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Domestic Political Developments in Wartime Ukraine since February 2022

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Executive Summary

Russia's war is directed at destroying Ukrainian statehood as well as the Ukrainian nation and has genocidal characteristics. It has had highly negative human and material effects but also been a driver of both destructive and constructive change in Ukrainian society. Ukraine's economy, culture and polity are currently transforming to such a degree that some observers speak of the emergence of a "third republic", or a new state and society. Among the positive effects of wartime solidarity among Ukrainians are a more consensual political orientation and stronger impulses for reform. The latter includes a new anti-corruption drive also spurred by a hardening of the conditionality framework for the EU accession process that is currently in progress. This report surveys the challenges, opportunities and problems presented by wartime centralization and decentralization, party politics, the media and Ukraine's "oligarchs", as well as boosting the rule of law and fighting corruption. The natural drive for centralization in wartime has led to tensions in Ukraine's decentralized power structures and the party political realm, but not to a full monopolization of power or the disappearance of party political competition. Ukraine's media landscape has experienced a centralization of television news, a decline in printed media and the rise of social media-based information channels. The nature and composition of politico-economic power in Ukraine, the so-called oligarchy, and its ability to influence national legislation and governmental decisions are changing rapidly under conditions of full-scale war. The fight against corruption and strengthening the rule of law remain fields that require special attention, with both encouraging and frustrating results. Domestic and Western actors interested in supporting Ukraine should counter tendencies for political over-centralization and promote direct links between national, regional and local Ukrainian actors and their foreign counterparts.

Introduction: Towards a Third Republic?

At a February 2023 presentation by Kyiv's reputed Razumkov Centre, the think tank's legal expert and former Constitutional Court judge, Petro Stetsiuk, suggested that it was time to start speaking of a "third republic" in Ukraine's modern history. Stetsiuk's terminology regards the 1918–1921 Ukrainian People's Republic as the first and the 1991–2022 post-Soviet Ukrainian state as the second republic. Stetsiuk argued that recent survey results collected by the Razumkov Centre indicate that deep changes had taken place in Ukrainian society in 2022.¹ In particular, the Centre's public opinion research demonstrates that the traditional east-west divide in the nation's political outlook had become a significantly less distinct phenomenon by early 2023.

Ukrainians' earlier divisions on issues such as the country's foreign orientation, basic political preferences and historical memory had already been declining in the years prior to Russia's full-scale invasion, but geographical differences had still been salient in surveys until early 2022. New data published by the Centre after 10 months of full-scale war with Russia

¹ Razumkov tsentr (2023, February 2). Kruhlyi stil "Polityko-ideolohichni oriientsii hromadian Ukrainy v umovakh rosiyskoi ahresii". Retrieved from: <https://razumkov.org.ua/novyny/kruglyi-stil-politykoideologichni-oriientsii-gromadian-ukrainy-v-umovakh-rosiiskoi-agresii>.

shows that the 30-year-old regional divide within Ukraine has largely disappeared. During 2022, Ukraine's Western orientation and liberal-democratic regime became widely accepted in Ukraine's east and south too. According to Stetsiuk, these changes will have far-reaching political repercussions. The former constitutional judge therefore proposed thinking about the adoption and content of a new constitution to establish Ukraine's third republic.

Between Centralization and Decentralization

An increasingly pro-Western and patriotic political orientation among Ukrainians has become a unifying factor throughout the country. Despite the devastating war and the declaration of martial law since February 2022, societal support for democracy has increased significantly, as is evident from several surveys and analyses of survey results conducted in Ukraine in recent months.² Trust in the national government and military forces has also increased. Already in June 2022, a survey commissioned by the National Democratic Institute and conducted by the Kyiv International Institute of Sociology found that 97% of Ukrainians either "trust or completely trust" the Armed Forces, and 85% feel the same about the President.³

However, there have also been less positive domestic repercussions of the war. A number of insiders have reported that the presidential administration, now called Office of the President (OP), is becoming ever more dominant within Ukraine's governmental system.⁴ Journalists claim that the head of the OP, Andriy Yermak, has, for instance, taken over the conduct of foreign policy and the planning for reconstruction of the country.⁵ Yermak and politicians linked to him, such as the Speaker of the Verkhovna Rada (Supreme Council, the unicameral parliament), Ruslan Stefanchuk, have indicated a desire to retain power beyond the current presidential term.⁶ They promote the idea that Volodymyr Zelenskyy should be re-elected for a second term, even though he initially stated that he did not wish to stand again – a statement that he later qualified.⁷

The beginning of the Russian full-scale invasion exacerbated earlier tensions in relations between the OP and some prominent leaders of large urban communities. The relationship between the OP and Kyiv's popular mayor, Vitali Klitschko, has been tense ever since the presidential elections in 2019 and recently deteriorated further. President Zelenskyy directly

2 Reznik, O. (2023, January 19). Support democracy in Ukraine during the war. *Fond Demokratychni initsiatyvy imeni Ilka Kucheriva*. Retrieved from: <https://dif.org.ua/article/support-democracy-in-ukraine-during-the-war>.

3 Ukrainska Pravda (2022, July 1). 97% of Ukrainians trust the Armed Forces of Ukraine and 85% trust Zelenskyy survey. Retrieved from: <https://www.pravda.com.ua/eng/news/2022/07/1/7355753/>.

4 Ukrainska Pravda (2022, June 2). Voiennyi Kvartal. Khto teper holovnyy v otochenni Zelenskoho. Retrieved from: <https://www.pravda.com.ua/articles/2022/06/2/7349990/>.

5 Romaniuk, R., Kravets, R. (2022, December 27). Pidsumky voiennoho roku: ukrainskyy sprotyv, pererodzhennia Zelenskoho, znyshchennia oliharhiv. *Ukrainska Pravda*. Retrieved from: <https://www.pravda.com.ua/articles/2022/12/27/7382476/>.

6 Ukrainska Pravda (2022, December 29). Head of President's Office wants second term for Zelenskyy. Retrieved from: <https://www.pravda.com.ua/eng/news/2022/12/29/7382916/>; Livyy Bereh (2022, September 20). Ruslan Stefanchuk: Zelenskomu potribno yty na druhyi termin. Retrieved from: https://lb.ua/news/2022/09/01/528009_ruslan_stefanchuk_zelenskomu.html.

7 Belsat (2020, May 20). Ukrainian president Zelensky says second term possible. Retrieved from: <https://belsat.eu/en/news/ukrainian-president-zelensky-says-second-term-possible>.

criticized Klitschko for disrupting crisis responses to missile attacks on the city's critical infrastructure.⁸

In July 2022, a conflict erupted between the OP and Vladyslav Atroshenko, the popular mayor of Chernihiv, a provincial capital close to Kyiv.⁹ Atroshenko accused the OP of incompetence, abuse of power and attempts to remove him from office. The city had been under siege by Russian troops and subjected to widespread shelling and destruction between 25 February and late March 2022. The mayor, along with the head of the Chernihiv Oblast Military Administration, Viacheslav Chaus, had jointly organized the functioning and defence of the besieged city.

After the siege ended, however, Chaus, with the support of the OP, began to restrict Atroshenko's work and, for instance, to prevent the mayor's business trips abroad. In September 2022, the National Agency for the Prevention of Corruption (NAPC) initiated an administrative case against Atroshenko. Later, this NAPC decision provided the legal justification for a court to remove Atroshenko from office.¹⁰ This controversial ruling was made by the Yavoriv District Court of Lviv Oblast in Western Ukraine, far from Chernihiv.

Another illustration is the recent confrontation between Borys Filatov, the mayor of Dnipro, a large industrial city in eastern Ukrainian, on the one hand, and the OP, on the other. According to Filatov, tensions between him and the centre emerged due to the desire of the central government and the OP to take control of local procurement procedures in Dnipro. In late 2022, Filatov hinted that his relations with the OP had begun to deteriorate after he had appealed to the National Anti-Corruption Bureau of Ukraine (NABU) to prevent an attempted bribery plot in connection with construction of the city's subway.¹¹ A similar allegation has been made by Pavlo Kuzmenko, mayor of Okhtyrka, a district centre in the Sumy region. Kuzmenko reported that the head of the Sumy Oblast Military Administration had threatened to remove him from office if he did not award reconstruction contracts to certain private companies.¹²

In conclusion, the natural drive for centralization during wartime has, at some points, led to tensions with Ukraine's decentralized power structures.

8 Ukrainska Pravda (2022, November 29). Yak Zelenskyy i Klychko posvarylys cherez punkty nezlamnosti. Shcho kazhut v OP, merii ta v inshykh regionakh. Retrieved from: <https://www.pravda.com.ua/articles/2022/11/29/7378384/>.

9 ZN.UA (2022, July 18). Mer Chernihova Vladyslav Atroshenko: Konflikt ofisu prezidenta zi mnoiu shkodyt ne meni, a zhyteliam Chernihova. Retrieved from: <https://zn.ua/ukr/internal/mer-chernihova-vladyslav-atroshenko-konflikt-ofisu-prezidenta-zi-mnoiu-shkodyt-ne-meni-a-zhyteljam-chernihova.html>.

10 Suspilne Novyny (2022, December 29). Pidsumky 2022 roku ochyma viiny. Polityka na Chernihivshchyni. Retrieved from: <https://suspilne.media/348638-pidsumki-2022-roku-ochyma-viiny-polityka-na-chernihivshchyni/>.

11 ZN.UA (2022, November 25). (2022, July 18). Mer Dnipra Borys Filatov: ya poki ne zustrichav zhodnoho mera yakyi buv by zadovolenyi komunikatsiieiu iz tsentralnoiu vladoiu. Retrieved from: <https://zn.ua/ukr/internal/mer-dnipra-boris-filatov-ja-poki-ne-zustrichav-zhodnoho-mera-jakij-buv-bi-zadovolenij-komunikatsijeju-iz-tsentralnoiu-vladoiu.html>.

12 Livyy Bereh (2023, March 13). Mer Okhtyrky Pavlo Kuzmenko: Holovnyy vyklyk u pershi dni viiny – zhodnoii koordynatsii dii nikym i nide. Retrieved from: https://lb.ua/news/2023/03/13/548700_mer_ohitirki_pavlo_kuzmenko.html.

A Changing Political Landscape: Presidential and Other Parties

Despite the otherwise unifying effects of the war, the “Servant of the People” faction supporting President Zelenskyy in the Verkhovna Rada has continued to experience fragmentation. It is true that the pro-president party still officially had 239 Rada deputies in February 2023, and thus an absolute majority in parliament,¹³ but voting discipline in the faction is low. As a result, the once dominant presidential party cannot rely on automatic approval of its projects by its own parliamentarians. Laws have been adopted and other important parliamentary decisions made at the request of the OP thanks to the support of other factions than the Servant of the People. Analyses of parliamentary voting show that supportive votes from former members of the banned “Opposition Platform – For Life” (OPFL) have even played a role for the government.¹⁴

The party of former President of Ukraine Petro Poroshenko, “European Solidarity”, remains adversarial towards President Zelenskyy and his party and government but, as the main opposition party following OPFL’s dissolution, has supported the president in his military and foreign policies since the start of the full-scale invasion. On international affairs and during visits abroad, European Solidarity MPs act and speak largely in unison with “Servant of the People” MPs and are supportive of the president. Nonetheless, tensions and political competition between Poroshenko and Zelenskyy continue to be a major dividing line in Ukrainian domestic affairs. This has sometimes escalated when, for instance, Poroshenko’s travels abroad have been limited by the government.¹⁵

Ukraine’s three best known, albeit electorally marginal, ultra-nationalist parties, “Svoboda” (Freedom), Right Sector and National Corps, have announced a suspension of their domestic political activities for the duration of the war. They claim now to be focusing all their efforts on national defence. In any event, only one MP in the Rada can be counted as representing this political camp in Ukrainian politics. The various semi-regular units created by or with the help of these parties in 2014, such as the Azov Regiment and the Ukrainian Volunteer Corps, have now been integrated into Ukraine’s regular armed forces. While some still persist with their symbols and *esprit de corps*, these units have little operational autonomy and act on the orders of the General Staff.

In March 2022, the National Security and Defence Council (NSDC) of Ukraine, a key governmental body alongside the Cabinet of Ministers, suspended the activities of several political groupings that were known for their promotion of Russian interests. The prohibition of these parties was based on allegations that such forces had helped prepare Moscow’s latest aggression in 2022. The ban affected “Opposition Platform – For Life”, the smaller Party of Shariy and a number of other minor groups.

The NSDC’s radical measures were criticized at the time but have been partly justified by subsequent research on developments in the territories occupied by Russia since February

13 Savchuk, A. (2023, February 11). Chy spravdi chleny OPZZh dopomahaiut Sluzi Narodu pryimaty zakony? *Ukrainska Pravda*. Retrieved from: <https://www.pravda.com.ua/columns/2023/02/11/7388845/>.

14 Hromadske.UA (2023, January 4). Holosuiut za komadoiu. Yak Sluhy narodu spipratsuiut z nardepamy vid kolyzhnioi OPZZh. Retrieved from: <https://hromadske.ua/posts/golosuyut-za-komandoyu-yak-slugi-narodu-spivpracyuyut-iz-nardepami-vid-kolishnoyi-opzzh>.

15 Ukrinform (2022, May 30). Poroshenko napysav vidkrytyy lyst Zelenskomu. Retrieved from: <https://www.ukrinform.ua/rubric-politics/3495473-poroshenko-napisav-vidkritij-list-zelenskomu.html>.

2022. In Kharkiv oblast and other regions, for example, certain officials and members of the banned pro-Russian parties collaborated with the invading army.¹⁶ They participated in administration of the occupation and the persecution of Ukrainian citizens who took anti-Russian stances. Some of the party activists were involved in the preparation of acts of sabotage in government-controlled territories.

In conclusion, the full-scale invasion of February 2022 has changed the party political landscape in Ukraine but not led to a monopolization of legislative power or the disappearance of party political competition.

The Media

Like other Ukrainian businesses, Ukraine's vibrant and competitive mass media has been hit hard by the economic repercussions of the 2022 escalation of the Russia–Ukraine War. A steep decline in the demand for advertising platforms and services has led to the disappearance, downgrading and/or merger of numerous outlets. In some cases, foreign public or private funds have helped individual journalists and editorial boards to continue operating.

Soon after February 2022, the Ukrainian government decided to fuse the broadcasting output of most of the major television channels into a single political and war-focused channel, “Tele-Marathon - United News”. This was done not only for political and administrative reasons, but also in response to the declining financial resources of the various channels, where budgets were suffering from the war and advertising business was collapsing. The new unified round-the-clock programming combines journalistic reporting and mobilizational films with expert analyses. It includes frequent interviews with government officials, military and other experts, and foreign commentators. The Ministry of Culture and Information Policy oversees the organization and content of the new broadcasting conglomerate.

According to public opinion polls, television has been losing its traditional role as the main source of political information since February 2022.¹⁷ Instead, social networks such as Telegram, Facebook and Twitter, various online media, YouTube channels and messenger services like Viber have taken the lead in providing political news and analyses. In late 2022, the dominant sources of information for Ukrainians were Telegram channels (60%), Facebook profiles (25%), YouTube programmes (16%), Viber messages (13%) and Instagram accounts (8%). In addition, some established television stations have developed popular Telegram and YouTube output. For instance, TSN, the news channel of the leading TV station “1+1”, has a significant social media audience that includes 10% of Ukrainian Facebook users, 15% of those who use YouTube and 7% of those registered with Telegram.

16 Lisichkin, Ye. (2022, December 13). Zradnyky ta kolaboranty na mistsiakh. Khto otrymav posady v raionnykh administratsiakh ta keruvav u mistakh ta selyshchakh na kharkivshchyni pid chas okupatsii. *Fond Demokratychni initsiatyvy imeni Ilka Kucheriva*. Retrieved from: <https://dif.org.ua/article/zradniki-ta-kolaboranti-na-mistsyakh-khto-otrimav-posady-v-rayonnikh-administratsiyakh-ta-keruvav-u-mistakh-ta-selishchakh-na-kharkivshchyni-pid-chas-okupatsii>.

17 OPORTA (2022, June 1). Media Consumption of Ukrainians in a Full-Scale War. OPORTA Survey. Retrieved from: https://oporaua.org/en/report/polit_ad/24068-mediaspozhyvannia-ukrayintsiv-v-umovakh-povnomasshtabnoyi-viini-opituvannia-opori?fbclid=IwAR2y1pLoI0YB0MkD-SGgJl8jle6pZrKwHJnIQi3919HM-Uk7yU1L4jqPWYc

The role of video bloggers has increased throughout 2022. The most popular and influential are the ex-comedian and prominent volunteer activist, Serhiy Prytula (with a 16% audience share); the journalist, Dmytro Gordon (10%); the political commentator, Oleksiy Arestovych (10%); military experts, Yuriy Butusov and Oleh Zhdanov (each with a 4% audience share); and the nationalist activist, Serhiy Sternenko (4%). On the other hand, public opinion research has shown that, despite its diminishing share of the audience for news, popular trust in “Tele-Marathon – United News” (32% audience share) is still high among 84% of those who consume news from the merged station.¹⁸

One controversial decision by the authorities was the exclusion of the once influential opposition TV stations “Priamyi” (Direct) and Channel 5 from the collective United News project. These two broadcasters are associated with former-President Petro Poroshenko and are now only present on the internet. The same is true of the smaller channel, Espresso, which is associated with the politician and businessman Kostiantyn Zhevago. Espresso is excluded from digital broadcasting and does not participate in “Tele-Marathon – United News”, but continues to be present on YouTube and social media.

In conclusion, Ukraine’s media landscape has experienced a fundamental restructuring since February 2022, which has led to a centralization of television news, a decline in the printed media and the rise of social media-based information channels.

The Oligarchs

A few hours before the Russian invasion began, President Zelenskyy held a meeting with most of Ukraine’s richest individuals.¹⁹ According to participants in this historic conversation, the president asked the invitees to “support the country” in the event of Russian aggression. In the following months, the Russian attack put a number of “oligarchs” in an unexpectedly positive light.

In contrast to his previous avoidance of publicity, the nonetheless well-known owner of SCM holdings, Rinat Akhmetov, was vocal and active. In early March 2022, he called Vladimir Putin a “war criminal”,²⁰ and in May he condemned the actions of the Russian Army as genocide.²¹ In July 2022, he said that a Ukraine victory would necessitate liberation of all occupied Ukrainian territories.

Akhmetov claims that he has not travelled outside Ukraine since the start of the full-scale invasion. His metallurgical holding, Metinvest, is said to have ceased working in areas under Russian occupation.²² According to the well-respected website, NV, as of November 2022

18 Internews (2022, November 28). Ukrainians Consume More News, Are More Resilient to Disinformation, and Trust Their Media More During Russia’s War in 2022. Retrieved from: https://internews.org/wp-content/uploads/2022/12/USAID-Internews_Media-Consumption-Survey_2022_eng.pdf.

19 Ukrainska Pravda (2022, February 23). Na Bankovii desiatky VIP-avto: Zelenskyy provodyt zustrich iz biznesom. Retrieved from: <https://www.pravda.com.ua/news/2022/02/23/7325179/>.

20 ZN.UA (2022, March 5). Akhmetov zaiaviv pro rozirvannia kontaktiv yoho biznesu z Rosiieiu: “Putin voienyny zlochynets”. Retrieved from: <https://zn.ua/ukr/ECONOMICS/akhmetov-zajaviv-pro-rozirvannja-kontaktiv-joho-biznesu-z-rosiieju-putin-vojennij-zlochynets.html>.

21 Ukrainska Pravda (2022, May 25). Akhmetov: Dii Rosii v Ukraini — tse genotsid ta voienni zlochyny. Retrieved from: <https://www.pravda.com.ua/news/2022/05/25/7348553/>.

22 ZN.UA (2022, April 17). U Akhmetova zaiavly shcho nikoly ne pratsiuvatymut v rosiiskii okupatsii.

Akhmetov had made the greatest individual financial contribution to strengthening Ukraine's defence capabilities, ahead of his fellow oligarchs Petro Poroshenko and Viktor Pinchuk.²³ Akhmetov is currently suing the Russian state in the European Court of Human Rights for compensation for the damage to his companies caused by Russia's aggression.

Akhmetov's patriotic position was reciprocated by the president's team when the Minister of Justice officially stated that, after the transfer of Akhmetov's "Ukraina" television company to the state, the tycoon could no longer be considered an oligarch.²⁴ Akhmetov's erstwhile close business partner Vadym Novynskyi, by contrast, openly supports the pro-Russian Ukrainian Orthodox Church, which is subordinated to the Moscow Patriarchy. Novynskyi has been placed under Ukrainian government sanctions since December 2022.

Unlike Akhmetov, Viktor Pinchuk, another oligarch and son-in-law of former President of Ukraine Leonid Kuchma (1994–2005), left Ukraine before the invasion.²⁵ In March 2022, he launched a PR campaign about his contribution to Ukraine's defence. In May 2022, Pinchuk condemned Russia through his press service, but not Putin personally. It was only in September 2022, after Ukraine's first military successes, that Pinchuk began making clearer statements against Putin.²⁶

According to the web magazine NV, Pinchuk is the third most active donor to Ukraine's armed forces among the oligarchs, behind Poroshenko and Akhmetov, but his companies have been accused of inflating prices in public procurements.²⁷ Compared to other oligarchs, Pinchuk has managed to maintain a particularly close relationship with the OP through, among other things, successful international public relations projects. These include the reputed annual Yalta European Strategy conferences in Kyiv and the Ukrainian Breakfast at the side-lines of the World Economic Forum in Davos.

The particularly notorious oligarch, Ihor Kolomoisky, was actively involved in Ukraine's early defence efforts against Russia in 2014, when he financially supported new volunteer battalions and helped to secure his hometown of Dnipro from capture by irregular Russian proxy forces. Since the 2022 invasion, however, Kolomoisky has avoided publicity. In April 2022, Dnipro Mayor Borys Filatov complained that Kolomoisky had not helped with the city's defence in any way.²⁸ In the summer of 2022, media leaks alleged that Kolomoisky had been stripped of his Ukrainian citizenship, and that he has since regularly been interrogated

Retrieved from: <https://zn.ua/ukr/ECONOMICS/u-akhmetova-zajavili-shcho-nikoli-ne-pratsjuvatimut-v-rosijskij-okupatsiji>.

23 NV (2022, November 4). NV diznavsia khto z naybahatshykh ukraiintsiv bilshe vytrachaie na armiiu.

Retrieved from: <https://biz.nv.ua/ukr/finance/rejting-hto-iz-naybagatshih-ukrajinciv-bilshe-daye-na-armiyu-i-skilki-novini-ukrajini-50281684.html>.

24 ZN.UA (2022, March 5). Maliuska vvazhaie shcho Akhmetov vdalo proyshov deoliharkhizatsiiu. Retrieved from: <https://zn.ua/ukr/POLITICS/maliuska-vvazhaje-shcho-akhmetov-vdalo-proyshov-deoliharkhizatsiju.html>.

25 Ukrainska Pravda (2022, April 13). Viiskovyy mobilnyy hospital u maietku Viktora Pinchuka. Retrieved from: <https://www.pravda.com.ua/articles/2022/04/13/7339335/>.

26 NV (2022, September 11). Ukraina boretsia za maybutnie usiiei tsyvilizatsii - Pinchuk. Retrieved from: <https://nv.ua/ukr/ukraine/events/yes-2022-pinchuk-zayaviv-shcho-ukrajina-boretsya-za-civilizaciyu-novini-ukrajini-50269202.html>.

27 Ekonomichna Pravda (2022, November 25). Neobhruntovano pidvyshchuvaly tsiny: AMKU rozposhav spravu proty hrupy Interpipe Pinchuka. Retrieved from: <https://www.epravda.com.ua/news/2022/11/25/694274/>.

28 Ukrainska Pravda (2022, April 20). Filatov rospoviv pro vnesok oliharkhiv v oboronu Dnipra: vid Kolomoiskoho – zero. Retrieved from: <https://www.pravda.com.ua/news/2022/04/20/7340891/>.

by the NABU.²⁹ Nonetheless, his popular “1 + 1” television station is still included in the “Tele-Marathon – United News” channel, which is loyal to the government.

According to Ukrainian economic researchers, Ukraine’s notorious oligarchs have had to endure significant losses related to the war since February 2022.³⁰ Nonetheless, in view of equivalent losses by other economic actors, they and their companies have maintained dominant positions in their traditional markets. Whether the concept of oligarchy is as relevant as it used to be in pre-war Ukraine may only become clear once the war has ended and regular economic activity is possible once again. What is already visible today is that the nature and composition of economic power, and the ability to influence political decisions, are changing significantly under conditions of full-scale war.

Corruption and the Rule of Law

Several encouraging developments strengthened the system of corruption prevention and prosecution in 2022. After a politically motivated delay in the appointment of the head of the Specialized Anti-Corruption Prosecutor’s Office, the former NABU detective Oleksandr Klymenko was appointed in July 2022 in an openly competitive process. After an equally political delay and attempts to influence the selection procedure for the NABU director, a Selection Commission that included international experts began its work in August 2022. The multi-stage procedure assessed candidates’ knowledge of the law, intellectual abilities, integrity and leadership skills, but resulted in March 2023 in the appointment of Semyon Kryvonos, whose independence has been questioned and previous ties to the government have been criticized.³¹

In the summer of 2022, the controversial head of the SBU, Ivan Bakanov, a childhood friend of the president, was suspended from his duties by Zelenskyy. The controversial Prosecutor General Iryna Venediktova was also dismissed. According to the testimonies of NABU detectives, Venediktova had blocked an investigation into the corrupt chairman of the Kyiv District Administrative Court (KDAC). This notorious court had become an illegitimate institution after publication of the so-called “Vovk tapes”, which were audio recordings of conversations that took place in the office of Pavlo Vovk, the KDAC chairman. The systemic corruption these tapes revealed resulted in the entire KDAC being disbanded. Last but not least, a newly staffed High Council of Justice, which includes civil society representatives, restarted operations after a long break.

The prosecution of corruption intensified in 2022. This included the arrest of a Deputy Minister of Communities, Territories and Infrastructure Development on suspicion of bribery in the purchase of generators, the prevention of an attempt to bribe the mayor of Dnipro to facilitate a tender for the construction of a subway and suspicions raised regarding the Chair of the

29 Romaniuk R., Kravets, R. (2022, July 22). Biut i po pasportu. Yak Kolomoisky, Korban i Rabinovych vtratyly ukrainske hromadianstvo. *Ukrainska Pravda*. Retrieved from: <https://www.pravda.com.ua/articles/2022/07/22/7359645/>.

30 Nashigroshi.org (2022, November 28). Naibilsh oliharhizovani oblasti ta haluzi Ukrainy. Retrieved from: <https://nashigroshi.org/2022/11/28/naybil-sh-oliharkhizovani-oblasti-ta-haluzi-ukrainy/>.

31 NV (2023, March 8). NABU’s new director faces questions of independence amid ties to government. Retrieved from: <https://english.nv.ua/nation/new-nabu-director-faces-questions-of-independence-from-administration-of-ukraine-president-zelenskyy-50309242.html>.

Accounting Chamber and former parliamentarian, Valeriy Patskan. In 2022, the Constitutional Court declared a new law abolishing parliamentary immunity to be constitutional.

In contrast to these and a number of other positive developments, journalists continue to report questionable actions by politicians from among the president's entourage. These are typically aimed at establishing control over independent authorities or state-owned companies, or at influencing multi-million-dollar public procurement deals. In 2022, for instance, there was a serious confrontation between civil society representatives supported by the European Union (EU) and G7 diplomatic missions, on one side, and the OP and the parliamentary majority, on the other, over changes to the procedure for electing judges to the Constitutional Court of Ukraine (CCU). As a result, the CCU has for now been able to maintain its independence and high level of professionalism.

There have been other allegations about abuse of government office, such as the formation of a hierarchy of loyal officials in the energy sector and state-owned energy companies,³² the establishment of personalized control over the UkrNafta energy company and regional gas company network, informal influence over the Accounting Chamber, pressure on the Governor of Ukraine's central bank, or use of citizenship deprivation to fight political opponents (e.g., Dnipro politician Hennadiy Korban). Attempts to subvert public procurement procedures have also been made public in journalistic investigations. These have included excessive prices charged for food bought for the army by the Ministry of Defence,³³ bureaucratic assistance for affiliated companies with tenders for road repairs or procurement by companies linked to the above-mentioned oligarch, Ihor Kolomoisky. A particularly odd case is that of the OP Deputy Head Oleh Tatarov – a holdover from the Yanukovych administration – who has recently been accused of corruption but seems to be being protected by his superior, OP Head Yermak.

In conclusion, the fight against corruption and strengthening of the rule of law remain hot topics in Ukraine and progress has been made in several directions, but there are also some continuing regressive tendencies.

Conclusions and Policy Recommendations

Corruption scandals and their detailed coverage in the Ukrainian and foreign media are a constant irritant inside and outside the country. Continuing revelations, such as those discussed above, damage Ukraine's international image and foreign relations, and are used by the Kremlin in its anti-Ukraine propaganda. In this context, it is important not just to welcome the activities of investigative journalists, civil society activists, and anti-corruption bodies, but to also interpret some negative news with caution.

As the surprisingly strong response by the Ukrainian state to Russia's invasion since 2022 suggests, Western and other foreign observers should perceive Ukraine's daily debate on

32 ZN.UA (2022, September 16). Bankova perevodyt enerhokompanii v ruchne upravlinnia. Slidkuiemo za rukamy. Retrieved from: <https://zn.ua/ukr/economic-security/bankova-perevodyt-enerhokompaniji-v-ruchne-upravlinnja-slidkujemo-za-rukami.html>.

33 Nikolov, Yu. (2022, January 21). Tylovi patsiuky Minoborony pid chas viyny pylaiut na kharchakh dlja ZSU bilshе nizh za myrnoho zhyttia. ZN.UA. Retrieved from: <https://zn.ua/ukr/economic-security/tylovi-patsjuki-minoboroni-pid-chas-vijni-piljajut-na-kharchakh-dlja-zsu-bilshе-nizh-za-mirnoho-zhyttja.html>.

and fight against corruption dialectically. Frequent disclosures, such as those listed above, are not just indicative of the remaining weaknesses in Ukraine's political, administrative and social systems. They are also signs of continuing reform efforts and the growing influence of civil society – despite the centralizing effects of the war.

For now, the older so-called sandwich model of reform, which was already visible during the Yushchenko and Poroshenko presidencies, is still salient. Relevant Ukrainian NGOs and media outlets, on one side, and powerful international partners of Ukraine, such as the G7, the EU and the International Monetary Fund, on the other, should continue to sandwich ambivalent parliamentary factions, administrative bodies and oligarchic groups. Ad hoc alliances between well-informed Ukrainian societal and foreign actors with financial and political leverage can now – in addition to their combined pressure on the government, parliament and oligarchs – also use the hard conditionality mechanism of Ukraine's EU accession procedure.

In particular, domestic and foreign supporters of Ukraine's independence and European integration should communicate, promote and insist, among other things, on the following principles:

- Although administrative centralization is unavoidable during wartime, such power accumulation at the top should not lead to political centralization or marginalization of legitimate domestic opposition.
- While the independence of administrative, media and societal bodies is naturally curtailed in wartime, the autonomy of oversight actors should be protected, in the best interests of better government and a more effective war effort.
- When filling vacant governmental and judicial positions, the president and parliament should support candidates not for their political views, but for their professional qualities and integrity.
- Wherever possible, the impressive results of Ukraine's decentralization reform since 2014 should be preserved and strengthened by new steps in this direction, such as further empowering subnational entities, especially at the municipal level.
- Ukraine's foreign partners should try to establish as many direct contacts as possible with Ukrainian governmental bodies and other partners at the national, regional and local levels; and if necessary to circumvent the OP.
- Ukraine's foreign partners should coordinate their activities on the ground as closely as possible among each other and with suitable Ukrainian actors in the spheres of self-government, civil society, business and the media.

While Russia's war of annihilation against Ukraine creates a uniquely difficult context for the democratic functioning and development of Ukrainian polity and society, this does not invalidate the relevance of the Copenhagen Criteria for Ukraine's accession to the EU. If they do not already fully understand this, holders of political, economic, social and cultural power in Ukraine need to be made aware that Ukrainian suffering will not function as a discount mechanism in efforts at Europeanization. Kyiv's fulfilment of various conditions to enable the gradual inclusion of Ukraine in the European integration process remains unavoidable.



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