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BRIDGING SECURITY AND POLITICAL GOVERNANCE IN UKRAINE-EU RELATIONS

How to Calibrate European Integration
and Security Cooperation

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LibMod Policy Paper

About this paper

This paper was first discussed at the joint closed-door workshop, “Navigating Ukraine’s EU Accession: Aligning Security and Integration Strategies,” organised by the Center for Liberal Modernity and the Bertelsmann Stiftung, held in Berlin and online on 25 November 2024.

We would like to dedicate this paper to **Iryna Solonenko**, who would have been our co-author if not for her untimely death on 22 September 2024. Her invaluable contributions to this recurring event, as well as to discussions on EU-Ukraine relations more broadly, remain unforgotten and continue to inspire our research and our practical endeavours.



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1. INTRODUCTION: A UNIQUE EU ACCESSION PROCESS

Ukraine's EU accession process stands out from others in many respects. The war of aggression by an imperialist nuclear power, with an undeniable intent to reshape the European security order, is not only a "tectonic shift in European history" (European Council 2022: 6). It made the EU abandon its previous distinction between neighbourhood and enlargement policies to now seek in wider enlargement the means to emerge as a stronger (security) actor.

The EU's policy realignment is reflected in the European Commission's depiction of "enlargement as a geostrategic investment in peace, security, stability and prosperity" – first in the 2023 Enlargement Package and then more recently in the June 2024 Opening Statement for Ukraine's accession negotiations (European Council 2024a: 6). Including Ukraine in enlargement policy primarily underscores the country's strategic significance for European security and economic interests. Nonetheless, the policy change also reflects the determination of the Commission president, who seized the opportunity to act and seeks to build on previous successful enlargement rounds.

Despite the relatively short period between Ukraine's formal application and the opening of the negotiations, Ukraine and the EU are pursuing more than mere "accession through war". Official Ukraine, supported by its expert community and civil society, remains committed to undertake reforms in line with its EU path, including those in security and defence (European Commission 2024e: 3).

Both sides must now honour their commitments to progress in the negotiations, which – as in other EU accession processes – are not traditional negotiations with the goal of reaching a compromise regarding the outcome. Rather, the focus is on time frames, methods and the

support needed to achieve alignment with EU laws and standards. But the war will continue to impact the process in multiple ways. Most notably, uncertainty over its duration, questions about control of territory, the extent of destruction, and issues of displacement and demography will affect progress. In Ukraine, adequate military capabilities are not only a prerequisite for maintaining political sovereignty in deciding alliances, but also impact implementation capacities and resources to advance political, economic and legal reforms.

Neither the standard enlargement approach nor the Eastern Partnership policy is sufficient to address the security challenges that Russia poses to Ukraine and Europe as a whole. Additional mechanisms or instruments must be applied to ensure the effective protection of EU neighbours who are especially vulnerable when pursuing EU integration.

Security is, moreover, a prerequisite for sustainable reconstruction and recovery, both of which are closely interwoven with laying the groundwork for creating the necessary conditions for EU accession. The Ukrainian government's so-called Ukraine Plan, the main roadmap for recovery, reforms and investment, defines "reconstruction" as the restoration of destroyed or partially damaged assets, and "recovery" as the restoration of social, political and economic activities (Government of Ukraine 2024: 27).¹ In other words, recovery is about the sustainable transformation of Ukraine as a state and society, encompassing modernisation and economic growth. A lack of security especially affects the chances of attracting private (foreign) direct investments, which are much needed in order for both recovery and integration into the EU's single market to be successful and advantageous for Ukraine.

1 The timely implementation of the Plan is a condition for regular disbursement of funds from the Ukraine Facility, the EU's financial support mechanism for both reconstruction and accession.

2. PATHWAYS FOR INTEGRATING SECURITY AND DEFENCE INTO THE ACCESSION PROCESS

A. The accession process under the revised enlargement methodology

It is debatable whether a fundamental rethinking of European integration processes has taken hold. While a variety of initiatives and models outline how deeper EU integration of candidate countries may take shape beyond the binary “in or out” approach,² the fact remains that EU accession negotiations continue to operate within the established framework of an enlargement methodology last revised in 2020 and primarily crafted with Southeastern Europe in mind (European Commission 2020).

This revision, with its emphasis on the so-called “Fundamentals Cluster” – including rule of law, democratic institutions and public administration reform – was designed assuming that new EU members would join NATO before the EU (Matlak and Sus 2024: 2, 4), thereby outsourcing security considerations. Given the current uncertainty surrounding the NATO option for Ukraine, unresolved issues of security and strategic integration deserve heightened attention in the ongoing accession process.

The Negotiating Framework presented by the EU to Ukraine³, which outlines the “Principles governing the negotiations”, does not prominently address the exceptional circumstances of the war. These are mentioned only in the Framework’s Opening statements when referring to security commitments and alongside the expectation of Ukraine’s continued commitment to reforms.⁴ The opening statement, however, “holds no preambular legal value in light of which the principles governing the membership talks should be interpreted” (Blockmans 2024: 3).

The security dimension is referenced in the Framework’s principles in terms of Ukraine’s high alignment with the EU’s Common Foreign and Security Policy (CFSP), which is to be regularly monitored throughout the accession process and promoted through “regular CFSP dialogue”.⁵ The High Representative for Foreign Affairs and Security Policy is specified as being responsible for screening and making proposals during the negotiations in the field of the EU’s CFSP (covered in Chapter 31 [Foreign, security and defence policy]).⁶

The enlargement strategy itself remains unchanged in the sense that the pace of the negotiations is conditional on performance in reforms. To assess and guide the negotiations, the more than 30 chapters of the *acquis communautaire* remain grouped into six thematic clusters. Benchmarks for each cluster, which in Ukraine’s case will be proposed based on the bilateral screening process ongoing since 8 July 2024 (European Commission 2024e: 21), aim at the faster opening and closing of negotiations within thematic policy areas across chapters. However, the successful negotiations of each chapter remain dependent on the Fundamentals Cluster, as it is stated in the Framework that no chapter can be provisionally closed before “interim benchmarks on the rule of law chapters” in the Fundamentals Cluster (the first of the six clusters) are met.⁷

The EU’s Negotiating Framework does not prominently address the exceptional circumstances of the war.

2 Especially the Partnership for Enlargement emphasizes pre-accession security cooperation. For an overview of the various models to reform the accession process, see Kosmehl et al. (2023), 16-17.

3 Prepared by the Commission and (after approval by the European Council) presented at the 1st Intergovernmental Conference; see European Council (2024a).

4 Para. 4: “The EU remains committed to contribute, together with partners, to security commitments with Ukraine.” Para. 6: “We commend Ukraine’s clear determination to advance on the EU reform agenda, notably in the current challenging context created by Russia’s war of aggression, and expect continued political commitment to carry out necessary reforms thoroughly and vigorously.”

5 Para. 14 of the Opening statement; para. 7 of the Principles governing the negotiations.

6 Para. 2 (2) of the Principles governing the negotiations.

7 Para. 42 of the Negotiating procedures.

Technically, Ukraine's accession process had a smooth start, and the screening process within Cluster 1 has been completed (Ministry of Justice of Ukraine 2024). It is now up to the Commission to define benchmarks that realistically support Ukraine's reforms in this cluster – a challenging task considering that some of those will need to address the core of power-sharing in an uncertain security situation that demands complex political trade-offs. If all EU member states agree unanimously, accession negotiations on Cluster 1 can begin during the Polish EU Presidency in 2025.

It is hardly surprising that the EU's approach of "gradual integration" into the EU internal market, which in other country contexts is linked to pushing reforms, is not the focus of Ukraine's Negotiating Framework.⁸ Ukraine has already been pursuing this approach since 2014, when the Association Agreement (AA) with the EU, including a far-reaching Deep and Comprehensive Free Trade Area (DCFTA), started to be (provisionally) applied. In the case of Ukraine, progress in the accession negotiations is intended to lead to "closer integration with the EU, through accelerated integration and 'phasing in' to individual policies, the EU market and EU programmes, in a merit-based and reversible manner, in order to unleash the potential of such integration, in particular by removing technical barriers to trade, while ensuring a level playing field and safeguarding the internal market's integrity; primary focus should be given to areas where the candidate country already has the capacity and expertise for exports to the EU, and to areas of mutual strategic interest where the candidate country has significant production but needs to meet EU norms and standards, and to other areas where there is a vast untapped potential."⁹

CFSP/CSDP (Common Security and Defence Policy) is a policy field that could fit this description. Defence industrial cooperation, in particular, seems to be a promising area for collaboration between Ukraine and EU member states. However, it must be carefully analysed to determine the extent to which this is advantageous for Ukraine during active wartime.

B. Security and defence issues in the association agreement

The Association Agreement (AA) – as a binding document signed and ratified by Ukraine, the EU and all EU member states – creates a strong legal foundation for more extensive cooperation in certain areas pertaining to security during the accession process. The preamble to and certain articles of the Association Agreement (AA) make two things clear. First, EU-Ukraine cooperation is firmly embedded in existing principles of European and international security, especially the UN Charter, the Helsinki Final Act and the Charter of Paris. This involves, among other things, respect for state sovereignty and territorial integrity. Second, both parties commit themselves to supporting the non-proliferation of nuclear weapons. Both of these points are described as "essential elements" of the agreement in the "General Principles". Title 1, Article 2 clearly states: "Promotion of respect for the principles of sovereignty and territorial integrity, inviolability of borders and independence, as well as countering the proliferation of weapons of mass destruction, related materials and their means of delivery also constitute essential elements of this Agreement."¹⁰

As for integrating Ukraine into EU-related security structures (in particular, the CSDP), it is stated that political dialogue will be pursued inter alia "with the aim of Ukraine's ever-deeper involvement in the European security area" (Title 2, Article 4.1). While Articles 7 and 9 are respectively devoted to "Foreign and security policy" and "Regional stability", they remain rather general in formulation. More concrete is Article 10 ("Conflict prevention, crisis management and military-technological cooperation"), which states: "The Parties shall enhance practical cooperation in conflict prevention and crisis management, in particular with a view to increasing the participation of Ukraine in EU-led civilian and military crisis management operations as well as relevant exercises and training activities, including those carried out in the framework of the Common Security and Defence Policy (CSDP)"

8 Referenced only once, i.e. in the Opening statement, para. 7.

9 Para. 13 of the Principles governing the negotiations.

10 For the text of the Association Agreement, see European Union (2014).

Defence industrial cooperation seems to be a promising area for collaboration between Ukraine and EU member states. However, it must be carefully analysed to determine the extent to which this is advantageous for Ukraine during wartime.

(Article 10.1). In addition: “The Parties shall explore the potential of military-technological cooperation. Ukraine and the European Defence Agency (EDA) shall establish close contacts to discuss military capability improvement, including technological issues” (Article 10.3). At the same time, Article 472 states: “Nothing in this Agreement shall prevent a Party from taking any measures [...] which it considers essential to its own security, in the event of serious internal disturbances affecting the maintenance of law and order, in time of war or serious international tension constituting threat of war, or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security.” This would appear to override, for example, the commitments to non-proliferation in the earlier articles should Ukraine decide to attempt to return to being a nuclear power. However, as Ukraine is also a signatory of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), Kyiv could not take such a decision without violating legally binding international commitments.

C. Negotiation clusters: When and where to include defence and security issues?

Given the new enlargement methodology, it is clear that the first cluster will be the so-called “Fundamentals”, including many rule-of-law issues, as elaborated upon above. This seems justified in the Ukrainian context given the centrality of these issues to Ukrainian reform processes and the ongoing problems with governance and rule-of-law in Ukraine. And the backsliding on rule-of-law questions in several EU member states underlines how essential it is to make sure that there are firm foundations in this area prior to Ukraine’s accession.

Having said that, there would appear to be a strong argument for flexibility regarding the order in which the other clusters are treated. In particular, given the centrality of defence and security issues to Ukraine in wartime, moving the final cluster containing Chapters 30 and 31 (“External relations” and “Foreign and security policy”) ahead and negotiating it immediately after the “Fundamentals” cluster would seem to make sense. This could generate a “success story” if the negotiations on those two chapters went smoothly, and it could also create a foundation on which to identify and discuss relevant aspects of security and defence in the remaining chapters to be negotiated. If necessary, the cluster containing Chapters 30 and 31 could be left open while the other ones were being discussed, similar to the Fundamentals Cluster. The decision taken in Brussels to advance the screening process of the cluster containing Chapters 30 and 31 is an encouraging sign that the flexibility advocated here may indeed be possible.

Direct connections to security and defence issues in the other chapters are relatively rare. Even Chapter 24 (“Justice, freedom and security”) focuses mainly on secure borders and on providing different forms of security within the EU. It is possible that questions of energy and food security going beyond EU borders could be relevant to the chapters on agriculture and energy (Chapters 11 and 15), but the emphasis is clearly on internal EU structures and institutions. Nonetheless, having thoroughly discussed all questions related to Chapters 30 and 31 prior to negotiating the other chapters could highlight potential connections. More importantly, this approach would allow for deepened cooperation on external relations and, in particular, on foreign and security policy at an early stage in the negotiations, which would make sense in light of Ukraine’s precarious security situation.

D. Facility/Ukraine Plan: Integrating security and reforms

The most basic link between the Ukraine Facility and the area of defence and security is that by providing a certain amount of budget financing through the Ukraine Facility, the EU frees up Ukrainian revenue to be spent on the country's defence needs. Beyond this, there is also an interactive relationship between security and reforms. A certain minimal level of security is needed for reforms to be pursued, and their successful pursuit in many cases helps to preserve or even raise this security level, thus creating a virtuous circle. However, problems can arise when the priorities emerging from the extremely precarious security situation diverge from those of the reform process conducted in cooperation with the EU. If this leads to the withholding of funding, less will be available for defence purposes – and the virtuous circle will break down. One safeguard against this would be to generate additional funding sources that are independent of reform progress in order to allow defence expenditures to continue without removing the financial incentive to undertake further reform measures (see the next section for an assessment of existing funding mechanisms).

The “Ukraine Plan” (or “Ukraine Facility Plan”, as it is sometimes called) indicates some of the primary links between reforms, on the one hand, and security, on the other (Government of Ukraine 2024). To some extent, these echo the links mentioned above in the section on the chapters of the EU acquis. For example, the contribution of reforms to both food and energy security is repeatedly emphasized. Security of transport (and, in particular, port) infrastructure is also named. This is linked to military needs, evacuation efforts and export options, notably in the agricultural sector. In addition, the importance of cybersecurity for a country at war is highlighted. Finally, the crucial nature of demining for reform efforts in various fields, as well as for the security situation, is mentioned.

A link is also made between providing security for reforms now and ensuring Ukraine's ability to defend itself going forward in order to safeguard the sustainability of reforms in the face of a presumably long-term Russian aggression. This, in turn, raises the broader question of how to deal with the postponement or slowdown of certain reform areas, which can result from the constraints imposed by the security situation as well as from the diverging priorities mentioned above. A slower pace of reforms can, however, also be due to a lack of political will and pushback from vested interests, so careful monitoring will be necessary to determine the reasons behind possible future inadequacies in the implementation of the Ukraine Plan.

Outside the specific framework of the Plan, the larger question remains as to what the EU can do to provide a more conducive security environment for Ukraine's accession process as well as for the upcoming enlargement more generally. This hinges on the EU's interpretation of the connection between Ukraine's security and that of Europe as a whole. These questions are discussed below in Chapter 3.

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E. Additional funding to support Ukraine's security or free up its internal resources

Options for funding beyond the Ukraine Facility are essential for enabling Ukraine to pursue critical security measures and operations as it continues to fight for its survival amid the ongoing destruction caused by the war.¹¹

Two tools deployed by the EU stand out so far: the European Peace Facility (EPF) and the Macro-Financial Assistance (MFA) instrument.

The EPF is a relatively new mechanism for joint EU spending, and it is currently the EU's primary instrument for providing military assistance to Ukraine. Established before Russia's full-scale invasion as a flexible fund to support partners in line with the Union's broader security and peacekeeping goals (Council of the EU 2021), it was not designed specifically for EU candidate countries. However, it has been adapted to deliver direct military assistance to Ukraine, with its financial ceiling having been significantly increased, from €5.6 billion to over €17 billion for the 2021-2027 period (Council of the EU 2024a). As a purely intergovernmental arrangement funded by member states' transfers, it is subject to their unanimous decision-making in the Council.¹² For this reason, if the EPF should remain the primary channel for EU military assistance, Brussels will face ongoing challenges in devising EU funding solutions to support Ukraine's military needs.

The latest major EU funding solution for Ukraine is the "exceptional macro-financial assistance" in the form of a loan of up to €35 billion made available through the recently created Ukraine Loan Cooperation Mechanism (European Parliament and Council of the European Union 2024)¹³ and serviced and repaid by future revenues from the immobilised Russian sovereign assets held in the EU. It is the Union's contribution to the broader G7 initiative "Extraordinary Revenue Acceleration Loans for Ukraine", which will collectively provide up to \$50 billion (€45 billion) in additional funding for Ukraine's military, budget and reconstruction needs. With the United States also supplying \$20 billion, the EU contribution is €18 billion (\$20 billion).¹⁴

The underlying EU regulation outlines a forthcoming EU-Ukraine memorandum of understanding (MoU)¹⁵ to set out the policy conditions for the funds to be linked not only to the existing conditionality established by the Ukraine Facility and the Ukraine Plan, but also to "additionally include a commitment to promote cooperation with the Union on the recovery, reconstruction and modernisation of Ukraine's defence industry, in line with the objectives of Union programmes aiming at the recovery, reconstruction and modernisation of the Ukraine Defence Technological and Industrial Base and other relevant Union programmes" (European Parliament and Council of the European Union 2024: 12).

11 The third updated joint Rapid Damage and Needs Assessment (RDNA3) – jointly drafted by the Government of Ukraine, the World Bank Group, the European Commission and the UN and released in February 2024 (see World Bank Group 2024) – estimates that, as of 31 December 2023, the total cost of reconstruction and recovery in Ukraine would be \$486 billion over the next decade, up from the estimate of \$411 billion from early 2023. In addition, over the spring and summer of 2024, Russia systematically destroyed 73% of Ukraine's power plants and electricity grid (United Nations 2024).

12 The EU created the EPF in 2021 as part of the financial package for 2021-2027 centred on the multiannual financial framework (MFF) but constructed as an off-budget fund outside the MFF because Art. 41(2) TEU prohibits charging "expenditure arising from operations having military or defence implications" to the EU budget.

13 This regulation establishes the Ukraine Loan Cooperation Mechanism and provides exceptional macro-financial assistance to Ukraine.

14 The remaining \$10 billion are to be provided by the G7 nations the United Kingdom, Canada and Japan. With the European Council's endorsement of the continued immobilisation of Russian sovereign assets until Russia ceases its war of aggression, US concerns about EU unity were dispelled. See Council of the EU (2024d: 6).

15 While the MoU is not public at the time of writing, the defence industry is one of the areas covered. See Ministry of Finance of Ukraine (2024).

Initially, there was some wariness among Ukrainian observers about whether this exceptional macro-financial assistance could be used for security-related purposes. Visiting Kyiv on 1 December 2024, his very first day in office as the President of the European Council, António Costa confirmed that the assistance coming from the proceeds of the frozen Russian assets can also be used for military purposes (European Council 2024b).

Earlier in 2024 and prior to the MFA loan, the EU had already once before decided to set aside windfall profits from Russian assets immobilised in the Union (under certain conditions and as of 15 February 2024) and had agreed on their use to provide military equipment to Ukraine as well as to invest in Ukraine's defence industry (Council of the EU 2024b).

In addition, there is bilateral military support from EU member states for Ukraine¹⁶ as well as investment in Ukraine's defence industry coming from member states' budgets. These sources have also been combined with revenues from frozen Russian assets managed by member states¹⁷ as well as bilateral loan offers.¹⁸

¹⁶ A systematically organised and continuously updated overview of military support for Ukraine since February 2022 is provided by the Ukraine Support Tracker, established by the Kiel Institute for the World Economy (IfW). The tracker records all publicly known government aid, including that of EU member states (IfW n.d.).

¹⁷ On Denmark's plans to expand investments in the Ukrainian defence industry, backed up by revenues coming from frozen Russian assets, see Ministry of Defence of Ukraine (2024).

¹⁸ Poland recently suggested that Ukraine buy weapons from Polish factories on credit to be paid back after Ukraine's reconstruction (see Denisova 2024).

3. UKRAINE'S ROLE IN EUROPEAN SECURITY NOW AND IN THE FUTURE

A. Bilateral EU-Ukraine

“joint security commitments”

Having obtained only a vague promise that it will be invited to NATO “when Allies agree and conditions are met” (NATO 2023: Sec. 11), and in the face of a commonly held view that it cannot be a NATO member as long as the Russian aggression lasts, Ukraine is building interim security arrangements outside the NATO framework. The arrangements are based on the recommendations contained in the Kyiv Security Compact presented in September 2022.

The goal of the Compact is to “strengthen Ukraine’s territorial integrity, sovereignty, and political independence within its internationally recognized borders” as well as to “support Ukraine’s commitment to continuing democratic reforms, as specified in the European Council Conclusions of June 23-24” (Rasmussen and Yermak 2022). The Security Compact emphasises the need to build Ukraine’s self-defence capabilities so as to enable it to deter an armed attack or act of aggression and defend itself in case deterrence fails. The Compact envisaged that guarantor states and Ukraine would co-sign a joint strategic partnership document and a series of legally binding bilateral security agreements.

The first practical step to build the framework was taken at the 2023 NATO Vilnius Summit with the Joint G7 Declaration in Support of Ukraine. Since then, Ukraine has signed 26 legally non-binding bilateral security cooperation agreements (BSAs) with individual countries (hereafter BSA states, including all EU member states except Austria, Croatia, Hungary, Malta and Slovakia) and joint security commitments with the European Union. The agreement between Ukraine and the United States is an executive agreement.¹⁹

At the 2024 Washington NATO summit, the bilateral agreements were brought together under the umbrella of the Ukraine Compact. The signatories made three pledges: supporting Ukraine’s immediate defence and security needs, accelerating efforts to build a Ukrainian future force, and “convening swiftly and collectively at the most senior levels to determine appropriate next steps” (European Commission 2024b) in support of Ukraine’s right to self-defence in case Russia attacks again after the current hostilities end. The EU also signed the Compact.

Most BSAs have the same scope, covering military and non-military spheres, and are valid for 10 years with a possible extension. Apart from Germany and Italy, EU member states reaffirm that Ukraine is going to become a NATO member in the future. BSA states pledge to provide financial support and military and non-military aid to Ukraine on a bilateral basis as well as through existing multilateral mechanisms. In most cases, specific amounts are listed only for 2024, with the aid in the following years being subject to domestic decision-making.²⁰ Ukraine, in turn, pledges to reform, increase interoperability and build up its capabilities.

BSA states are only willing to provide Ukraine with financial and material resources to help its self-defence. Ukraine’s partners aim to signal lasting support, demonstrating to Russia that it cannot outwait them. However, it is not clear whether even these limited commitments are backed by the necessary capabilities. The “joint security commitments between the EU and Ukraine” reinforce and complement these security cooperation agreements. Mostly reflecting the current state of affairs, pledging “to continue providing Ukraine and its people all the necessary political, financial, economic,

¹⁹ This makes US obligations legally binding but only for the executive branch. At the same time, a presidential decision to withdraw from the agreement does not need approval from the US Congress. The agreement is also criticized as “a binding agreement with mostly nonbinding terms”; see Goldsmith (2024).

²⁰ Per Defence Ministry Spokesperson Dmytro Lazutkin, the total amount of financial assistance expected from Ukraine’s partners for 2025 is approximately €12.6 billion, \$10.7 billion and £3 billion from the United Kingdom; see Ukrinform (2024b).

The goal of the support within the framework of the joint security commitments is to “help Ukraine to defend itself, resist destabilisation efforts and deter acts of aggression in the future” (Council of the EU 2024c).

humanitarian, military and diplomatic support for as long as it takes and as intensely as needed” (Council of the EU 2024c), only these commitments mention the intensity of the support.

Like other EU documents mentioned above, they acknowledge that “enlargement is a geo-strategic investment in peace, security, stability and prosperity” and the EU pledges to support Ukraine’s EU path and related reforms, ensuring “predictable financial support” for them. Ukraine, in turn, pledges to accelerate reforms in relevant sectors in line with its accession commitments. The signatories believe that the EU’s military and non-military assistance to Ukraine will be mutually reinforcing. The EU pledges that its security commitments to Ukraine “will remain in effect as Ukraine pursues its European path” (ibid.).

Integration between the EU and Ukraine in at least two security spheres in line with the commitments is already underway. The agreement stipulates strengthening ties between the European and the Ukrainian defence industries in the spirit of the European Defence Industrial Strategy adopted in March 2024 (European Commission 2024a). To support this, an EU Defence Innovation Office was opened in Kyiv on 10 September 2024, contributing to Ukraine’s integration into the Union’s defence equipment market. The EU and Ukraine are also advancing integration in the cyber sphere, notably through the EU-Ukraine Cyber Dialogue established in 2021, which held its third meeting in July 2024. Legislative efforts to align Ukraine’s framework with EU standards are an integral part of this dialogue.

There is a strong emphasis on the rule-of-law component. Ukraine commits to “step up reform efforts, notably in the area of rule of law, in line with the merit-based nature of the accession process”. The EU will support Ukraine’s reforms in the civilian security sector, intelligence and border management, aiming to ensure compliance with EU standards and international principles of good governance and human rights.

Ukraine commits to aligning with the EU acquis in energy security, energy transition, and nuclear safety and security. The EU, in turn, pledges to enhance connectivity with Ukraine, preparing for increased trade flows along its EU path.

The goal of the support within the framework of the joint security commitments is to “help Ukraine to defend itself, resist destabilisation efforts and deter acts of aggression in the future” (Council of the EU 2024c). The EU mutual defence clause (Article 42(7) TEU) is notably absent, even as the Union reiterates that Ukraine’s future, and that of its citizens, lies within the EU.

B. Ukraine's potential to contribute to the security and defence of the EU

Ukraine's contribution to the security and defence of the EU and wider Europe can be divided into two stages. The first stage is while the war is still ongoing, and the second one after the end of the war. During the first stage, Ukraine is mostly on the receiving end materially, but its fighting already defends Europe. During the second stage, Ukraine will be integrated into a European security architecture and its resources – including its military, its territory and its defence industry – will be part of the joint security framework.

Ukraine's ongoing defence efforts are tying Russian troops down and drawing them from other areas in Europe, such as Kaliningrad Oblast and the newly reinstated Leningrad Military District, formed to threaten the Baltic and Nordic countries. It is also consuming resources Russia could otherwise accumulate in preparation for a wider aggression. Ukraine serves as a testbed of new technologies and armaments on the battlefield, stimulating both its own and its partners' readiness for modern ways of warfare. According to the Ukraine-EU joint security commitments, the EU already benefits from Ukraine's experience in the sphere of resilience, cyber and hybrid threats, including foreign information manipulation and interference (FIMI).

The joint security commitments also stipulate that sharing information and lessons learned as appropriate will be one of Ukraine's contributions to EU security. The Union and Ukraine also continue to share intelligence and satellite imagery.

Ukraine is already included in the European Defence Industrial Strategy, and it has set up five joint ventures with European companies, with three more on the way (Harmash 2024). Assuming that Ukraine allows the export of any surplus equipment, it can contribute to the EU's defence and deterrence posture during the war and beyond.

Ukraine's population is projected to shrink to 28.9 million by 2041 and to 25 million by 2051 (Ukrinform 2024a), and the years of COVID-19 and war will probably have a negative impact on the quality of the workforce and the state of the military. Nevertheless, Ukraine will remain a big country with a large, experienced military stationed on the border of a potential aggressor. In addition, as proposed in the recent Victory Plan (President of Ukraine 2024)²¹ presented by President Zelenskyy, some Ukrainian troops could be stationed on the territories of other European countries instead of American troops, if there is an invitation from the host governments.

Black Sea and Baltic Sea security need to be ensured today and in the future since Russia has access to both and displays aggressive behaviour there. Ukraine will be able to contribute to both cases. In the Black Sea, it can join demining operations and build up its own navy. Elements of Ukraine's experience in dealing with the Russian Black Sea Fleet can be applied to the Russian Navy in the Baltic Sea should it engage in overt aggression.

Ukraine can also become a part of the European Air Shield. Although this is only now being considered, Ukraine is already building up its air defence capabilities with the help of its allies and partners. Once they are properly developed, they will be able to detect or intercept Russian missiles long before they reach the territory of other European states, thus avoiding even collateral damage from the remains of the intercepted missiles.

With regard to the global food security, Ukraine is one of the largest grain producers worldwide. Its continued contribution to the world market will help keep prices down (for more on this issue, see Movchan 2022). This, in turn, will positively influence the quality of life in poorer countries, diminishing the motivation of their inhabitants to emigrate to a European continent that is already struggling with a migration crisis, which provides fertile ground for Russian influence operations.

21 There are still public and non-public parts of the plan. Some of the latter were leaked to the media, but those are mostly related to the capabilities Ukraine is requesting.

C. Heightened connections between Ukrainian and European security in the aftermath of the 2024 US elections

Russia's full-scale invasion of Ukraine returned conventional large-scale war to Europe. Yet even after nearly three years of war, Europe is still processing this fundamental change to its security environment. While both multinational organisations (e.g. the EU and NATO) as well as their member states shifted priority back towards conventional deterrence and defence after 2014, as evidenced by increasing budgets and changed capability plans, this shift was implemented to varying degrees across Europe. Now, however, European defence faces a deadline for the first time in over 30 years (Mölling 2024) – and a short one at that. Various estimates put the risk of a war with Russia somewhere between four and 10 years.²² Tempo has thus oftentimes taken precedence over other considerations.

Structural and political incentives that have prevented the true Europeanisation of defence over the past decades have not fundamentally changed.

Further complicating the picture is Donald Trump's re-election as the new US president. Uncertainty over the scale and speed of changes to the United States' commitment to European security – from political security guarantees (including nuclear sharing) to key military capabilities and defence industrial products – requires contingency plans and additional European engagement. This again shortens timelines for a coordinated European response and adaptation.

Both factors increase Ukraine's importance to European security – in terms of the need for its continued support, but also in terms of its value in a future European security architecture aiming to deter and defend the continent against an expansionist Russia. For the incoming European

Commission and EU member states, hedging against an unpredictable US administration will be a key task and, for the many above-mentioned reasons, Ukraine should be an integral part of that hedging. As of now, Europe will not be able to replace US support in all its facets on its own (Gressel 2024). Nevertheless, both the Commission and EU member states are “on the go” in terms of increasing their security- and defence-related activities – be they on the multinational, EU or national level.

Multinationally, ad hoc initiatives underline the pressing nature of the problem. These range from German framework contracts with industry that are now open to partners to generate scale and achieve production capacity expansion to new multinational development projects, such as the European Long-Range Strike Approach (ELSA), to plug capability gaps. On the political level, this means closer cooperation and more meetings between, for example, the ministers of defence of the large European countries (i.e. France, Germany, Poland, Italy and the United Kingdom) in reaction to Trump's re-election (Kayali 2024).

As the new European Commission is taking the helm, its mission letter to its High Representative for Foreign Affairs and Security Policy is clear on one goal: ensuring that Europe stands with Ukraine for as long as it takes is the first mission item (European Commission 2024c).

For the new Commissioner on Defence and Space, Andrius Kubilius, the focus of his mission letter is very much on removing the internal hurdles that the EU and its member states face to a more effective and efficient defence (European Commission 2024d). However, this creation of a European Defence Union with a more aggregated demand, less fragmented industry and single market for defence along the goals laid down in the European Defence Industrial Strategy is unlikely to happen. While the goals are ambitious, the factual leverage of the EU, especially financially, remains limited. Structural and political incentives that have prevented the true Europeanisation of defence over the past decades have not fundamentally changed. These include, among others, national equipment requirements and R&D investments, domestic defence industrial policies,

²² For a four-year estimate see, e.g., Estonian Foreign Intelligence Service (2023: 11); for a longer-term estimate of five to 10 years, see Mölling and Schütz (2023).

non-European imports and asynchronized procurement plans (see e.g. Draghi 2024). Additionally, the new commissioner will have to find his position within the existing defence framework in the EU, including in relation to the European Defence Agency (Flott 2024).

While several of the initiatives proposed for both the High Representative and the Commissioner for Defence and Space could mainly benefit Ukraine indirectly even before it joins the Union, their primary focus is on intra-EU defence issues. This starts with the White Paper on the Future of European Defence, continues with the Defence Projects of Common European Interest (e.g. the European Air Shield), and also extends to the development of the Defence Union.

While the defence initiatives from 2016 – the Coordinated Annual Review on Defence (CARD), the Permanent Structured Cooperation (PESCO) and the European Defence Fund (EDF) – marked the interest of the Commission in the topic, they remain largely unintegrated and without any discernible impact on procurement patterns (see Biscop and Murillo 2024). Nevertheless, Ukraine could be integrated into PESCO projects on a case-by-case basis, as have other partner countries (EEAS 2024). Any meaningful participation in the EDF is technically possible – though unlikely (Lawrenson and Sabatino 2024) – and the bureaucratic nature of this R&D-focused program would be insufficient to synchronise with the fast incremental innovation of the war.

Beyond the EU, NATO remains the cornerstone of European deterrence and defence – both conventional and nuclear. Its regional defence plans and NATO Defence Planning Process outcomes shape national force postures and plans and, thus, the European pillar of NATO. While NATO's interactions with Ukraine have been and are plenty, its most important contribution to date has been the NATO Security Assistance and Training for Ukraine (NSATU) with its logistical planning and execution of equipment deliveries and training (NATO 2024).

Nationally, European states are trying to tackle every omission of recent decades at once: increasing the readiness of their forces, filling capability gaps, modernising equipment, and supporting Ukraine with material and training. While these actions will increase the continent's ability to deter and defend against limited conventional aggression, they do not tackle fundamental and structural questions regarding the organisation of Europe's defence that would be required to defend Europe with limited or no US involvement.

With regard to acute demand, the Danish/Norwegian model of direct investments in Ukraine's defence industrial base to produce equipment for Ukraine in Ukraine should serve as an example for other countries. Moreover, such direct investment, if combined with the various cooperation agreements between European and Ukrainian defence companies, will help Ukraine's defence industry to adopt NATO and EU standards where they are useful, facilitating future close cooperation with European militaries. Finally, it can also highlight lessons for a more effective intra-EU division of labour, through which especially southeastern European countries and their important munitions industries could benefit from foreign investments.

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4. CONCLUSIONS

On the EU enlargement strategy and the Negotiating Framework for Ukraine

The current approach to accession negotiations reflected in the Negotiating Framework for Ukraine does not give prominence to the context of a hot war, nor does it sufficiently take the long-term security threats Russia poses into account. While Ukraine's high CFSP alignment and regular CFSP dialogue are referenced, this alone can hardly be a gamechanger in securing the accession negotiations – despite the nomination of Kaja Kallas as High Representative of the Union for Foreign Affairs and Security Policy and, thus, the person responsible for endowing this dialogue with substance and efficiency as well as for ensuring approximation and cooperation in the field of CFSP more generally.

While the importance of the Fundamentals Cluster in the Ukrainian case is undeniable, the Negotiating Framework fails to address the question of how the necessary fundamental reforms can be effectively supported in an extremely challenging security environment. The old problem of incentivising reforms that go to the heart of governance structures remains unresolved under the new circumstances of large-scale war and serious security threats.

It remains to be seen whether the Ukraine Plan, intended to integrate a range of stakeholders and linking reform efforts to essential financial support in a context of unique wartime dependence, reveals itself as at least part of the answer. In fact, its design has significant top-down elements, in the sense that primarily

the line ministries and other national-level authorities are responsible. They may be inclined to pursue the reforms required by the Plan in its early stages, but the danger of deceleration over time exists, as more advanced reforms will increasingly challenge vested interests. Such a decrease in reform tempo may lead to growing pressure from those Ukrainians determined to see tangible change given the sacrifices of the war and to push the accession process forward. But without a critical mass of elite support for reforms, it will be difficult to continue on the EU integration track.

For the EU, it is crucial not only to shape Ukraine's recovery, of which the accession process is a part, but also to ensure that billions of euros of reconstruction support and investment advance Ukraine's transformative modernisation and deeper EU integration. Achieving this goal requires deterring Russia from disruptive or obstructive actions, which necessitates a robust European defence.

The identified challenges impacting the accession process are thus linked to broader security issues, underscoring the direct connection between accession negotiations with EU neighbours and European security and defence. Even in the event of a cease-fire, the security situation will remain uncertain for some time. Russia will not stand by idly, as one of its war aims has been to weaken the EU.

The above underlines the paramount importance of security – which remains the overall prerequisite for Ukraine's accession process to work.

The identified challenges impacting the accession process are linked to broader security issues, underscoring the direct connection between accession negotiations with EU neighbours and European security and defence.

Speeding up the development of European defence capabilities and building up the European defence industrial base will put capabilities behind the agreements.

On integrating Ukraine into European defence initiatives before full membership

Finding inroads to include Ukraine in European defence initiatives before full membership will be an important task for some initiatives, such as those for which Ukraine's experience with the integration of various European air defence systems or its innovations in airborne threat detection warrant a European learning process. In other instances, however, such closer integration should be taken with care. For example, anything that would likely decrease Ukraine's defence industrial output or innovation capacity will certainly have to wait until the end of the war, such as European directives on safety and health at work (EU-OSHA n.d.) or even the EU's General Data Protection Regulation (GDPR).

Similarly, Ukraine's participation in far-off development projects would be misguided, as they would draw resources away from immediate problems and the iterative innovation of the systems already utilised. While the new European Commission has ambitious goals for the defence sector, it remains to be seen how successfully it can overcome structural barriers. As long as these barriers remain, there are few incentives for Ukraine to strive for a closer integration into EU defence initiatives and regulations. Thus, more flexible bi- and multi-lateral approaches are more promising for now.

On bilateral security agreements and the EU-Ukraine "joint security commitments"

Portrayed as security guarantees by the Ukrainian government, the commitments made by BSA states fall short of effectively deterring Russian aggression. Based on the assumption that hostilities between Russia and Ukraine will stop, they do not provide for meeting Ukraine's immediate security needs stemming from this ongoing aggression. The "joint security commitments between the EU and Ukraine" reinforce and complement the security cooperation agreements, acknowledging the intensity of the support and underlining the geostrategic investment of enlargement in peace and security along with pledging financial support. The EU mutual defence clause is notably absent. It is questionable, however, that the goal of helping Ukraine to defend itself and to deter future Russian aggression can be achieved by Ukraine alone. Speeding up the development of European defence capabilities and building up the European defence industrial base will put capabilities behind the agreements.

On Ukraine's contribution to European security

Ukraine's current contribution to European security is multifaceted. The EU already benefits from Ukraine's experience in the sphere of resilience as well as from its experience in addressing cyber and hybrid threats. Information exchange, including intelligence sharing, forms another crucial pillar of Ukraine's and the EU's security efforts. While the future shape of postwar Ukraine remains uncertain, it will continue to be a significant country with a large, experienced military stationed on the border of a potential aggressor state. This underscores Ukraine's enduring importance to the Union as a strategic security partner. It should be treated as Europe's eastern frontier in the course of the ongoing transformation of the European security landscape.

Germany, in particular, should reconsider taking on debt for collective defence. The costs of inaction might exceed those of action. While the former are only less immediately visible, the latter stand out in the context of elections.

On European defence overall

Decreased US involvement in Europe, if it comes to pass, would require Europeans to think more deeply about their own defence than just trying to replace US capabilities. Rather, they would need to explore a “European way of war” that they can effectively pursue and that is in line with their geopolitical, geographic, demographic and defence industrial circumstances, which differ from those of a NATO with active US participation. Ukraine can make important contributions to this since it is accumulating combat experience and partial knowledge on how to fight a war the non-US way (e.g. without air superiority) and with a plethora of different types of equipment. Beyond the political-strategic level, the visible evolution of the operational and tactical levels of high-intensity conventional war requires military innovations that offer an opportunity for Europe to develop its own way of war.

Financially, the EU is limited in its potential – at least until the new Multiannual Financial Framework creates more leeway for financial interventions into an armaments market that remains dominated by national procurement funds. However, the EU can and should use the limited available funding to make a difference.

For example, the Act and Support of Ammunition Production (ASAP) initiative and its very directed investment in supply chain bottlenecks to increase capacity is a success story benefitting both member states and Ukraine in that regard. As for recent media reports about the use of cohesion funds for semi-military purposes (Tamma 2024), scepticism is warranted. In any case, this would have no impact on the European defence industrial base and procurements.

Germany, in particular, should reconsider taking on debt for collective defence. The 19 November 2024 foreign ministers’ meeting of Europe’s largest economies in Warsaw, along with the EU’s new High Representative for Foreign Affairs and Security Policy, conveyed unclear messages regarding whether Europe might agree to allocate increased resources to strengthen its defence industry (Reuters 2024). If not in a situation where a Russian victory would set a dangerous precedent and increase the likelihood of future wars, when would this approach be justified? The costs of inaction might exceed those of action. While the former are only less immediately visible, the latter stand out in the context of elections. In the framework of responsible policymaking, the costs of inaction must be emphasised more.

5. THE WAY AHEAD (RECOMMENDATIONS)

1. Set priorities for EU accession negotiations that reconcile short-term demands with long-term objectives. Priority should be given to measures that have a security-improving effect and are of critical importance to the functioning of the Ukrainian economy. It will be important to balance short-term needs, which cannot always be reconciled with EU standards, with longer-term initiatives that enable transformative rebuilding and stimulate economic growth in the long run.
2. Bring forward the chapters on external relations and foreign and security policy (Cluster 6, Chapters 30 and 31) in the negotiation process. This has the potential to produce a “success story” early on in the negotiations. Even more importantly, it will introduce the implications of the broader security context into the negotiations on the other chapters at an early stage.
3. Prepare for intermediate steps in EU accession to meet the risk of negotiation delays and potential blockages by individual EU member states. This could include Ukraine’s accelerated integration into parts of the EU Single Market, where this is advantageous for Ukraine during wartime, and a problem-solving mechanism for bilateral trade issues.
4. Promote society-wide Ukrainian ownership of the Ukraine Plan and the participation of issue-specific coalitions of different groups of Ukrainian actors in its implementation. If the Ukraine Plan is to serve as the overall agenda for recovery and reforms in the context of Ukraine’s path towards the EU, it will be important to ensure that Ukrainian local actors, independent business associations, experts and civil society have a strong voice in its scrutiny. Reaffirm the connections between Ukraine’s security and that of the European continent. Supporting Ukraine contributes in crucial ways to European security. It keeps Russian forces (and intelligence resources) tied up and continually impacts their combat effectiveness.
5. While integrating Ukraine into EU defence initiatives, take a gradual approach that places priority on current wartime production and rapid innovation instead of regulation adoption or funding for long-term R&D projects. The intra-EU focus of the new Commission will benefit Ukraine indirectly if it succeeds in reforming European defence, while more flexible and agile bi- and multilateral initiatives (e.g. the Ukraine Defence Contact Group) should remain central for the time being (i.e. the phase of active war). Even after that, full compliance with EU rules might only make sense after a recovery period with temporary exceptions for Ukraine, during which capabilities and deterrence are restored.

6. Promote knowledge and experience transfer. Both in the active phase of war as well as after its end, Europe overall could benefit massively from the experiences and accumulated knowledge of Ukraine – societally for resilience, politically for running a country in wartime, and militarily across the board, from tactics up to the organisation of air defence (e.g. for the European Air Shield). By ensuring that a transmission of such experiences takes place, both other European countries and Ukraine would increase the quality of their armed forces and European deterrence – and, thus, security. Designating a European command (like the 1 German/Dutch Corps; see e.g. Borchert and Schütz 2022) to perform this task with dedicated units and the subsequent tests and experimentation would also enable a more focused development of a “European way of war” commensurate with the continent’s demographic, political, geographic and defence industrial framework.
7. Encourage transparent dialogue on Ukraine’s accession negotiations and security needs. There are high expectations concerning both on the part of the Ukrainian population and in the EU. The link between Ukraine’s accession path and security should be made through continuous tailored and targeted communication strategies in order to ensure that support is maintained. These strategies should also create space for inclusive dialogue so as to reinforce the promotion of society-wide ownership in Ukraine, not least to uphold the pressure for reforms.

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This policy paper explores the unique challenges and opportunities of integrating security and defence into Ukraine's EU accession process, Ukraine's critical role in European security, and the pathways to deepen collaboration. Offering practical recommendations, it highlights the strategic importance of bridging governance and defence to ensure a resilient and secure future for Europe.

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