

8.06.2022

Open letter

to Ursula von der Leyen

President of European Commission

Dear Madame President,

We would like to express our gratitude for the EU's political and financial support to Ukraine after Russia's full-scale invasion. Your cabinet's support for Ukraine's aspiration to become a member of the EU as well as for the reconstruction of the country is crucial for the country. On behalf of Ukrainian and international non-governmental organisations, we would like to ask you and your cabinet to start consultations with a wide circle of civil society organisations and experts regarding the Ukraine Reconstruction Platform and its associated fund, to ensure the integration of accountability and transparency, wider participation in decision-making and public scrutiny of the initiative. The application of these democratic principles will secure co-ownership of the reconstruction plans by the Ukrainian people and long-term benefits with timely implementation.

The Russian invasion represents war against Ukraine's sovereignty, independence, people and nature, as well as a grave violation of human rights, international law and the Geneva Conventions, global peace and security. Without the firm support of the international community, Russia's aggression threatens to expand towards all former Soviet Bloc territories and to undermine the hopes for democracy and sustainability of millions of people. Furthermore, the war in heavily industrialised Ukraine creates the risk of environmental devastation, such as fires releasing harmful air pollution, especially at the nuclear facilities and areas containing or contaminated with hazardous chemicals; water pollution; natural habitat destruction; and greenhouse gas emissions. These risks spread far wider than the territory of Ukraine and pose a threat to Europe at large, impacting people's health, water and food supply, biodiversity and climate. They also impact livelihoods and economies throughout the central and eastern European region and beyond, creating threats to food security, increased poverty and inflation.

Ukraine would face the double challenge - rebuilding and reaching the EU objectives and standards, rebuilding fast but also 'build back better'. Rebuilding towns, infrastructure, industry, schools, hospitals, water and energy infrastructure, etc. [will require](#) from \$500 billion to \$1,000 billion [not only massive investments](#), but also grants, knowledge and technology transfer, capacity building, human resources, well-organised coordination and planning, transparent donor-country coordination and alignment with the Paris Declaration on aid effectiveness.

Therefore, we greatly appreciate the Commission's proposal for the high-level strategic Reconstruction Plan for Rebuilding Ukraine, which aims to ensure the elaboration and implementation of much-needed structural reforms, good economic policy and sustainable development goals, in line with the Green Deal, which could ensure the country's long-term and sustainable development. The EU leadership's commitments to create the 'Ukraine Reconstruction Platform' and the new RebuildUkraine facility is a great step forward 'to finance the reconstruction effort and the alignment of Ukraine's economy to the EU.'

The Ukrainian government has set up the National Council for Recovery to prepare a plan for post-war recovery and development. However, we would like to ask the EU to provide more political and practical guidance to the planning process as the plan is currently not conditioned by the EU's major driving

principles, including transparent budgeting, the European Green Deal, climate goals, gender mainstreaming, anti corruption measures, social welfare, etc.

Hereby, we would like to bring to your attention some aspects of the RebuildUkraine decision-making architecture and financial instruments and to suggest a few practical steps that need to be reflected both in the establishment of the Ukraine Reconstruction platform as well as its financial instrument.

Ukrainian people's ownership

The success of the RebuildUkraine plan is fully dependent on its real ownership by the Ukrainian people. Therefore, we would like to ask you to ensure proper structures for public participation by impacted communities and civil society groups from Ukraine, as well as international organisations and independent experts, in the platform. From the beginning, the financial instrument should apply the partnership principle in line with the European Code of Conduct on Partnership to ensure involvement of all stakeholders, including civil society organisations in all stages of decision-making and implementation. This includes the full-scale participation of Ukrainian civil society in steering and monitoring committees under the financial instruments as is also the practice in the EU with Cohesion Funds programming and management, in the spirit of the European Code of Conduct.

Ukraine's Rebuild back better framework

Ukraine's reconstruction should be based on long-term strategic documents such as a comprehensive development framework and a needs assessment study. Both should be in line with the European Green Deal and Paris Agreement and be developed and consulted with the public, along with the Ukrainian government. The documents should guide and coordinate efforts of the entire donor community. It is important that both documents undergo strategic environmental impact assessment procedures in order to identify potential negative environmental and social impacts and properly mitigate them. Compliance with the principle of do no significant harm should also be ensured to guarantee that Ukrainian investments will comply with the best standards for sustainability of investments as outlined in EU Taxonomy Regulation.

Taking into account that RebuildUkraine will be an international platform, with the involvement of different multilateral and bilateral donors, international governmental organisations and the Ukrainian government, it is important that it reflects the wider discussions ongoing between Ukrainian people, civil society groups and independent experts both from Ukraine and internationally.

Ukrainian civil society's guiding green principles

More than 50 Ukrainian groups have developed [guiding principles](#) to ensure that Ukraine's green post-war reconstruction delivers sustainable economic development and is beneficial for people. Ukrainian officials are already under pressure to rebuild significant areas of the country where the Russian army has retreated. People find themselves living without basic services such as electricity and water. Although Ukraine should be supported with cash for this rapid response, it will be [important to base the reconstruction](#) investments on a proper assessment of needs, opportunities and the cost and benefits of alternative options for reconstruction.

The principles below have already been presented to the Ukrainian government, and we would like to ask you to integrate them into the reconstruction plans to ensure sustainable and systemic solutions:

- Transparency; community and public participation in decision-making
- Using the best available technologies and practices
- Sustainable development of cities and regions

- Energy sector decarbonisation and decentralisation
- Development of sustainable and decentralised agri-food systems
- Preservation of Ukraine’s ecosystems and natural resources

We also hope that the EU will ensure the proper coordination of other donors in accordance with these principles.

National plan for RebuildUkraine

The fact that, in advance of a ceasefire, the government of Ukraine has set up the National Council for Recovery, which is preparing a plan for post-war recovery and development, is an important step forward. However, we have a few concerns regarding the timeline, format and process of the plan’s implementation, and therefore would like to ask the EU to provide more political and practical guidance.

Foremost, it is unrealistic that the Council will be able to develop a plan for 2030 – even a visionary one – within six weeks that adequately utilises the 23 thematic working groups to ensure a thorough bottom-up approach to planning. We realise that the planning happens under pressure and aims to be comprehensive. However, we expect the EU to provide thorough feedback on what will be produced. The plan is currently not conditioned by the EU's major driving principles, including transparent budgeting, the European Green Deal, climate goals, gender mainstreaming, anti corruption measures, social welfare, etc. The International Advisory Board that oversees the working groups consists mainly of well-known economists and does not represent the views of the other sectors (education, environment, health, social development, etc.) and is not diverse in terms of gender. The heavy focus on economic development raises concerns that the plan will be unbalanced and unsustainable and may have long-term negative impacts. The participation of civil society and even municipalities in the working groups is limited due to constraints on information dissemination.

Now, the Ukrainian government is overburdened, and its human capacity stretched due to the need to address the reality of war in the country. The EU has the knowledge and capacity to support the Ukrainian government in planning, through providing technical expertise both to the process as well as to the plan’s design.

We have observed the potential non-alignment of the plan with the principles of environmental justice, as recently the legislation on the Environmental Impact Assessment and Strategic Environmental Assessment, particularly for the period of the war and the subsequent reconstruction, [have been cancelled](#) without proper procedures or discussions.

Donor coordination, transparency and accountability

According to the European Commission’s communication, the platform would ‘bring together under one roof the EU support as well as other initiatives set up by other partners such as the World Bank Trust Fund or the International Monetary Fund administered account ensuring a smooth division of labour between different partners, avoiding duplication and promoting synergies, including through joint co-financing of specific projects.’

It is important to ensure that the platform not only brings donors together but also sets common rules and standards for transparency and accountability. Taking into account the fact that different donors have different rules and procedures of transparency and accountability, it would be beneficial to have a memorandum of understanding on donor coordination, transparency and accountability. It would be also important that along with the Ukrainian government, all other donors, and especially multilateral banks,

commit to financing investments and reforms under the Recovery and Resilience Facility, adapted to the unprecedented challenges of reconstructing Ukraine and accompanying it on its European path.

It is also important to ensure the transparency and accountability of RebuildUkraine through a digital platform that collects and gives access to all to the relevant information on loans and grants for Ukraine's reconstruction (including project summaries and appraisal documents, feasibility assessments, environmental, social and gender impact assessments, mitigation plans, etc.)

RebuildUkraine facility's governance unit

It is appreciated that the proposed RebuildUkraine facility will have a special governance unit with a specific governance structure ensuring full ownership by Ukraine: 'It would ensure that investments – including in strategic digital, transport and energy infrastructure – are brought in line with climate and environmental EU policies and standards.'

It is also important that all donors commit to:

- a transparent and open system of public procurement (the ProZorro platform and its expansion) and depriving Russian beneficiaries of any opportunities to participate in these processes.
- public services digitisation and access to public information and relevant public registers.
- transparent and open systems of monitoring and data collection in all areas.

If it implements the recommendations above, RebuildUkraine will achieve its mission to ensure the country's long-term development in line with EU commitments. The EU has experience with large reconstruction efforts and donor coordination for the Western Balkans; therefore, it is important that the lessons learned during that process have been considered.

Protecting people and the environment

The RebuildUkraine initiative should ensure the implementation of a 'build back better' strategy, and therefore the quality of projects, programmes and initiatives should be in line with the EU standards. The Ukrainian government has made an effort to simplify all of the procedures, including the need for environmental impact assessment. Although this is understandable in the time of war, it will be important to have safeguarding procedures in place by the time major reconstruction projects are implemented. Should the government delay the process of restoring environmental legislation provisions, EU safeguards should serve the purpose of long-term public interest. Environmental and social impact assessments, energy efficiency indicators and the clients' capacities and track record assessments should be maintained to avoid future negative implications of the post-war reconstruction.

The 'RebuildUkraine' Facility would build on the EU's experience under the EU's Recovery and Resilience Facility (RRF) with understanding of the unprecedented challenges of reconstructing Ukraine and accompanying it on its European path. Thus, similarly to the RRF Regulation, the RebuildUkraine Facility must have clear milestones and targets to support Ukraine's green transition – as, for example, climate expenditure target (37%) and respect the do no significant harm principle within RRF.

Ukraine's environment, along with its people, have suffered seriously due the war. Therefore, it is important that the EU together with other donors develop programmes for environmental clean-ups, air and water pollution prevention and biodiversity protection to ensure livelihood restoration for the Ukrainian people.

Dear Madame President,

We once again reiterate our deep appreciation for the European Commission's efforts to ensure that war in Ukraine is stopped and future plans are made for Ukraine's long-term development. Therefore, we ask you to ensure proper consultation with Ukrainian and international civil society organisations, as well as independent experts, before finalising the structure of the fund. In order to avoid any significant obstacles in Ukraine's reconstruction process, it is important to ensure proper transparency and public participation in decision-making.

Signed by

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Bernhard Obermayr	Greenpeace in Central and Easter Europe
<i>Ukrainian NGOs</i>	
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