

# POST-WAR RECONSTRUCTION OF UKRAINIAN SOCIETY AND UPHOLDING THE RULE OF LAW

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**Abstract:** The war in Ukraine has led to the devastation of communities and infrastructure throughout various regions of the country. The biggest difficulty in the post-war reconstruction period is going to be the distribution of funding in order to physically rebuild the once flourishing cities of Ukraine. Tackling the endemic corruption in the country, which has plagued it for decades, will ensure a fair transition in the post-war period as well as give Ukrainians a chance to lead normal lives as members of the European Union and NATO.

**Keywords:** reconstruction, corruption, rule of law, judicial system

Ukraine is fighting a war on two fronts: one against the aggressor Russia, the other against corruption. Corruption runs deep in the country's administration, authorities and courts similar to other countries from the Eastern Bloc due to the destabilization tactics employed by Russia throughout the years. Transparency International's Corruption Perceptions Index puts Ukraine at place 116 out of a total 180 with a score of 33/100 – the second-lowest in Europe with only Russia having a worse score. The estimated costs of reconstruction and recovery from the start of the war on February 24<sup>th</sup> until a year later are close to 400 billion euros for Ukraine according to the World Bank, which will need to go towards the people and infrastructure of Ukraine and not line up the pockets of the oligarchy.

It is imperative that corruption is limited by implementing serious reforms in the judiciary and anti-corruption systems in order for the reconstruction to be effective

and bring Ukraine closer to the EU. Ukraine has shown serious progress regarding the seven recommendations of the European Commission, yet there is still a lot to be desired, namely in regards to the first recommendation about the selection procedure for judges of the Constitutional Court of Ukraine. The six-member model of the Advisory Group of Experts, which is tasked with determining the eligibility of candidates for constitutional judges, could become an instrument for concentration of power and disregarding the principles of the separations of powers. The politicization of Ukraine's Constitutional Court could make it dependant on the government in such a way, that politically motivated constitutional judges could pave the way for unseen levels of corruption, finance misuse and endangering the rights of citizens on a national level. The recommendations of the Venice Commission seem to have fallen on deaf ears – just as it often happens in my native country of Bulgaria.

The ability of politicians in power to elect constitutional judges who are not morally or professionally suited for one of the most important and prestigious positions in the judiciary system of the country poses a great threat to the Rule of Law in Ukraine. The MPs who are tasked with drafting the legislature about the procedures of vetting candidates for the positions of constitutional judges stand at a crossroad which could be the downfall of the independence of the judicial system if the recommendations of the Venice Commission are not taken into account by allowing the candidates to be politically appointed figures and not exemplary jurists.

The arrest of the President of Ukraine's Supreme Court in May on the suspicion of accepting a bribe of nearly 3 million euros is just as worrying. Ukraine's anti-corruption authorities claim to be clamping down on corruption at the highest levels, yet it would be naïve to think that arresting several officials would be the end of the endemic corruption in the country. If the former President of the Supreme Court is indeed found guilty of running a back-office in the Supreme Court which collected bribes in order to gain favorable rulings for bad faith actors, it would be imperative to tackle the corruption on smaller, local levels as well – the 74 district courts of Ukraine which are the heart of the judicial system outside of the courts on the second and third levels of the pyramid, will be the ones deciding on cases where the material interest for corruption practices and damages is lower than 31000 USD.

The resolution of the process against Vsevolod Kniazev, the former President of the Supreme Court, will be a keystone of Ukraine's battle against corruption. The High Anti-Corruption Court of Ukraine decided to keep him in custody for 2 more months at the start of July with the final decision to be taken before the end of the present year. It is important to recognize the amount of effort that the National Anti-Corruption Bureau of Ukraine and the Specialized Anti-Corruption Prosecutor's Office have put in since the start of the war to keep the oligarchy in check, as well as undertake concrete steps to tackle corrupt politicians and officials, yet the question remains if isolated efforts will be enough to stop the endemic corruption, or if Ukraine will be overrun by it once again after the end of the war.

The key part of building a sustainable, fair, and transparent judicial system, is ensuring that the Rule of Law shall be upheld by every single judge, prosecutor and official, as well as that nobody should receive preferential treatment because of his wealth or connections. These values need to be instilled and upheld in every single young trainee with hopes to become a part of the judiciary system, as the shift in values and priorities away from corruption is a process which could last longer than some generations, and Ukraine has no time to spare. Ensuring that candidates have suitable moral and ethical qualities and standards first and foremost is a fast-track to an efficient and effective judiciary system. The quality and intentions of laws and strategies tackling corruption will have no effect if there is no one to actually enforce them.

The biggest unknown in the equation of post-war reconstruction is what the Ukrainian oligarchy will do in order to keep its wealth and power with Ukraine pushing for EU and NATO membership. A peculiar case is the Azovstal steel plant in Mariupol, which was completely destroyed during and after the siege of the city. The steel rolling plant, which had more than 12000 employees back in 2015, has been reduced to rubble much like other factories and businesses owned by Ukraine's oligarchy throughout the war. It remains to be seen to what extent the demands of the oligarchy will go to, as well as whether if they will pledge their own money for the reconstruction of Ukraine or funnel funds via corruption for themselves.

Although some of Ukraine's richest oligarchs have lost power and wealth with the government cracking down on them in the recent years, they should not be underestimated as the roots of the deep state are often intertwined far too deep in the earth. It is imperative for Ukraine to be able to continue fighting against disinformation campaigns carried out by oligarchy-owned media, as well as tackle any sort of Rus-sophile propaganda campaigns created by those with close ties to Russia within the country.

The reforms in the judicial system that Ukraine needs to adopt should guarantee the stability, sustainability and fairness of the courts and their rulings. The restoration and reconstruction of the destroyed cities, factories, homes and equipment of Ukraine will depend on the fair distribution of reparation funds and funds pledged by the international community. Undertaking a systematic approach to the resolution of conflicts and the once in a lifetime opportunity to create a working and fair judicial system should not be overlooked with the ongoing war, but it should be a priority for Ukraine as the key element in post-war reconstruction.

To summarize, I believe that the reconstruction of Ukraine depends on ensuring the independence of the judicial branch, the fight against corruption and oligarchy, and the need for a long-term vision of the judicial system and its effectiveness. Jeopardizing the independence of the Constitutional Court in favor of the politicians in power could be a massive step backwards in the long-term and threaten the Rule of Law.

