reconstruction, peacebuilding and development, preventing redistribution of wealth and power, and perpetuating inequalities and grievances.

However, the authors go on to cite countries where “careful structuring of development partnerships in support of a coherent vision played a significant role in their successful recovery”, including Indonesia, Colombia, Ethiopia, Rwanda, Liberia and Nepal. They note that approaches that have worked were marked by “consistent and patient commitments, with an integrated view across the domains of security and justice, social and institutional development, and economic recovery”.

The authors caution that historical legacies and the nature of conflict will inform the possibilities for each country’s recovery and peacebuilding trajectory. They argue that the most effective – and cost-effective – strategy for effective reconstruction is often to leverage state-building as a way to maximise both reconstruction and peacebuilding strategies. They note, however, that reconstruction can also negatively impact post-conflict transitions and point out that all parties involved in the reconstruction efforts need to understand and be prepared for the trade-offs that will be required.

The authors highlight existing debates on the threshold conditions for reconstruction to be successful, namely, the existence of an ‘open moment’ with sufficient security conditions, the settling of the conflict with an adequate peace or political agreement sufficient to resolve all disputes or provide a credible roadmap to do so over time, and minimum governance standards to absorb the funding and activities. They also point out that peacebuilding has at times been attempted independently of economic or reconstruction processes. The report also mentions the growing acknowledgment that peacebuilding efforts which do not tackle the legacies of the war economy and the functioning of institutions across levels of government (including the neighbourhood and district or village) may not be sustainable.

One of the reasons for unsuccessful recovery and peacebuilding processes is that the parties (both in the country itself as well as international partners) fail to appreciate the trade-offs that are required. Based on examples of reconstruction and recovery processes in other contexts, the authors mention that the World Bank, its development partners and its counterparts in government will face issues such as how to stage and sequence interventions, whether to begin from policies or from projects, and advancing growth versus promoting equity.

It is self-evident that the historical legacies and the nature of conflict will inform the possibilities for each country’s recovery and peacebuilding trajectory. At the same time as paying close attention to the nature of the

state and the social contract that preceded the conflict, and the nature of the conflict and its drivers, the authors also urge policymakers to see the country and region through the lens of an 'asset map' – a recognition of the assets or endowments in physical capital, human capital, legal and institutional capital, cultural capital, financial capital and social capital that could provide the foundation for recovery.

- "Selling the peace? Corruption and post-conflict peacebuilding", Christine Cheng and Dominik Zaum, in *Corruption and post-conflict peacebuilding* (eds. Christine Cheng and Dominik Zaum), Routledge, 2012, link.

This chapter explores the issue of corruption in war-to-peace transitions. In the chapter's first section, on the effects of corruption on peacebuilding outcomes, the authors emphasise the importance of understanding corruption in a context-specific and nuanced way that acknowledges "the difficult trade-offs that need to be made in a peacebuilding context" and note that sometimes corruption may even have positive effects. The first theme in this section, on the transition from violence to peace, notes that, in this phase, stability is often prioritised over ambitious governance reforms. Elements of corruption implicit in peace agreements and power-sharing arrangements may be necessary.[22] The second theme is the potential redistributive effects of corruption, especially in countries with entrenched patronage practices. When the resources gained through corruption flow through networks, this can strengthen loyalties and relationships, ultimately leading to increased stability. But this can be a risky practice with many potential negative consequences. The third theme is the corrosive effects of corruption in the peacebuilding process. Although corruption can have some positive stabilisation effects in the short term, it is found to be socially and economically corrosive in the long term. In particular, the prevalence of corruption can affect people's perceptions of the state and undermine its legitimacy.

The next section of the chapter explores five dimensions of the impact of peacebuilding on corruption. The first is on the "early and rapid disbursement of aid" which, due to the inability of the state/implementing partners to absorb this aid quickly after the end of the conflict, results in an excess of floating money that may be misspent. The difficulty is that there is usually only a small window of time to gather aid for rebuilding post-conflict, due to the short attention span of the donors (and the urgency of other crises). The second dimension the authors explore is "the reliance on local elites". International peacebuilding actors are often dependent on local (usually elite) actors to sustain stability and assist with various peacebuilding programmes. These elites may have different priorities to the international partners and may also become gatekeepers to international aid in local communities.

The third dimension is "the primacy of stability", which means that peacebuilding actors are often less willing to address issues of corruption because it may compromise the peace. The fourth dimension is the emphasis on counter-terrorism, which has manifested recently in Afghanistan and Iraq. In these contexts, international actors protect those who are willing to fight 'terrorist groups', turning a blind eye to otherwise unacceptable corrupt behaviour. The fifth dimension is "democratisation and early elections". The rapid push towards democratisation may lead to a 'selection effect' in which rich, powerful, corrupt people win elections due to their disproportionate campaign resources.

The authors then examine a few practices that may help mitigate corruption in peacebuilding contexts. They suggest putting in place more effective and better-funded monitoring and evaluation protocols. They also propose the reform of budget allocation systems within donor states. These are generally calculated annually, with unspent money resulting in a lower budget for the following year. As a result, departments just try to get the money out of the door, taking less care over potential corruption, fraud and waste.

Lastly, the chapter explores potential challenges with addressing corruption in the context of peacebuilding through four key issues. The first is "the internationalisation of governance functions", where the authors note

[22] For example, when the Liberian civil war ended, cabinet positions were divided between representatives from the three competing factions, giving individuals two years to benefit economically from positions of power, but also supporting the end to a brutal war.

that although some of these projects have been successful (for example, GEMAP in Liberia), they may not be sustainable and may "compromise norms of sovereignty and self-governance". The second is the "focus on formal institutions", which may not have sufficient resources and may be politically influenced. The third is the "focus on host-state institutions" rather than on international actors, both public and private, who are also embroiled in corruption practices. The final key issue is "anti-corruption by executive fiat", where the authors note that external actors with executive authority sometimes create sweeping anti-corruption mechanisms that do not have appropriate procedural safeguards and, often, do not succeed in their mission to reduce corruption (or do so at great cost).

The chapter concludes with two ideas: first that "corruption is a political problem that requires a political solution", involving a concerted effort from donors and post-conflict governments, and second that "corruption is a double-edged sword", which can be used in the short term to create stability but, in the long term, may lead to the institutionalisation of corruption and the undermining of state institutions.

- *Post-conflict reconciliation in Ukraine*, Elena Baylis, Revue Européenne du Droit, Issue #5 (War), 2023, link.

While it is still unclear how a peace agreement might be achieved, what its terms could be, or which regions and communities would form part of Ukraine, the nature of the conflict as a war "justified by claims about history, identity, and legitimacy" indicates that the development of post-war reconciliation mechanisms will be key to the long-term success of any peace agreement and to enable constructive interactions between communities.

Examining various typologies of reconciliation mechanisms, the author assesses that socio-psychological theories, "which posit armed conflict as both produced by and contributing to an interdependent, antagonistic relationship between communities", are most relevant when looking at Ukraine, where political disputes are intertwined with complex questions of social identity and allegiances. These have been exacerbated, challenged and/or reshaped by increasing tensions between Russia and Ukraine over the past decade, and by Russia's use of these socio-psychological elements to justify its seizure of Crimea, the armed conflict in Donbas, and the full invasion of Ukraine.

Reconciliation is intended to deter armed conflict from recurring once it has been ended, and to shift "the dynamic between the concerned groups to a positive social, economic, and political interdependence, by enabling each group to accept and accommodate the legitimacy of the other group's identity, interests, and historical narrative".[23] The success of this approach would be dependent, in part, on whether Ukraine's post-war territory includes Donbas and Crimea, where allegiances have been more divided than in the rest of Ukraine. The author warns, however, that "the longer a conflict continues, the more embedded these social beliefs are in each community's ethos, and the more intractable the conflict becomes".

The paper addresses three broad mechanisms that could be relevant for post-conflict Ukraine: instrumental, historical and structural. Instrumental mechanisms attempt to: (i) disrupt the cycle of hostility and oppositional identities by enabling positive perceptions and shared experiences in the present; (ii) focus on cooperative economic, cultural and social initiatives; and (iii) encourage direct dialogue among members of affected communities. The author cites the example of Nelson Mandela wearing a Springbok jersey at the 1995 Rugby World Cup shortly after the end of apartheid in South Africa; USAID's support for interethnic microenterprises, joint business enterprises, and economic associations in post-conflict Bosnia-Herzegovina and Croatia in the 1990s; and structured conversations and experience-sharing among citizens in Northern Ireland, respectively, to illustrate those three goals.

The author argues that acknowledgements, cooperative initiatives and dialogue are low-risk approaches, as they are focused on the present and future rather than the past, and do not require tackling the questions of identity

23 "The nature of reconciliation as an outcome and as a process", Daniel Bar-Tal and Gemma H. Bennink, in *From conflict resolution to reconciliation*, Yaacov Bar-Siman-Tov (ed.), OUP, 2004, p. 15.

or conflicting historical narratives that tend to drive conflict, but instead aim to shift the dynamic by "incrementally building trust and goodwill through mutually beneficial statements, projects, and interaction".

Conversely, historical and structural mechanisms are higher-risk – although high-reward – especially in the immediate aftermath of a conflict, as they directly address aspects of the core dynamics that can contribute to conflict and undermine cooperative relationships among groups. If successful, however, they may enable a shift in how each group understands and interacts with the other. Historical mechanisms can include educational programmes, memorials and commemorations, or joint academic ventures.

The most prominent historical mechanism has become transitional justice, which focuses on individual responsibility rather than group culpability and enables a public "reckoning with the past and accountability for atrocities".[24] Well-established transitional justice mechanisms include international and hybrid criminal courts, which have been established to hold trials for war crimes, genocide, and crimes against humanity that occurred in the former Yugoslavia, Rwanda, Sierra Leone, Cambodia, the Central African Republic, Chad and Timor-Leste, and truth commissions, which have been widely used in more than 40 countries, including South Africa, Timor-Leste and Colombia, and are aimed at creating an authoritative record of facts and events, rather than at establishing accountability for individuals. However, transitional justice, which is, by definition, backward-looking and aimed at addressing past wrongs, has its limitations as an effective reconciliation mechanism as it does not necessarily address the conflict as a whole. Initiatives for transitional justice have to be carefully considered as they are at risk of being biased or perceived as being biased. This was the case for Ukraine's 2020 draft law addressing transitional justice for Donbas and Crimea, which, together with a non-public draft roadmap developed that same year, was not adopted.[25]

[24] *Transitional justice*, Ruti Teitel, OUP, 2002; *Between vengeance and forgiveness: Facing history after genocide and mass violence*, Martha Minow, Beacon Hill Press, 1998.

[25] The Venice Commission criticised Ukraine's 2020 draft law for treating Russians differently from other nationals with regard to criminal liability and eligibility for amnesties for war crimes and occupation activities in the Donbas region.

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