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Political conditionality as an EU foreign policy and crisis management tool. The case of EU wartime political conditionality vis-à-vis Ukraine

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ABSTRACT

This article explores the compatibility between the EU's political conditionality as a policy tool and the EU's approach to conflict management, guided by the EU Global Strategy. It does so based on the unique case of the EU's application of political conditionality vis-à-vis Ukraine amidst the war and the reinvigoration of the EU's enlargement policy in response thereto. We find conditionality to fit the EU's crisis management toolbox, especially when it comes to the long-term approach and building resilience of state institutions in a target country. Though not yet strongly visible in the case of Ukraine, the application of conditionality may come into contradiction with the principles of societal resilience and local ownership, embedded into the EU's approach to conflict management and the EU Global Strategy, more broadly.

KEYWORDS

EU; Ukraine; war; political conditionality; crisis management; EU Global strategy

Introduction

The consolidation of EU foreign policy objectives under the Lisbon Treaty gave rise to a scholarly debate on their interplay and the coherence of various EU external policies (Larik 2016; Portela and Raube 2012). This debate was further reinforced by the 2016 EU Global Strategy (EUGS) and its attempt to balance the EU's self-interest and normative considerations in its external action, in particular through the concept of 'principled pragmatism' (Bossuyt and Van Elsuwege 2021; Juncos 2017). Considerable scholarly attention has been also dedicated to the concept of resilience, introduced by the EUGS, and its implications for the EU's attainment of its foreign policy objectives in various contexts, including enlargement and neighborhood (Juncos 2017; Korosteleva 2018). Conceptual and empirical studies of synergies and contradictions between EU foreign policy objectives and its key foreign policy concepts and tools thus occupy a noticeable position in the studies of the EU as a global actor.

This article seeks to contribute to this research by exploring the compatibility between the EU's political conditionality as a policy tool and the EU's approach to conflict management, as rooted in the EUGS. It will do so by zooming in on the case of the EU's application

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of political conditionality vis-à-vis Ukraine since Russia's full-scale invasion of the country on 24 February 2022. The decision to grant EU candidate country status to war-torn Ukraine and neighboring Moldova manifests the EU's decision to enter a geopolitical competition over the European order (Raik et al. 2024). This decision as such, as well as the European Commission's recommendations accompanying its Opinions on Ukraine's and Moldova's applications for EU membership, also demonstrate the EU's commitment to continue supporting the democratic transformation in the respective countries in the long run (European Commission 2022a, 2022b). Even though the war has entered a protracted stage, the EU maintains this commitment and based it on the assessment of Ukraine's progress. In December 2023, the European Council decided to open accession negotiations with Ukraine. The adoption of the negotiating framework was made conditional on Ukraine's fulfillment of four further conditions, designed to help it fully comply with the Commission's earlier recommendations attached to the Opinion on Ukraine's EU membership application. The EU's extensive reliance on conditionality in the accession process does not come as a surprise, as the enlargement policy literature recognizes the central role conditionality plays in this process and the toolbox of EU external value-promotion, more broadly (e.g. Stanicek and Przetacznik 2023).

Yet, the case of Ukraine is novel in two aspects. Foremost, it represents the first-ever case of the EU's application of political conditionality amidst a full-scale war in a target country. This makes the case of the EU's use of conditionality vis-à-vis Ukraine unique, for instance, by comparison with the Western Balkans, where the EU extensively applied conditionality as a state-building tool in post-conflict settings (e.g. Freyburg and Richter 2010; Wentholt 2017). Secondly, the case of Ukraine is of particular relevance due to the pronounced geopolitical dimension of the EU's enlargement policy amidst the war (e.g. European Council 2024; Stanicek and Przetacznik 2023). Potential negative implications the turn of enlargement into a geopolitical imperative may have for the merit-based nature of the process bring EU political conditionality and Ukraine's compliance with respective conditions to the forefront of policy and academic debate.

The case of Ukraine thus exemplifies the dynamically evolving nexus between EU enlargement and conflict management policies. Continuing war and the confluence of security and geopolitical issues on EU political conditionality toward Ukraine thus make it important to consider the extent to which the EU's political conditionality is compatible with its EUGS-based approach to conflict management. This article uses a two-step approach to investigate this problématique. First, it explores the conceptual foundations of the interplay between EU political conditionality and three core principles of the EU's approach to conflict management, namely the long-term engagement, support for resilience (subdivided into state and societal resilience) and local ownership. Next, it uses document analysis and legal analysis to investigate these principles' interplay with three types of EU wartime political conditionality vis-à-vis Ukraine. They are (1) conditionality related to the accession process; (2) political conditions attached to the EU's wartime macro-financial assistance (MFA) to Ukraine and (3) conditionality as a part of the EU's approach to supporting Ukraine's rebuilding and recovery, *inter alia*, as manifested in the Regulation establishing the Ukraine Facility (European Parliament and Council 2024). The article uses the term 'recovery' to signify both wartime and prospective post-war efforts aimed at 'building a modern and vibrant Ukraine, ensuring that the recovery, reconstruction and modernization is sustainable, resilient and future-proof, based on the 'do no

harm' and 'leave no one behind' principles' (European Commission 2023b, 4). As we demonstrate later in the empirical analysis, some wartime and post-war goals and efforts are inextricably linked, and this linkage makes it impossible to omit the plans and efforts related to Ukraine's post-war recovery.

As a result, we show that, in the case of Ukraine, political conditionality is to a considerable extent intertwined with the EU's EUGS-based crisis management toolbox, for instance with respect to the long-term engagement and building resilience of state institutions. It may, however, have conceptual contradictions with some other aspects of the EUGS and the EU's approach to conflicts, such as the focus on local ownership both during wartime and with respect to post-war recovery efforts. Notably, beyond the case of Ukraine, the role of conditionality in the EU's crisis management efforts is likely to be limited in civil wars or complex conflicts with both inter- and intra-state components, where there is no legitimate central government the EU can negotiate with.

EU political conditionality and conflict management

This part of the analysis will discuss various types of EU conditionality and the EU's approach to conflict management. Based on this discussion, it will present initial conceptual insights as to the compatibility between the use of political conditionality and the three core principles in question, namely the long-term engagement, support for resilience and local ownership.

EU political conditionality

Despite the central role political conditionality plays in the EU's efforts to foster democratic reforms in third countries, there is no uniform or consensual definition of conditionality (Koch 2015, 98).

The concept of political conditionality takes its roots from post-Cold War donor policies and the reflections on them in academic literature and policy analyses (e.g. Koch 2015; Molenaers, Dellepaine, and Faust 2015). In the 1990s, political conditionality was defined as 'the use of pressure, by the donor government, in terms of threatening to terminate aid or actually terminating or reducing it, if conditions are not met by the recipient' (Stokke 1995, 12). Most of the early (or 'first-generation') political conditionalities were marked by a punitive, reactive nature, as aid providers sought to sanction recipients for violations of human rights or democratic principles (Molenaers, Dellepaine, and Faust 2015, 2).

The ambitiousness of the EU's goals in its relations with third countries, especially when it comes to the enlargement context, led to the diversification of EU conditionality (Koch 2015, 98–99). Diversification hereby means the combination of negative and positive conditionalities and attaching incentives and sanctions to an ever-broader range of foreign policy instruments (Koch 2015, 98–99). Both negative and positive conditionality can be applied *ex-ante* and *ex-post*.

Ex-ante positive conditionality is the most common type of EU conditionality. The EU extensively applies it in its relations with accession and neighboring countries, as it makes certain benefits of partner countries' further integration contingent on the fulfillment of certain conditions. According to the dominant 'external incentives' model developed with respect to the EU enlargement policy, the effectiveness of *ex-ante* positive conditionality

depends on three conditions (Schimmelfennig and Sedelmeier 2004). They are: (i) a credible membership perspective; (ii) the EU's consistent application of conditionality and (iii) an acceptable level of domestic political and economic costs of fulfilling EU conditions (Schimmelfennig and Sedelmeier 2004). As the 'external incentives' model was originally developed in the context of the EU's eastern enlargement, the effectiveness of *ex-ante* positive conditionality in the neighborhood context was highly contested (e.g. Börzel and van Hüllen 2011). Scholars claimed that the combination of weak incentives (as neighbors were not offered an EU membership perspective) and high domestic costs made it unattractive for the neighbors to comply with political conditions set by the EU.

Yet, in her study of conditionality in the neighborhood, Sasse (2008) went beyond the rationalist 'external incentives' model of political conditionality and pointed to its functions as a mobilization and socialization instrument. This 'second face' of *ex-ante* positive conditionality can be illustrated by the EU's conditionality vis-à-vis Ukraine between 2010 and 2014. The prospect of concluding the Association Agreement (AA) has been used as a major incentive in the EU's positive conditionality toward Ukraine. The refusal to sign the AA by the former President of Ukraine Victor Yanukovich can be regarded as a failure of EU conditionality as an intergovernmental bargaining tool (Burlyuk and Shapovalova 2017). However, as Ukrainians stood up for the AA at the Euromaidan Revolution, and the AA was eventually concluded, this case testifies to the success of EU conditionality as a 'tool for societal mobilization and differential empowerment of domestic actors' (Burlyuk and Shapovalova 2017, 36).

The effectiveness of *ex-ante* political conditionality is thus influenced by factors beyond the 'external incentive' model, such as domestic actors' attitudes toward and pressures for/against a country's compliance with EU conditions, national identity issues, as well as the presence and capacity of pro-EU networks (Freyburg and Richter 2010; Way and Levitsky 2007). Domestic actors' opposition to European integration and conditionality, state capture and weakness of civil society are often regarded as limitations of the EU *ex-ante* political conditionality, especially in the literature on the Western Balkans (e.g. Richter and Wunsch 2020). Moreover, the effectiveness of EU *ex-ante* political conditionality in the enlargement and neighborhood contexts can also be challenged by geopolitical competition and the promotion of alternative governance models by illiberal powers, such as Russia and China (Economides 2020).

Ex-ante negative conditionality 'relates to negative measures that are used to induce preferred outcomes of political reform before benefits are granted or before actors enter into a contractual relationship' (Koch 2015, 99). This mechanism can also be regarded as 'reinforcement by punishment', whereby the EU increases the costs of non-compliance by imposing punitive measures on a partner country (Koch 2015, 99; Schimmelfennig and Sedelmeier 2004). This type of conditionality is often not formalized in writing and is utilized by the EU in negotiations with counterparts that were already offered incentives by the EU but not yet granted them. At the European Council meeting in June 2022, the EU applied *ex-ante* negative conditionality to Georgia by not granting the country candidate status as a response to the deterioration of democratic governance. In this case, *ex-ante* negative conditionality was combined with *ex-ante* positive conditionality, as the EU stressed its readiness to grant Georgia the candidate country status upon the fulfillment of the twelve priorities set by the Commission (EU External Action Service 2022).

Ex-post positive conditionality provides for the creation of an incentive mechanism ‘where the size of the benefit depends on the level of performance and reform speed of conditionality recipients’ (Koch 2015, 99). *Ex-post* positive conditionality relates mostly to financial assistance, whereby its amount ‘is (on a continuous basis) a function of the reform performance stipulated’ (Koch 2015). In practice, *ex-post* positive conditionality is seldom used by the Union, as its macro-financial assistance instruments typically provide for assistance tranches to be released after a partner government fulfills pre-set conditions (*ex-ante* conditionality).

Ex-post negative conditionality refers to ‘the use of enforcement and pressure – in the form of a reduction or suspension of benefits – to obtain desired political changes or reforms in an ongoing relationship or during the course of an agreement’ (Koch 2015, 99). EU *ex-post* negative conditionality can be exemplified by the previously mentioned suspension of trade benefits when a partner government violates the ‘essential elements’ under a trade agreement, such as human rights, rule of law and democracy (Hachez 2015). This type of conditionality can also take the form of sanctions. For instance, in 2020, the EU applied sanctions against Belarus, which at that time was still part of the EU’s Eastern Partnership (EaP) initiative. These measures were a reaction to the use of violence by the Belarusian authorities against peaceful protesters amidst major electoral fraud.

In sum, the overview demonstrates the variegated nature of political conditionality structures and mechanisms the EU utilizes in its external relations, in particular in its policies vis-à-vis the Western Balkans and Eastern Neighbors. Notably, EU conditionality can serve not only as an intergovernmental bargaining instrument but as a means to empower and mobilize domestic actors. The effectiveness of EU conditionality thus depends not only on the target government’s cost–benefit considerations but stances of domestic actors and perceived legitimacy of EU requirements in a partner country (Rabinovych and Pintsch 2022).

EU security actorness and conflict management

The Treaty on European Union (TEU) stipulates the preservation of peace, conflict prevention and the strengthening of international security as the objectives of EU external action (European Union 2012, Art. 21). As the Lisbon Treaty considerably strengthened the EU’s institutional capacity as an international actor, scholars traced the rise of EU actorness in conflict resolution and international mediation in various settings, such as the Arab-Israeli conflict (Mueller 2013) or the Belgrade-Pristina dialogue following the Serbia-Kosovo conflict (Bergmann and Niemann 2015). In some conflict contexts, for instance, in Georgia, Nagorno-Karabakh or Ukraine prior to Russia’s 2022 full-scale invasion, the EU’s actorness used to be constrained by Member States’ variegated stances and policies toward Russia (Dobrescu and Schumacher 2020; Härtel 2023). Yet, Member States’ unity (for the most part) in responding to Russia’s 2022 invasion of Ukraine offers the EU a prospect to strengthen its role as a security and conflict resolution/management actor in the region (e.g. Laruelle 2022). Agreeing that Russia’s war against Ukraine increased the demands on EU actorness in the fragmented liberal order, Costa and Barbé (2023), nonetheless, disagree with this assessment. They see the EU as ‘ill-equipped to deal on its own with the security environment in which it must live’ (Costa and Barbé 2023, 442) and argue that the lack of own defense capabilities continues undermining the EU’s actorness in the

security and conflict management domains. In contrast to the military aspects, a noteworthy strength of the EU's approach to conflicts is its commitment to and experience with long-term stabilization, and peace- and state-building measures after the active conflict phase. The Union has acquired such experiences, *inter alia*, in the Western Balkans in the aftermath of the Yugoslav Wars, Ukraine following the annexation of Crimea and freezing of the conflict in Eastern Ukraine, and the Occupied Palestinian Territories (Bouris 2012; Keil 2018; Wolczuk 2019).

Since 2016, the EUGS has served as an overarching strategic and conceptual framework for the EU's foreign and security policy, including its international conflict management efforts (EU External Action Service 2016). The EUGS stressed 'the Security of Our Union' as the first of its five top priorities, calling for the EU to assume greater responsibility for European security. The EUGS' second priority 'State and Societal Resilience in the East and South' is directly linked to the security of the EU, as fragility beyond the EU's borders is portrayed as a threat to the EU's 'vital interests' (EU External Action Service 2016, 23). The EUGS understands resilience as 'the ability of states and societies to reform, thus withstanding and recovering from internal and external crises' (EU External Action Service 2016, 23) and recognizes the pivotal role of the EU's enlargement and neighborhood policies in promoting resilience. In turn, the EUGS' third priority 'An Integrated Approach to Conflicts and Crises' (further referred to as the 'IA') is also of direct relevance for the current study, since it lays down the core principles of the EU's approach to external conflicts and crises. This priority can be seen as tightly intertwined with the two aforementioned priorities and the EUGS' fifth priority 'Cooperative Regional Orders', focused on the importance of regional governance and cooperation to ensure peace and security.

The IA is largely based on the 2013 Comprehensive Approach (CA) to conflicts and crises (European Commission and High Representative 2013). For instance, the CA and IA share the aspiration to cover all stages of a conflict or crisis, such as conflict prevention (through early warning and preparedness), crisis response and management toward early recovery, as well as stabilization and peacebuilding (Council of the EU 2018; European Commission and High Representative 2013). Both the CA and IA emphasize a joined-up strategic approach, yet they understand it slightly differently. As noted by the European Commission and High Representative (2013, 3), 'comprehensiveness refers not only to the joined-up deployment of EU instruments and resources, but also to the shared responsibility of EU-level actors and Member States'. The 2013 Communication also stresses the role of shared analysis (*inter alia*, involving EU Delegations on the ground) and a common strategic vision in 'mobiliz[ing] the different strengths and capacities of the EU' (European Commission and High Representative 2013, 7). Compared to the CA, the IA bears a stronger emphasis on the multidimensional response to conflicts and crises, bringing together 'all available policies and instruments aimed at conflict prevention, management and resolution' (EU External Action Service 2016, 28). It also stresses nexuses between various EU policies, such as the humanitarian-development and the security-development nexuses (Council of the EU 2018). Another feature of the IA, illustrative of its embeddedness into the EUGS' focus on countering fragility and building cooperative regional orders, is its reliance on promoting resilience. Focused on states' and societies' ability to withstand crises, the EUGS-based understanding of resilience presupposes the importance of local ownership in the formulation of the IA, so that different

Table 1. The substance of the EU IA.

Category/ characteristic	Substance
Multi-phase nature	<ul style="list-style-type: none"> ● application throughout all phases of the conflict, including the commitment to long-term engagement
Multi-dimensional nature	<ul style="list-style-type: none"> ● joining up a wide array of EU policies in the diplomatic, security, development and humanitarian realms to respond to crises and conflicts; ● operationalizing the security-development and humanitarian-development nexuses on the ground; ● building resilience of a partner country (in light of the follow-up processes to the 2016 EUGS (EU External Action Service 2016)
Multi-level nature	<ul style="list-style-type: none"> ● addressing the complexity of the conflict at the global, national and local levels
Multi-lateral nature	<ul style="list-style-type: none"> ● 'respect[ing] and reaffirm[ing] the various mandates, roles, aims and legal frameworks of the stakeholders involved' (Council of the EU 2018, 2); ● engagement with various actors on the ground, including local actors for peace and insider mediators
Principles of engagement	<ul style="list-style-type: none"> ● local ownership; ● inclusiveness; ● resilience and sustainability of supported actions; ● working in a conflict sensitive manner in fragile contexts

Authors' own elaboration based on *Debuysere and Blockmans (2019, 2021)*.

stakeholders are empowered to cope with crises or conflicts and move forward to long-term sustainable development (Council of the EU 2018). The notion of local ownership is thus relevant both in the context of an ongoing crisis or conflict and post-crisis/post-conflict recovery in a long-term perspective.

As demonstrated in Table 1, Debuysere and Blockmans (2019, 2021) suggest mapping the scope of the IA through four 'multi-characteristics':

The EU's ambition to bring together multiple actors, as reflected in both the CA and IA, has resulted in the prominence of consistency challenges in the concepts' operationalization and application in practice (e.g. Debuysere and Blockmans 2019, 20–32; Pirozzi 2013). Consistency issues arise with respect to the coordination between EU institutions, political divisions within and between the Member States, as well as the coordination with third countries and international organizations (Debuysere and Blockmans 2019). Challenges are also attributed to horizontal coherence, namely the interplay between various policies used under the IA and formalizing such an interplay through financial instruments (e.g. Debuysere and Blockmans 2019, 32–40; Koenig 2016, 26–27). Problems of vertical consistency and horizontal coherence are widely seen as causes of the limited effectiveness of the EU's conflict management efforts. Thus, Lucia (2017) points to power struggles between various EU institutions as the core reason impeding the EU's implementation of the CA in West Africa and undermining local ownership in the region. Sempijja and Eyita-Okon (2022) argue that the EU's policies in West Africa and, particularly, tackling instability in Sahel were challenged by the discrepancies in the EU's operationalization of the security-development nexus. As illustrated by Crosson et al. (2021, 16), the effective implementation of the EU's IA-based strategies in Mozambique and Libya has been impeded by the action of other regional powers or, in other words, the EU's inability to ensure the truly multilateral nature of the IA.

It can be thus concluded that, despite the EU's high ambitions in the security and conflict management field, its performance has been challenged by various factors, including the lack of horizontal coherence, when it comes to the interplay between various EU foreign policy goals and between its policies. This finding underlines the

relevance of exploring the conceptual compatibility of political conditionality with the key principles underlying the EUGS and the EU's approach to conflict management.

Where does the EU's conflict management meet political conditionality?

According to the EUGS, 'a credible enlargement policy grounded on strict and fair conditionality is an irreplaceable tool to enhance resilience within the countries concerned, ensuring that modernisation and democratisation proceed in line with the accession criteria' (EU External Action Service 2016, 24). Nevertheless, neither the EUGS, nor further official documents dealing with resilience (EUGS priority 2) and the IA (EUGS priority 3) specify how EU conditionality in its various types should fit the principles and toolboxes of the EU's conflict management and resilience-building (EU External Action Service 2016; Council of the EU 2018; European Commission and High Representative 2017). To address this question in light of the aforementioned horizontal policy coherence debate, our analysis will focus on three aspects salient in the EUGS and the EU's approach to conflict management. These are the commitment to long-term engagement, building resilience and local ownership. Firstly, all these aspects are embedded into the EUGS, and the Strategy serves as the basis for their future conceptualization in EU official documents and scholarship. Secondly, they are representative of and cross-cutting with regard to the four 'multi-characteristics' of the IA (local ownership thereby speaks to the aspects of the multi-level and multi-lateral response, and serves as a principle of engagement, more broadly). Finally, given the complexity of Russia's war against Ukraine and the multiplicity of shocks and threats it brings about to both Ukraine and Europe, all the three aspects are relevant for understanding the EU's response to this crisis, including the reinvigoration of its enlargement policy and the use of political conditionality vis-à-vis Ukraine.

Long-term approach

As highlighted in the 2018 Council Conclusions, the EU's commitment to long-term engagement signifies its readiness to deploy a broad array of instruments in a conflict context until lasting peace and good governance is achieved (Council of the EU 2018, 3). This is seen as necessary in an increasingly complex world where 'conflict appears diffuse and protracted' (Crosson et al. 2021, 9). The EU's understanding of the long-term approach is also consonant with the broad concept of 'sustaining peace', introduced by the UN Security Council and endorsed by the General Assembly (UN Security Council 2016; UN General Assembly 2020).

As defined in the preamble of the resolution, 'sustaining peace' should be broadly understood 'as a goal and a process to build a common vision of a society, ensuring that the needs of all segments of the population are taken into account, which encompasses activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict, addressing root causes, assisting parties to conflict to end hostilities, ensuring national reconciliation and moving toward recovery, reconstruction and development [...]'. (UN Security Council 2016). Although such an approach is more tailored to an intra-state conflict, recovery from an international conflict can also be marked by the non-linearity in the parties' implementation of security arrangements and challenges in ensuring good governance. Thus, as also stressed by the Commission and the High Representative in their 'Strategic Approach to Resilience', creating peaceful and stable

societies requires partner countries to develop their institutional and social strengths (European Commission and High Representative 2017). ‘Shortcomings in governance, democracy, human rights and the rule of law’, as well as corruption and the lack of space for public participation and civil society are in turn seen as undermining the effectiveness of a society’s development efforts (European Commission and High Representative 2017, 4). In the case of an interstate conflict, these intra-state issues may be aggravated by the backlog of unresolved issues with the other conflict party, e.g. when it comes to reparations, transitional justice and, if possible, eventual normalization.

The EU’s long-term approach offers considerable room for using political conditionality to address both these problematic aspects. This statement can be exemplified by the Western Balkans, where the EU has extensively used *ex-ante* positive conditionality as a state- and resilience-building tool (e.g. Bartlett 2021). In contrast, primarily *ex-ante* negative conditionality was utilized by the EU to make Serbia engage into the process of normalizing its relations with Kosovo, as Serbia ‘would have no prospect of European integration unless it complied fully with the demands that had been imposed’ (Economides and Ker-Lindsay 2015, 136). In both aspects, however, the effectiveness of EU conditionality will strongly depend on its leverage over a partner country and the stances of domestic actors. The EU’s failed attempts to use sanctions as a lever to make Russia implement the Minsk Peace Agreement to reintegrate the breakaway territories of Donbas into Ukraine illustrate this point.

Resilience

The emphasis on resilience in a broad spectrum of the EU external policies should be understood in the context of the EUGS and its effort to adapt the EU’s foreign policy strategy to ‘the context of multiple crisis and growing uncertainty challenging the EU both internally and externally’ (Petrova and Delcour 2020, 336–337). In contrast to the 2003 EU Security Strategy with its broad normative ambitions, the EUGS acknowledges the limitedness of EU capabilities and calls for a more pragmatic interest-driven approach to the whole spectrum of EU external policies, *inter alia*, in conflict contexts (Juncos 2021). In this vein, the ‘resilience turn’ (at least rhetorically) signifies the Union’s departure from Euro-centrism and a stronger focus on the agency of state and societies in partner countries, in particular, the adaptability of respective state and societal structures (Petrova and Delcour 2020, 352–353). An important feature of the EU’s understanding of resilience is its multilevel focus, as it embraces an individual’s, community’s, country’s and region’s ability to withstand shocks, adapt and quickly recover from them (European Commission 2016). Moreover, in doing so, respective actors are expected not to compromise long-term development objectives (European Commission 2016). In her practice-informed piece, Tocci (2020) comes up with several critical points regarding the implementation of the resilience concept, such as the challenge of operationalizing it in a way conducive to stakeholder cooperation and ensuring that building resilience in one policy sphere does not undermine resilience in another. The latter concern can also be relevant for the relationship between state and societal resilience that is likely to produce contradictions, especially in authoritarian regimes (e.g. Bosse and Vieira 2023).

The hybridity of the EU’s approach to resilience, seeking to combine top-down institution-building efforts and the support for societal engagement and local initiatives, determines the ambiguous role political conditionality can play in this respect. As an

intergovernmental bargaining tool, political conditionality fits the EU's aspiration to strengthen state institutions and improve governance practices under its resilience paradigm. Above we also showed that even prior to the 'resilience turn', the EU had acquired multiple experiences of using conditionality as a top-down reform support tool, also in conflict-torn and post-conflict contexts. In consonance with the findings by Bosse and Vieira (2023), it can be argued that the top-down resilience-building of state institutions, additionally reinforced by conditionality, may undermine societal resilience. The probability of such a 'side effect', however, depends on the political regime in a target country, state–society relations, and the degree of civil society development.

Local ownership

Similar to the case of resilience, the local ownership concept has gained prominence in the EU's external policy thinking since the launch of the EUGS. As illustrated by Petrova and Delcour (2020), the shift to local ownership under the European Neighborhood Policy was 'demand-driven', as partner countries sought a stronger role in the elaboration of EU policy priorities. The focus on recipient governments' priorities and local initiatives is central for understanding local ownership in the context of development cooperation and peacebuilding, where the concept stems from (Hellmüller 2013). Yet, in its conceptualization, the EU seems to go beyond common agenda-setting and evaluation as typical aspects of local ownership by arguing that 'positive change can only be home-grown' and thus 'responsibilizing' local actors in matters related to their resilience (Juncos 2021, 4). Similar to resilience, the EU sees both states and societies as 'key actors to foster local ownership' (Petrova and Delcour 2020, 343). This means that, ideally, resilience should be 'self-governed' by the locals and for the locals (Juncos 2021, 5). Yet, though the EU has introduced some practices to foster local ownership in various contexts, e.g. intensified consultations with government and civil society actors, scholars and policy analysts stress the prevalence of conventional top-down approaches in the EU's resilience-building (e.g. Loschi 2018; Petrova and Delcour 2020).

Explicitly driven by the top-down logic, EU political conditionality may thus be seen as potentially contradictory to the idea of local ownership. In our view, this can be the case if conditions imposed by the EU on a partner government lack legitimacy, also because no consultations with government representatives and other domestic actors have taken place. Yet, as illustrated by Burlyuk and Shapovalova (2017), EU political conditionality may also serve as a tool of societal mobilization and the empowerment of domestic actors, provided that they have a positive stance to the EU and deem the conditions legitimate.

EU wartime political conditionality vis-à-vis Ukraine

Based on the above conceptual insights, this section explores the interplay between EU political conditionality applied vis-à-vis Ukraine since the 2022 Russian invasion, on the one hand, and specific elements of EU conflict management, i.e. the long-term approach, state and societal resilience and local ownership, on the other hand. We chose to focus on the 2022 invasion, since it is the first case of the EU applying political conditionality amidst a large-scale violent conflict. Moreover, our interest in this case is determined by the

strong geopolitical dimension of the EU's enlargement policy toward Ukraine and the dynamic interplay between the EU's enlargement and conflict management policies.

The analysis below will be structured across three types of conditionality the EU has applied vis-à-vis Ukraine since the start of Russia's invasion:

- **Pre-accession conditionality**, namely the seven conditions attached to the 2022 Commission Opinion on Ukraine's application for EU membership and follow-up conditionality, as formulated by the 2023 Communication on EU Enlargement Policy.
- **MFA-based conditionality (2022–2023)**, i.e. political conditions attached to the EU's wartime macro-financial assistance (MFA) to Ukraine. This part of the analysis only covers 2022–2023 because the Ukraine Facility has become the basis for the EU's provision of MFA to Ukraine since 2024, which means that macroeconomic assistance is channeled through it.
- **Recovery-related conditionality** as a part of the EU's approach to supporting Ukraine's recovery both during and after the war, as illustrated by the Ukraine Facility (2024–2027).

Pre-accession conditionality

Ukraine's submission of its application for EU membership on 28 February 2024 on the fifth day of the Russian invasion gave an important impetus to Ukraine's wartime EU integration. For the EU, Ukraine's formal bid for membership was symbolic of the country's and its people's commitment to Europe and European values, notwithstanding the tragic circumstances. This statement can be illustrated by the words of the President of the European Commission Ursula von der Leyen in connection to Ukraine's EU membership application, saying 'They are one of us, and we want them in' (Anderson 2022). Petrov (2023, 1059) underlines the role of the war in Ukraine's shift to the accession track: 'Arguably[. . .], the EU Member States and institutions have granted the candidate status to Ukraine essentially as an act of moral support, to boost the country's resistance to the aggression and, perhaps more than ever in the history of EU enlargement, as a (geo)political decision rather than a scrupulous legal application of the conditions related to art. 49 TEU'. Coupled with the EU's and Member States' military assistance, this geopolitical dimension contributed to the EU's leverage over Ukraine. The leverage was reinforced by the Ukrainians' unprecedented approval of European integration following Russia's invasion. The share of Ukrainians supporting Ukraine's EU accession rose from 55%–65% in 2016–2020 to 91% in March 2022 (Rating Group Ukraine 2022).

The 'integration through war situation' thus offered a momentum for the EU to apply specific political conditionality vis-à-vis Ukraine as an intergovernmental bargaining tool. The EU used this momentum by making the decision to grant candidate status to Ukraine 'on the understanding that' Ukraine will take seven steps, specified by the Commission in its Opinion on Ukraine's EU membership application (European Commission 2022b). These steps concerned an array of sensitive political issues, such as reform of the judiciary, the fight against corruption and money laundering, countering the impact of vested interests and the finalization of the legal framework for national minorities and its implementation (European Commission 2022b). Alongside the relevance for the accession

process and the *fundamentals*, the fulfillment of these conditions can be seen as contributing to governance and building resilient state institutions in Ukraine, as emphasized by the EUGS and the IA. In a shorter-term perspective, operational judiciary and anticorruption institutions are also of high importance for preventing and countering corruption in the defense domain and ensuring the rule of law in connection to continuing military actions.

Given the high symbolic and political significance of granting Ukraine candidate country status amidst the war, the EU chose not to frame the seven conditions as *ex-ante* conditionality. Initially, the Commission's Opinion did not connect them to any specific incentives or punishments (e.g. it did not mention that Ukraine can lose the candidate country status if the government does not fulfill the conditions). Yet, upon the continuation of the EU-Ukraine political dialogue, a link emerged between the fulfillment of the seven conditions and the opening of formal accession talks (e.g. Paul and Taran 2023). This link contributed to the seven conditions becoming a tool for not just inter-governmental bargaining but societal mobilization and the empowerment of Ukrainian civil society organizations and media focused on EU integration. An example is the civil society campaign around the notorious draft law # 7662 on the Constitutional Court of Ukraine, whereby the procedure of appointing the Constitutional Court's judges contradicted the EU's recommendations (DeJure Foundation 2022). At the same time, actual or potential societal mobilization around the seven conditions does not equate to fostering societal resilience and/or local ownership, because the conditions are of a top-down, rather than bottom-up nature. When it comes to the reform of the judiciary and anticorruption and money laundering, they can also be seen as the continuation of previous EU top-down conditionalities, for instance, as attached to post-Euromaidan macro-financial assistance to Ukraine (e.g. EU-Ukraine 2018; EU-Ukraine 2020; Rabinovych 2023).

EU conditionality developed further in the Ukraine-related part of the Commission's 2023 Communication on EU Enlargement Policy (European Commission 2023a). The Commission recommended to the Council to start accession negotiations with Ukraine following the country's progress toward the seven conditions yet link the adoption of the negotiation framework to Ukraine's fulfillment of four follow-up conditions. These conditions deal with the staff increase of national anticorruption institutions, reopening of the assets declaration registry that was initially closed due to the war, adopting the legislation on lobbying and implementing changes to the legislation on national minorities. The Commission's recommendation can be seen as a combination of positive *ex-post* conditionality, rewarding Ukraine's performance toward the seven conditions and *ex-ante* conditionality, offering a new incentive (adoption of the negotiation framework) upon Ukraine fulfilling of the follow-up conditions meant to consolidate the results Ukraine had achieved since the publication of the Commission Opinion. As of March 2024, the Ukrainian government complied with this set of recommendations, and the EU and Ukraine proceeded to the discussions of the negotiating framework.

Notably, the context of the four follow-up conditions' implementation and the discussion of the EU-Ukraine negotiation framework strongly differs from the initial 'integration through war' situation that accompanied the granting of candidate country status to Ukraine in June 2022 and the implementation of the initial seven conditions. As the war entered a protracted phase, optimism about a quick Ukraine victory over Russia waned. Member States' concerns about a rapid geopolitical enlargement made the EU institutions

emphasize the merit-based nature of the accession process and suggest gradual accession to ensure that both the EU and candidate countries are fit for enlargement (Stanicek and Przetacznik 2023, 1). These developments have led to the EU institutions and leaders being more pronounced about the long-term nature of the EU's engagement with Ukraine both when it comes to the war and enlargement. The EU institutions' commitment was stressed in a speech of the EU High Representative for Foreign Affairs and Security Policy (HR/VP) Josep Borrell, dedicated to the one-year anniversary of the invasion:

The road ahead may be long – because the war will be long – but we must do everything in our power to ensure that this promise is not just an empty gesture. Rather, we must ensure that the Ukraine that emerges victorious from this war finds the future it needs in our European family, to which it belongs de facto. (EU External Action Service 2023)

On the same occasion, President of the European Commission Ursula von der Leyen stressed 'build[ing] Ukraine's European future together' as one of the three action strands in the EU-Ukraine relations, alongside support for Ukraine's resistance to the invasion and 'weaken[ing] Russia's ability to maintain its war machine' (European Commission 2023c). Thereby she also underlined the role of 'the firm conviction that the future of their country lies in the European Union' in Ukraine's continuing resistance (European Commission 2023c). Echoing this point, Borrell (2023) underlined the role of the EU in Ukraine's future, arguing that, not being a military union, 'the greatest security guarantee the EU can give Ukraine is EU membership'.

Political conditionality as such fits the EU's long-term approach to its intertwined conflict management and enlargement policies vis-à-vis Ukraine. The auspices of the long-term approach are helpful in embedding conditionality that is characteristic for the pre-accession process (Rabinovych 2024). Embedded into a long-term approach, political conditionality is likely to serve as a valuable institution-building tool, capable of addressing challenges in institutions' design and performance for a long time and nurturing institutional memory. The shift to a long run may, however, lead to the deterioration of local ownership and broad societal consensus about reforms EU conditionality seeks to promote. This statement can be illustrated by the fact that, compared to the initial seven conditions, the four follow-up demands and the discussion on the negotiating framework were far less prominent in Ukraine's media and public discourses. In the long run, the role of conditionality as a societal mobilization tool is likely to depend on the overall situation in the country, the conflict dynamics, and the progress of the enlargement process.

MFA-based conditionality (2022–2023)

Given the political sensitivity of the judicial and anticorruption reforms covered by the seven conditions, the EU included the respective conditions, or parts of them, in the conditionality attached to its wartime MFA to Ukraine. Three of the four emergency/exceptional wartime MFA packages to Ukraine agreed in 2022 and 2023 include conditions pertaining to the rule of law and governance (EU-Ukraine 2022a; EU-Ukraine 2022b; EU-Ukraine 2023). In this vein, the EU's strong and consistent focus on building the resilience of Ukraine's state institutions can be illustrated by the fact that judiciary- and

anticorruption-related conditions were attached to the second instalment of funds (EUR 600 million) already under the first wartime Memorandum of Understanding (MoU) on emergency MFA, signed a week after the invasion on 3 March 2022 and preceding the seven conditions (EU-Ukraine 2022a). This commitment is also salient in the MoU on an exceptional EUR 18 billion MFA package signed by the EU and Ukraine on 16 January 2023 (EU-Ukraine 2023). Again, while providing the first instalment (EUR 4.5 billion) unconditionally, the MoU linked the disbursement of further instalments (EUR 4.5 billion per quarter) to Ukraine's fulfillment of EU conditions in four domains, including the rule of law. Importantly, this MoU did not only mirror some of the seven rule of law-related conditions but included additional ones, such as the development and adoption of an overarching plan for the reform of the entire law enforcement sector or the adoption and the start of implementation of legislation aimed at criminalizing large-scale smuggling of all goods (EU-Ukraine 2023).

In contrast to the seven conditions, the *ex-ante* positive conditionality under the MFA packages included specific deadlines by which the Ukrainian government had to fulfill the conditions. With this, compared to the seven conditions, political conditionality attached to MFA represents an intergovernmental bargaining rather than a social mobilization tool and can hardly be seen as fostering local ownership and initiatives. While potential enlargement talks and Ukraine's fulfillment of the seven conditions have attracted significant attention of Ukrainian NGOs and media, their coverage hardly mentioned MFA as a rather technical topic (e.g. Kryvosheiev, Lymar, and Davydenko 2022; Transparency International Ukraine 2022).

Recovery-related conditionality

The connection between Ukraine's EU accession and the process of its reconstruction was repeatedly emphasized in EU policy documents and officials' speeches, especially as the war entered a protracted phase. As the Commission presented its plans for the EU's immediate response to Ukraine's financial challenges and long-term recovery, von der Leyen emphasized the role the EU will play in Ukraine's reconstruction, formulating the enlargement-recovery nexus as follows:

And we stand ready to take a leading role in the international reconstruction efforts to help rebuild a democratic and prosperous Ukraine. This means, investments will go hand in hand with reforms that will support Ukraine in pursuing its European path. (European Commission 2022d)

Executive Vice-President of the Commission Valdis Dombrovskis also stressed the 'unwavering' and long-term nature of the EU's support to Ukraine, arguing that:

In the longer term the EU will lead a major international financial effort to rebuild a free and democratic Ukraine – working with partners such as the G7, international financial institutions and in close coordination with Ukraine itself. (European Commission 2022d)

In this vein, the Commission's 2022 Communication 'Ukraine relief and reconstruction' stressed the continuity of the EU's support to Ukraine's recovery, ranging from short-term relief measures amidst the war and long-term recovery efforts, also in the post-war period (European Commission 2022c). Such continuity of efforts is

consonant with the EUGS' focus on long-term peace and the IA's respective aspiration to cover all stages of the conflict cycle. The Communication also stresses the importance of building the resilience of Ukraine's state institutions as a part of the reconstruction process, coupled with EU accession (European Commission 2022c). Resilience of state institutions, but also societal resilience and civil society engagement is essential for Ukraine to be able to exercise its ownership of the reconstruction process (European Commission 2022c, 4, 6). Consonant with the focus on local ownership under the IA, Ukraine's 'full ownership of the reconstruction process', stressed by the Communication, is expected to co-exist with 'close cooperation and coordination with supporting countries and organisations, and Ukraine's strategic partnership with the Union' (European Commission 2022c, 3). An emphasis on continuity is also discernible in the proposal for the EUR 50 billion-worth Ukraine Facility, presented by the Commission at the Ukraine Recovery Conference in London in June 2023 (European Commission 2023b). Aiming to 'equip the EU with a legal basis that would allow it to match its political ambition with its financial leverage in line with its long-term commitment', the proposal combines budget support, technical assistance and measures for attracting investment (European Commission 2023b, 3). Though the text of the proposal mentions the war 88 times, it also stresses that 'investment in Ukraine's recovery and reconstruction cannot wait until the end of the war', and prioritizes the recovery of Ukraine's economy, so that the country becomes less dependent on foreign support (European Commission 2023b, 2).

A question that arises, in this vein, is where reforms and political conditionality fit Ukraine's recovery process. In its early 2022 Communication 'Ukraine relief and reconstruction', the Commission (2022d, 3) stressed that 'establishing a clear link with the broad reform agenda will be vital for the success of Ukraine's reconstruction effort' yet did not refer to conditionality as such. In contrast, the Ukraine Facility Regulation stresses the centrality of 'clear conditionalities' in providing support to Ukraine (European Parliament and Council 2024, 8). Foremost, the implementation of the Ukraine Facility, especially direct budget support under Pillar 1 (EUR 33 billion) is conditional on Ukraine's implementation of the Ukraine Plan underlying the Facility. Approved by the Cabinet of Ministers of Ukraine and the European Commission, the Plan includes 69 reform areas and 150 reform indicators, as well as 16 investment indicators linked to support under Pillar 2 – special investment instrument to cover risks in key sectors (e.g. demining, energy efficiency) (Ministry of Economy of Ukraine 2024). The Plan singles out four priority areas for political reform, whereby two – judicial reform and fight against corruption and money laundering – to a large extent overlap with the EU's pre-accession conditionality. Priorities under the two other areas – public management and the management of public finance – are directed rather to the Facility's ambition to contribute to the recovery of Ukraine's economy and building resilience of its state institutions (Cabinet of Ministers of Ukraine, Ministry of Economy of Ukraine and Ministry of Finance of Ukraine 2024).

Priorities and indicators under the Ukraine Plan can be classified as *ex-ante* negative conditionality, meaning that the Ukrainian Government would not receive

promised disbursements, should it not comply with the requirements set by the Plan. Similar to the MFA and due to the Ukrainian Government's dependence on external funds amidst the war, this turns the Ukraine Facility into a powerful intergovernmental bargaining instrument. Yet, in contrast to MFA, the holistic nature of the Ukraine Plan makes societal mobilization around it more likely, especially when it comes to business (given the Plan's strong investment component) and municipalities (in connection with the decentralization priority). The Plan's focus on decentralization and regional policy has the potential to contribute to societal resilience, given the municipalities' central role in Ukraine's resistance to the invasion and ongoing recovery efforts (Huss and Keudel 2023). The Ukraine Facility's and related Ukraine Plan's compatibility with the objectives of fostering societal resilience and local ownership in Ukraine can be also illustrated by the multi-stakeholder process of its development, involving Ukrainian municipalities, business and civil society (Ministry of Economy of Ukraine 2024).

Capable of operating both under the continuing war and beyond it, the enlargement-recovery nexus thus offers the EU a chance to '[tie] long-term recovery assistance to conditions that bring Ukraine closer to the objective of EU accession' (Grävingsholt et al. 2023, 6, emphasis deleted). Reconstruction funds can be used as a tangible incentive within *ex-ante* positive conditionality structures or, on the contrary, delayed access to them may be utilized under the *ex-ante* negative conditionality approach. Depending on the design and scope of respective funding instruments, the recovery-related conditionality may serve as an instrument of societal mobilization, alongside performing its intergovernmental bargaining function.

Table 2. Summary of the findings based on the case of Ukraine.

	Long-term approach	Resilience of state institutions	Societal resilience	Local ownership
Pre-accession conditionality	Uncontested compatibility, given the duration of the enlargement process	Uncontested compatibility, opportunity to focus on specific institutions	<ul style="list-style-type: none"> • Compatibility largely depends on the scope of conditionality and progress of both the war and enlargement process. • Likely to deteriorate in the absence of tangible progress. 	Compatibility largely depends on the design of the respective funding instrument and national procedures and practices for reform plans' development and compliance monitoring
MFA-based conditionality	Compatibility depends on the EU's complementary approach to conditionality and coordination with other instruments		Not compatible, focus on top-down logic and state institutions	
Recovery-related conditionality	Uncontested compatibility, given the scale of recovery effort needed for Ukraine		Compatibility largely depends on the design of the respective funding instrument, Ukraine Plan – positive example	Compatibility largely depends on the design of the respective funding instrument and national procedures and practices for reform plans' development and compliance monitoring

Like the pre-accession and MFA-based conditionality, the recovery-related political conditionality can undoubtedly contribute to the resilience-building of Ukrainian state institutions. It is, however, again the design and scope of specific funding instruments that determine the extent to which they are compatible with the objectives of building societal resilience and local ownership.

Table 2 presents the summary of our findings, based on the enquiry into the compatibility between the three types of EU's wartime conditionality vis-à-vis Ukraine and the three researched EUGS-based concepts of the EU's approach to conflict management:

Conclusion

The aim of this article was to explore the compatibility between the EU's political conditionality as a policy tool and the EU's EUGS-guided approach to conflict management. The analysis was conducted based on the conceptual enquiry and an in-depth analysis of the EU's application of conditionality vis-à-vis Ukraine amidst the war. We found that tight (and, so far, unique) nexuses between Ukraine's resistance to Russia's invasion, the process of its recovery and aspired EU accession determine the significance of EU political conditionality for wartime Ukraine.

The pre-accession conditionality was found to fit the EU's long-term approach to conflicts, as well as enable the EU to apply an evolving approach to fostering the resilience of specific state institutions, as demonstrated both by the conceptual analysis and the case of Ukraine. The conceptual analysis suggests that due to its top-down nature, pre-accession conditionality does not contribute to societal resilience and local ownership in a target country. However, the case study shows that the design of the conditionality instruments and contextual factors may increase the compatibility between pre-accession conditionality and societal resilience. This finding also largely relates to local ownership, yet in this case national procedures are also of significance when it comes to the procedural and practical avenues for stakeholders to contribute to the accession process.

Marked by a strong intergovernmental bargaining logic, the MFA-based *ex-ante* conditionality played an ancillary role in EU's wartime conditionality vis-à-vis Ukraine. This conditionality's compatibility with the long-term approach and state institutions' resilience depends on its coordination with other instruments, so that priority reforms can be implemented in a gradually evolving manner. It is, however, hardly compatible with the objectives of fostering societal resilience and local ownership.

Given the scope and scale of the recovery effort needed for Ukraine, the recovery-related *ex-ante* conditionality undoubtedly fits the long-term approach and institution-building focus. Its ability to advance societal resilience and local ownership depends on the design and scope of specific funding instruments, as well as the ability for stakeholders to get engaged in determining the reform priorities and progress monitoring.

Though the EU's response to Russia's invasion has been unprecedented and the case of Ukraine is unique, our analysis still offers several more general insights for the EU's use of conditionality in conflict contexts. First, the case of Ukraine illustrates the feasibility and even the utility of using conditionality amidst an ongoing conflict. This is particularly relevant for protracted conflicts, whereby recovery efforts start to be applied amidst the hostilities and continue to the post-conflict time. Yet, for conditionality to be applied, the government of a partner country has to preserve its

power and legitimacy both internally and externally. The role of EU conditionality in intrastate or complex conflicts with intrastate and interstate components will thus be limited. If the government sustains power and legitimacy, the EU can use conditionality to strengthen a state's resilience. If there is a lack of societal support in a partner country, the EU's political conditionality is unlikely to strengthen societal resilience. Finally, due to its top-down nature, political conditionality comes into conflict with the local ownership principle characteristic for the Integrated Approach. A nuanced approach based on context analysis is thus needed to ensure that the EU's application of political conditionality in a conflict setting considers local initiatives and demands.

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