

POST-WAR RECONSTRUCTION OF STATES IN CONTEMPORARY INTERNATIONAL LAW: THE ROLE OF INTERNATIONAL ORGANIZATIONS AND THE EXPERIENCE OF UKRAINE

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The article is devoted to a comprehensive analysis of post-war reconstruction of states in contemporary international law, with a particular focus on the role of international organizations and the specific features of the implementation of relevant international legal mechanisms using Ukraine as a case study. It is substantiated that post-war reconstruction has moved beyond the framework of traditional humanitarian response and has acquired a systemic character, combining security, institutional, socio-economic, and human rights components.

The article examines the international legal foundations of participation of universal, regional, financial, specialized, and humanitarian international organizations in post-conflict reconstruction processes. The mandates and practical activities of the United Nations, international financial institutions, the European Union, the Council of Europe, as well as specialized and humanitarian institutions are analyzed in the context of the formation of comprehensive models of post-war recovery. It is demonstrated that the involvement of these actors is based on the provisions of their constituent instruments, specific mandates, decisions of international bodies, and treaty-based mechanisms of cooperation with states affected by armed conflicts.

Special attention is paid to the evolution of international legal approaches to post-war reconstruction—from predominantly humanitarian assistance to integrated models encompassing the restoration of state institutions, the strengthening of the rule of law, economic stabilization, and the protection of human rights. Based on an analysis of international practice, problematic aspects of the participation of international organizations are

identified, including the fragmentation of mandates, the complexity of coordination among various international actors, and the need to ensure a balance between international assistance and respect for the principle of state sovereignty.

A separate section is dedicated to the examination of the specific features of international organizations' involvement in the post-war reconstruction of Ukraine. It is shown that the Ukrainian experience is characterized by a combination of immediate humanitarian response measures with long-term programs of legal, institutional, and socio-economic transformation, particularly in the context of European integration. The article concludes that the Ukrainian case demonstrates the emergence of a new model of post-war reconstruction, which requires the further development of coordinated international legal standards and effective mechanisms for their implementation within national legal systems.

Keywords: post-war reconstruction, international organizations, international law, post-conflict recovery, United Nations, European Union, Ukraine.

Problem statement

Modern armed conflicts cause large-scale humanitarian, socio-economic and institutional consequences, the overcoming of which requires comprehensive post-war reconstruction with the involvement of international organisations. However, modern international law lacks a single coordinated mechanism for such participation. The current practice is characterised by the fragmentation of the mandates

of international organisations, the varying legal bases for their activities and the complexity of coordination between universal, regional and specialised institutions, which creates risks of duplication of powers, reduced effectiveness of assistance and a violation of the balance between international intervention and respect for state sovereignty. In these circumstances, it is particularly important to scientifically examine the international legal foundations of post-war reconstruction of states, determine the role of international organisations in this process, and develop coordinated legal approaches to the implementation of such mechanisms, taking into account current practice and Ukraine's experience.

Аналіз останніх досліджень і публікацій

Recent studies and publications on the issue of international legal mechanisms for post-war reconstruction of states and the role of international organisations in these processes are presented in the works of such scholars as T. Korotkyi, M. Gnativskyi, V. Novikov, A. Korynevych, O. Butkevych, K. I. Antoniuk, D. A. Antoniuk and others. These works reveal the theoretical aspects of the participation of universal and regional international organizations in post-conflict reconstruction, examine the international legal basis for the activities of the United Nations, the European Union and the Council of Europe, and analyze the mandates of international financial institutions in the processes of rebuilding the economies of states affected by armed conflicts.

Purpose and objectives of the study

The purpose of the study is to conduct a comprehensive analysis of international legal mechanisms for post-war reconstruction of states, determining the role of international organisations in shaping and implementing relevant processes at the universal and regional levels, as well as taking into account the practice of Ukraine. To achieve this goal, the study aims to clarify the international legal basis for post-war reconstruction, analyse the mandates and functions of major international organisations in the post-conflict period, identifying the evolution of approaches to post-war reconstruction

from humanitarian response to comprehensive development models, identifying problematic aspects of international aid coordination and compliance with the principle of state sovereignty, and summarising the characteristics and prospects for the application of international legal mechanisms for post-war reconstruction in the context of Ukraine's reconstruction.

Presentation of the main material

International organisations play a key role in the post-war reconstruction of states, providing institutional, financial and regulatory support to post-conflict societies. Their involvement is dictated by the scale of destruction, limited national resources and the need to coordinate the efforts of the international community to overcome the long-term consequences of armed conflicts.

The participation of international organisations is based on the provisions of their founding documents, special mandates, and established practices of international cooperation that have developed in response to the humanitarian, economic, and institutional challenges of the post-conflict period. At the same time, such participation requires a clear international legal basis, as post-war reconstruction is directly linked to issues of state sovereignty, the responsibility of international actors and compliance with international human rights standards.

The United Nations is the central universal international organisation that shapes common approaches to post-war reconstruction of states and coordinates the efforts of the international community in the post-conflict period. This role of the UN is due not only to the universal nature of its membership, but also to its wide range of powers covering the security, humanitarian, socio-economic and legal dimensions of recovery. This, in turn, allows for a comprehensive response to the consequences of armed conflicts and combines short-term stabilisation measures with long-term development strategies.

This complexity has a clear regulatory basis. The normative basis for the implementation of the UN's powers in the field of post-war reconstruction is the Charter of the United Nations, which enshrines the goals of maintaining inter-

national peace and security, developing friendly relations between states, and promoting international cooperation in solving economic, social, and humanitarian problems [1]. Although the Charter does not explicitly use the term 'post-war reconstruction,' its provisions create a legal basis for the UN's involvement in overcoming the consequences of armed conflicts, stabilising post-conflict states, and supporting their long-term development processes. It is on this basis that the practice of broad interpretation of the Organisation's mandates has developed, allowing for the combination of security and recovery functions [2].

The practical implementation of these statutory tasks is carried out through a ramified system of UN bodies, programmes and specialised agencies, whose activities are complementary in nature. For example, the United Nations Development Programme (UNDP) focuses on rebuilding public administration institutions, supporting reforms and strengthening the rule of law as prerequisites for sustainable development. An example of such activities is the UNDP's participation in the restoration of local self-government and administrative capacities in Bosnia and Herzegovina after the Dayton Accords, as well as the implementation of institutional stabilisation programmes in Iraq and Afghanistan in the post-conflict period [3].

At the same time, the humanitarian and human rights dimensions of post-conflict reconstruction are ensured by the activities of other UN bodies. The Office of the United Nations High Commissioner for Refugees plays a key role in ensuring international legal protection for persons displaced by armed conflict, as well as in creating conditions for their voluntary return, local integration or resettlement. In particular, UNHCR implemented large-scale refugee repatriation programmes in Rwanda after the 1994 genocide and facilitated the return of internally displaced persons in South Sudan. UNICEF, in turn, implements programmes aimed at restoring children's access to education, health care and social protection systems, as was clearly demonstrated by its activities in Sierra Leone and Liberia after the end of the civil wars.

The coordination of the activities of these structures and the definition of the general

framework for international presence in post-conflict states is largely ensured through decisions of the UN Security Council. In its resolutions, the Security Council establishes the mandates of peacekeeping and political missions, determines the conditions for international participation, and establishes mechanisms for interaction between various UN bodies and member states. Examples include the UN missions in Kosovo (UNMIK) and East Timor (UNTAET), whose mandates combined security functions with temporary administration of territories, restoration of law and order, and formation of the foundations of statehood. At the same time, the security component of such decisions is increasingly combined with the tasks of restoring state institutions, the judicial system and socio-economic stability [4].

To ensure logical continuity of the argument, it is worth emphasising that the universal regulatory and coordinating role of the UN in the field of post-war reconstruction objectively needs to be supplemented by financial and economic mechanisms for the implementation of relevant standards and programmes. It is at this stage that the activities of international financial organisations, which provide the material basis for the practical implementation of the goals and principles formulated within the UN system, become crucial.

International financial organisations play a leading role in providing financial support for post-war reconstruction, as they have the tools to mobilise the significant financial resources needed to rebuild destroyed infrastructure and stabilise national economies in the post-conflict period. Key players in this area include, in particular, the International Bank for Reconstruction and Development and the International Monetary Fund, whose activities have a significant impact on the formation of economic policy in countries affected by armed conflict.

The international legal basis for the participation of international financial organisations in post-war reconstruction is their founding acts, which provide for the promotion of economic stabilisation, restoration of productive capacity, development of infrastructure and integration of states into the global economic system. In this context, financial assistance is seen not only as a tool for short-term stabili-

sation, but also as part of a long-term strategy for the economic development of post-conflict countries.

These tasks are implemented through the provision of loans, grants and technical assistance, as well as through advisory support in the areas of macroeconomic policy, budget management and structural reforms. In international law, such activities are formalised through the conclusion of relevant agreements between recipient countries and international financial institutions, which gives rise to mutual rights and obligations of the parties and determines the conditions for the use of financial resources.

At the same time, the practice of international financial organisations in post-conflict countries reveals a number of problematic aspects. In particular, the conditions for providing financial assistance are often linked to requirements for large-scale economic reforms, which can have significant social consequences for the population. This raises the issue of ensuring a balance between the economic feasibility of such measures and the need to comply with international standards of social protection and human rights in the process of post-war reconstruction [5].

The practice of regional international organisations in the field of post-war reconstruction is confirmed by specific examples of their participation in the stabilisation and reconstruction of post-conflict states. Such examples testify to the gradual formation of regional models of reconstruction that combine financial, institutional and legal instruments of international influence.

In this context, the activities of the European Union, which played a key role in the post-war reconstruction of the Western Balkan states after the armed conflicts of the 1990s, are particularly noteworthy. Based on the decisions of EU institutions, a stabilisation and association process was introduced, which provided for financial assistance combined with legally binding requirements for democratic reforms, restoration of the rule of law and harmonisation of national legislation with European Union law [6]. The implementation of this approach in practice, particularly in Bosnia and Herzegovina and Kosovo, included financing the res-

toration of transport and social infrastructure, as well as civil missions to support the reform of the justice system and public administration.

Complementing the financial and institutional dimension of reconstruction, the Council of Europe focused its activities on the legal aspects of post-conflict stabilisation. After the end of the armed conflict in Bosnia and Herzegovina and the country's accession to the Council of Europe, the organisation contributed to the reform of the constitutional system, the judiciary and the alignment of national legislation with the standards of the European Convention on Human Rights [7]. Similar legal recovery mechanisms were applied to the states of the South Caucasus, where the Council of Europe implemented programmes aimed at restoring judicial institutions and ensuring the protection of the rights of persons affected by armed conflicts [8].

Another model of regional response to the consequences of armed conflicts is demonstrated by the activities of the African Union, whose participation in post-war reconstruction combines security and institutional components. In Liberia and Sierra Leone, the African Union, in cooperation with the United Nations, supported transitional authorities, promoted security sector reform and restored basic government functions. In Somalia, the Union's activities were carried out by combining military stabilisation with the gradual restoration of state institutions and the rule of law, which was consolidated by the relevant decisions of its bodies on the mandates of missions and post-conflict support programmes [9].

A summary of the above examples leads to the conclusion that the activities of regional international organisations in the field of post-war reconstruction are not declarative but practical in nature and are implemented through specific decisions, programmes and institutional mechanisms [10]. This confirms their important role in shaping regional models of post-war reconstruction, which organically complement universal international legal approaches.

A separate group of post-war reconstruction actors are specialised and humanitarian international organisations, whose activities are directly aimed at overcoming the humanitarian consequences of armed conflicts and meeting

the basic needs of the population in the post-conflict period. Unlike universal and regional international organisations that carry out comprehensive institutional and economic reconstruction of states, these institutions focus on specific but critically important areas, without which it is impossible to create stable conditions for further reconstruction.

The international legal participation of specialised and humanitarian organisations in post-war reconstruction processes is based primarily on the norms of international humanitarian law, international human rights law, and the provisions of special international treaties that define their mandate, principles of operation, and scope of authority. It is these legal foundations that ensure the legitimacy of humanitarian aid and establish the framework for interaction between such organisations and states that have suffered the consequences of armed conflict.

Within this legal system, the International Organisation for Migration plays an important role, working to resolve issues of internal and external population displacement, the return of refugees and internally displaced persons, and their reintegration into post-conflict societies. Implementing its mandate on the basis of contractual cooperation mechanisms with states, the IOM contributes to restoring social stability and minimising long-term humanitarian risks in post-conflict states [11].

Complementing the migration dimension of post-conflict reconstruction, the World Health Organisation focuses on rebuilding health systems, ensuring access to health services for the population, and responding to the threat of infectious disease outbreaks in post-conflict settings. The WHO's international legal mandate allows it to coordinate international medical assistance and set health standards that are binding on member states, which is crucial for stabilising the humanitarian situation after the end of armed conflicts [12].

The International Committee of the Red Cross occupies a special place among humanitarian organisations, with its activities characterised by a specific international legal status [13]. The ICRC's mandate derives directly from the Geneva Conventions and their additional protocols, which give this organisation

unique powers to protect victims of armed conflicts, monitor compliance with international humanitarian law, and provide neutral and impartial humanitarian assistance in post-conflict recovery situations [14].

In summary, specialised and humanitarian international organisations play an indispensable role in post-war reconstruction processes, ensuring a rapid response to the humanitarian needs of the population and creating the legal and institutional preconditions for the further socio-economic and institutional recovery of states. Their activities organically complement universal and regional mechanisms of post-war reconstruction, forming a comprehensive system of international legal support for post-conflict recovery.

Ukraine is a prime example of a modern state in which post-war recovery processes are carried out with the active, multi-level and institutionally formalised participation of international organisations. The specificity of this process lies in combining immediate response measures to the humanitarian consequences of armed conflict with long-term programmes of institutional, legal and socio-economic recovery. The international legal basis for such participation is formed at both the universal and regional levels and covers the norms of public international law, international humanitarian law and international human rights law.

The United Nations and its specialised agencies play an important role in Ukraine's post-war recovery, working to overcome the humanitarian consequences of the armed conflict and strengthen the institutional capacity of the state. The UN's participation is implemented through humanitarian aid programmes, support for internally displaced persons, restoration of critical infrastructure, and promotion of public administration reform. The international legal basis for such activities is provided by UN General Assembly resolutions, the mandates of relevant agencies and programmes, and bilateral agreements between Ukraine and UN bodies, which define the conditions, scope and directions of international assistance.

At the same time, international financial organisations play a key role in ensuring Ukraine's economic stability and preparing for large-scale post-war reconstruction. Their

participation has a clearly defined international legal character and is based on loan, grant and programme agreements that form mutual obligations between the parties. The provision of financial and technical assistance is accompanied by requirements for transparency in the use of funds, the introduction of anti-corruption mechanisms and the implementation of structural reforms, which indicates a combination of financial support with legal and institutional conditions for recovery [15].

The European Union plays a special role in Ukraine's post-war recovery, with its involvement being comprehensive and systematic. It is based on the provisions of the Association Agreement between Ukraine and the EU, as well as on Ukraine's status as a candidate country for accession to the European Union. This means that reconstruction is focused not only on economic reconstruction, but also on deep legal and institutional transformation, particularly in the areas of the rule of law, judicial reform, public administration and human rights protection. Thus, Ukraine's post-war recovery in cooperation with the EU takes on the character of legal integration that goes beyond traditional donor assistance.

At the same time, Ukraine's experience reveals a number of international legal issues related to the implementation of post-war reconstruction. These include the fragmentation of the mandates of international organisations, the complexity of coordinating donor assistance and the need for a clear division of responsibilities between international actors and national authorities. This highlights the need to improve international legal coordination mechanisms that would ensure the leading role of the state in determining reconstruction priorities and integrating international assistance into national development strategies [16].

Thus, the participation of international organisations in Ukraine's post-war reconstruction is comprehensive and legally structured, demonstrating the evolution of international approaches to post-conflict reconstruction. The Ukrainian case study illustrates the formation of a model in which international legal support mechanisms are combined with processes of profound legal and institutional transformation of the state.

Conclusions

The international legal basis for the participation of international organisations in post-war reconstruction processes is formed on the basis of a combination of universal principles of international law, the founding acts of international organisations and contractual mechanisms for cooperation with recipient states. Such participation is comprehensive in nature and covers financial, institutional, humanitarian and legal dimensions.

An analysis of the activities of individual international organisations shows that there is no single universal mechanism for post-war reconstruction, which leads to a variety of models of participation by international actors and makes effectiveness dependent on the political will of states and the level of inter-institutional coordination.

Ukraine's experience demonstrates both the significant potential of international organisations in post-war reconstruction processes and the need for further development of international legal standards aimed at ensuring coordinated action, respect for state sovereignty and effective protection of human rights in the post-conflict period.

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Бушок О.О.

**ПОВОЄННЕ ВІДНОВЛЕННЯ
ДЕРЖАВ У СУЧАСНОМУ
МІЖНАРОДНОМУ ПРАВІ: РОЛЬ
МІЖНАРОДНИХ ОРГАНІЗАЦІЙ ТА
ДОСВІД УКРАЇНИ**

Стаття присвячена комплексному аналізу повоєнного відновлення держав у сучасному міжнародному праві з акцентом на роль міжнародних організацій та особливості реалізації відповідних міжнародно-правових механізмів на прикладі України. Обґрунтовується, що повоєнне відновлення вийшло за межі традиційного гуманітарного реагування та набуло системного характеру, поєднуючи безпекові, інституційні, соціально-економічні й правозахисні елементи.

У статті розкрито міжнародно-правові засади участі універсальних, регіональних,

фінансових, спеціалізованих і гуманітарних міжнародних організацій у процесах постконфліктної відбудови. Проаналізовано мандати та практику діяльності Організації Об'єднаних Націй, міжнародних фінансових організацій, Європейського Союзу, Ради Європи, а також спеціалізованих і гуманітарних інституцій у контексті формування комплексних моделей повоєнного відновлення. Показано, що участь зазначених суб'єктів ґрунтується на положеннях їх установчих актів, спеціальних мандатах, рішеннях міжнародних органів та договірних механізмах співпраці з державами, які зазнали наслідків збройних конфліктів.

Особливу увагу приділено еволюції міжнародно-правових підходів до повоєнної відбудови – від переважно гуманітарної допомоги до інтегрованих моделей, що охоплюють відновлення державних інституцій, забезпечення верховенства права, економічну стабілізацію та захист прав людини. На основі аналізу міжнародної практики виявлено проблемні аспекти участі міжнародних організацій, зокрема фрагментарність ман-

датів, складність координації між різними міжнародними суб'єктами, а також необхідність забезпечення балансу між міжнародною допомогою та дотриманням принципу державного суверенітету.

Окремий розділ присвячено дослідженню особливостей участі міжнародних організацій у повоєнному відновленні України. Показано, що український досвід характеризується поєднанням заходів негайного гуманітарного реагування з довгостроковими програмами правової, інституційної та соціально-економічної трансформації, зокрема у контексті європейської інтеграції. Зроблено висновок, що український кейс свідчить про формування нової моделі повоєнного відновлення, яка потребує подальшого розвитку узгоджених міжнародно-правових стандартів і механізмів їх імплементації у національних правових системах.

Ключові слова: повоєнне відновлення, міжнародні організації, міжнародне право, постконфліктна відбудова, Організація Об'єднаних Націй, Європейський Союз, Україна.