

Developing society's post-war resilience in Ukraine – defense of democracy

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Abstract: While bearing some similarities with regime changes of the 20th century, the new process of democratic backsliding is distinct in two major aspects. First, it is primarily within a state process led by elected officials abusing the existing democratic institutions. Second, it is an incremental process rather than an abrupt regime change that witnesses the weakening or elimination of the institutions that sustain an existing democracy. From the other side, there is an obvious lack of leadership – strong leader(s) in the EU.

Keywords: democracy, EU, post-war resilience, lessons learned, transition.

Defense of democracy

How and why democracies break down emerged as a central issue of comparative politics in the last ten years. And a general conclusion is that a type of democratic erosion is unfolding. The main trends in the world are regressive trends in the state of democracy². Socio-political practice, and consequently political theory, indicate that negative trends are recording when it comes to democratic standards. Populism, the strengthening of right-wing movements, the rise of authoritarian political leaders, the immigration crisis that intensified animosities based on racial criteria, are all factors that political theory recognizes as key, and which have conditioned overall decline of democratic standards and democratic practices. In other words, the democracy that we recognize in the traditional democracies is facing serious tests, and new terms have emerged in political theory, such as, for example, 'illiberal democracy', a concept that denotes a society that is nominally

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² <https://europeanvaluesstudy.eu/>

democratically organized, but in which authoritarian leaders and their oligarchic political and economic proponents manage to deny the work of democratic institutions and to strengthen their personal power by disregarding democratic standards. These trends are particularly recognized in Southeast Europe and can certainly potentially affect the still unconsolidated democracies in that region.

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As the processes that result in democratic backsliding are state-led and are unfolding within the democratic institutions themselves, it is important to explore the role external actors play in facilitating these processes.

The role of the EU/case of Western Balkans and Montenegro

Russia's aggression against Ukraine has changed the circumstances and behavior of the EU. For the first time, apart from the pandemic, in more recent years, we saw a determined and energetic performance, we saw again a European value on the scene that, in the previous period, was fading more - European solidarity was again at work. EU has provided great financial support (67 billion of euro); however, could more have been done before the Russian aggression, could the EU perspective have been more visible?

The block polarization over identity and statehood issues in Montenegro, between the proponents of independence and joint state with Serbia, politically and socially follows the division between pro-Western and pro-Eastern forces. Russia builds on this societal division, supporting pro-Russian organizations through various channels, whose political actions shape the face of Montenegrin democracy.

From the Western Balkan experience, the EU lacks credible strategy for this region and the best example is 2003 Thessaloniki Process – SAP (stabilization and association process). After 20 years it is still an unfulfilled promise, and the focus is still on the stabilization and less on the association process. Also, neglecting of the hybrid threats coming from Russia and malign influence on the region. It is important not to speak only about consequences but more on the causes of the crisis and to better understand lessons learned from the past. On the other side, there is an obvious lack of leadership – strong leader(s) in the

³ Bermeo 2016; <https://muse.jhu.edu/article/607612>

EU. To limit the malign influence of authoritarian external actors, it is crucial that the EU takes a more direct approach to the exercise of its political influence. A more active EU role requires work towards fostering a unified approach to the democratic development of Western Balkans between the EU and the USA, and devise of a regionwide strategy to combat anti-Western sentiments. EU should prove that the Western Balkans represents an EU sphere of influence in a highly geopolitically tense atmosphere that the war has created and thus accelerate of the European integration of the Western Balkan countries and relaunch its enlargement policy towards the region.

Importance of the Rule of Law and Transitional Justice

The role of the rule of law in fostering stability, protecting human rights, and preventing the reemergence of conflict is of the significant importance as well as transitional justice mechanisms in post-war societies, such as truth commissions, criminal prosecutions, reparations, and institutional reforms. These measures can help address human rights abuses, provide justice to victims, promote reconciliation, and strengthen the rule of law. Few main pillars are:

Media Freedom and Democracy: The critical role of a free and independent media in building a resilient post-war society is crucial. There are many challenges faced by the media during the transition period, including disinformation, censorship, and political interference. The need for safeguarding media freedom, promoting media literacy to counter misinformation, and supporting investigative journalism to ensure a well-informed citizenry is necessary to obtain stability and democracy. That is why the importance of establishing effective media regulations and ethical standards during the transition period should be address, as well as the need for transparent media ownership, accountability mechanisms, and self-regulatory bodies. The balance between freedom of expression and responsible journalism to prevent the spread of hate speech, incitement, and misinformation is also very important. In that regard, recommended measures should relate to protecting journalists' safety, promoting media self-regulation, fostering media diversity, and providing support for quality journalism through training programs and financial assistance.

Building Trust and Civic Engagement: The significance of fostering trust between the government, civil society, and the media in the transition period is well known fact. the importance of civil society organizations, grassroots initiatives, and community engagement in rebuilding trust, promoting social cohesion, and fostering democracy should be highlighted in the transition period. The importance of promoting dialogue, transparency, and inclusive decision-making processes are all issues to be further discussed and explore ways to enhance civic engagement and citizen participation in policy devel-

opment and implementation to ensure the legitimacy of post-war reforms. One of the examples is the role of civil society organizations in Ukraine, such as the Euromaidan movement or human rights groups, in mobilizing citizens and advocating for democratic reforms during the transition period.

International Support and Cooperation: Specific part is the importance of international support and cooperation in building post-war resilience in Ukraine, such as coordinated efforts in aiding, capacity building, and technical expertise to strengthen institutions, promote good governance, and protect human rights in areas such as legal reform, media development, and democratic governance. One of the examples is the partnership between Ukraine and the European Union, which has provided financial support and technical assistance for implementing reforms in various sectors, including the justice system and media. However, the challenges of balancing international assistance with maintaining national sovereignty and ensuring local ownership of the transition process should also be addressed. In that regard, continued collaboration with international partners, such as the European Union, the United Nations, and other relevant organizations, to secure financial resources, expertise, and technical support for policy implementation, capacity building, and knowledge sharing has to be encouraged.

Conclusion : Lessons Learned and Best Practices

Lessons learned from other post-war societies and transitional contexts, sharing best practices in law and media reforms, case studies and successful examples from other countries would inspire and inform policy implementation in Ukraine's transition period. Few main recommendations on implementing policies during the transition period in Ukraine, with a focus on law and media relates to:

1. *Ensuring an Independent and Transparent Judiciary:*

The establishment of an independent Judicial Council in Ukraine that ensures transparency in the selection and evaluation of judges, as well as the adoption of clear criteria for judicial appointments based on merit, integrity, and expertise.

2. *Combating Corruption and Promoting Accountability:*

The success of Estonia in combating corruption by implementing electronic governance systems that reduce opportunities for bribery and improve transparency in public administration could be one of the examples. The adoption of digital solutions and e-governance tools in Ukraine to minimize corruption risks, streamline administrative processes, and increase public trust by ensuring transparency and accountability should be encouraged.

3. *Promoting Media Pluralism and Countering Disinformation:*

The case of Lithuania, which established an independent public broadcaster to ensure balanced and unbiased news coverage, promoting media pluralism and reducing the influence of state-controlled media could help in advocating for the establishment of an independent public broadcasting system in Ukraine, with transparent funding mechanisms and editorial independence, to provide objective and diverse information to the public.

4. **Strengthening Access to Justice and Legal Aid:**

The development of a comprehensive legal aid system in Ukraine that offers free or affordable legal assistance to marginalized and vulnerable groups, along with the establishment of legal aid clinics and partnerships with civil society organizations to provide legal support is needed. Example could be the successful legal aid program in the United Kingdom, where free legal assistance is provided to individuals who cannot afford legal representation, ensuring access to justice for all.

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